CHILDREN AND YOUNG PERSONS

CUSTODY AND WELFARE

1959 No. 835 (S. 44)

The Boarding-out of Children (Scotland) Regulations, 1959

Made - - - -	*5th May,* 1959
Laid before Parliament	*12th May,* 1959
Coming into Operation	*1st August,* 1959

In exercise of the powers conferred upon me by section 14 and subsection (3) of section 33 of, and sub-paragraph (1) of paragraph 4 of the Second Schedule to, the Children Act, 1948(a), I hereby make the following Regulations :—

Scope of the Regulations

1.—(1) These Regulations apply to the boarding-out of a child by—

(*a*) a local authority—

(i) in whose care the child is by virtue of section one of the Act (or that section as extended by paragraph 1 of the Second Schedule to the Act) or by virtue of subsection (4) of section six of the Act ;

(ii) to whose care, as a fit person, the child is committed under the Children and Young Persons (Scotland) Act, 1937(b) ; or

(iii) to whose care the child is committed under section ten of the Matrimonial Proceedings (Children) Act, 1958(c) ;

(in these Regulations referred to, in relation to a child who is boarded-out by such an authority, as " the care authority ") ; or

(*b*) a voluntary organisation (other than the managers of an approved school).

(2) In these Regulations—

(*a*) references to the boarding-out of a child are references to any arrangement under which a child lives as a member of the family of a person (not being a natural or adoptive parent of the child) who has undertaken (whether for payment or not) to provide for his accommodation, maintenance and upbringing, not being an arrangement whereby the child lives as a member of the family of a person only for a period not exceeding one month or only for the purposes of a holiday ; and " board-out " shall be construed accordingly ;

(*b*) references, in relation to a child who is boarded-out, to the person with whom he is boarded-out, or to his foster parent, are references to the person who has undertaken, as mentioned in the last foregoing paragraph, to provide for the matters therein mentioned ; and where a married couple acting jointly have so undertaken are, unless the context otherwise requires, references to each spouse of the couple ;

(*c*) references, in relation to a child who is boarded-out, to his foster home are references to the dwelling in which the child lives with his foster parent.

Suitability of a child for boarding-out

2.—(1) Before boarding-out a child a care authority or voluntary organisation shall obtain and consider reports on the circumstances of the child's

(a) 11 & 12 Geo. 6. c. 43. (b) 1 Edw. 8 & 1 Geo. 6. c. 37. (c) 6 & 7 Eliz. 2. c. 40.

home and the circumstances in which he came into care, and any report on the child which may be available from a reception centre or a child guidance clinic.

(2) Before boarding-out a child a care authority or voluntary organisation shall arrange for the child to be examined by a duly qualified medical practitioner and shall obtain from him and consider—

(*a*) a report in writing on the child's bodily health and, unless sufficient information on this point has already been furnished by a reception centre or a child guidance clinic, on the child's mental condition ; and

(*b*) a statement whether, in his opinion, the child is fit to be boarded-out.

(3) Immediately before boarding out a child a care authority or voluntary organisation shall arrange for him to be medically examined to enable them to determine whether he has any infection which may make postponement of boarding-out advisable.

Suitability of foster parent

3.—(1) A child shall not be boarded-out except with—

(*a*) a married couple acting jointly, or

(*b*) a woman, or

(*c*) a grandfather, uncle or elder brother of the child:

Provided that—

(i) if, in the case of a child who is boarded-out with an individual, that individual dies or, being a woman, ceases to live in the child's foster home, nothing in this paragraph shall require the child's removal from that foster home, and he may be boarded-out there with another suitable member of the same household ; and

(ii) if, in the case of a child who is boarded-out with a married couple acting jointly, one spouse of the couple dies or ceases to live in the child's foster home, nothing in this paragraph shall require the child's removal from that foster home and he may remain boarded-out there with the other spouse.

(2) A child shall not be boarded-out or remain boarded-out with a person who, by reason of age, mental or bodily disease or infirmity, is unfit to have care of the child.

(3) A child shall not be boarded-out or remain boarded-out with a person who depends for a living mainly on payments received for the accommodation and maintenance of children in care.

4. A child shall be boarded-out, if practicable, with a person who is of the same religious persuasion as the child or, if that is not practicable, with a person who undertakes that the child will be brought up in accordance with the child's religious persuasion.

5. Before boarding-out a child the care authority or voluntary organisation shall satisfy themselves in all practicable ways, including the making of enquiries of persons to whom the prospective foster parent is known, that the prospective foster parent is of good character and is in all respects suitable to look after the child.

Suitability of foster home

6.—(1) A child shall not be boarded-out or remain boarded-out in a foster home which—

(*a*) by reason of its situation or condition may be injurious or dangerous to the child's health ;

(*b*) does not permit of suitable sleeping accommodation for the child in a room with adequate ventilation and lighting ; or

(*c*) does not have a sufficient supply of wholesome water for domestic purposes either within or near the home, and suitable and sufficient sanitary facilities.

(2) A child shall not be boarded-out or remain boarded-out in a foster home where the household includes a person who is believed by the care authority or voluntary organisation to be suffering from any physical or mental illness which might adversely affect the child or to have been convicted of such an offence as would render it undesirable that the child should associate with him.

7.—(1) Before boarding-out a child the care authority or voluntary organisation shall ensure that the prospective foster home is visited by the care authority's children's officer or a visitor, as the case may be, who is personally acquainted with, or, if this is not practicable, fully informed about, the child, and shall satisfy themselves that the foster home and the household living there are likely to be suitable for the child.

(2) Not less than twenty-one days before a child is to be boarded-out by the care authority in the area of another authority, or is to be boarded-out by a voluntary organisation, the care authority or the voluntary organisation, as the case may be, shall furnish the area authority with particulars of the prospective foster home ; within fourteen days thereafter the area authority shall furnish to the care authority or, as the case may be, the voluntary organisation such advice as they think fit on the suitability or otherwise of the prospective foster home ; and before boarding-out the child the care authority or, as the case may be, the voluntary organisation shall consider such advice.

Boarding-out of children of the same family

8. Where two or more children of the same family are to be boarded-out the care authority or voluntary organisation shall, wherever practicable, arrange for them to be boarded-out in the same foster home or, where this is not practicable, in foster homes as near together as is practicable.

Boarding-out outside Scotland

9. A child shall not be boarded-out with a person residing outside Scotland unless in his case special circumstances make such boarding-out desirable in the opinion of the care authority or, as the case may be, the voluntary organisation, and, if a child is boarded-out outside Scotland, the care authority or voluntary organisation shall ensure that the requirements specified in Regulations 2 to 8 and 11 to 17 of these Regulations are observed in relation to that child as if he were boarded-out in Scotland.

Limitation of boarding-out

10. Where the Secretary of State directs that no more children shall be boarded-out in the area of a local authority, or a specified part of that area, no care authority or voluntary organisation shall board-out a child in that area or that specified part so as to increase the number of children boarded-out there beyond the number who were so boarded-out when the direction was given.

Notification of boarding-out

11.—(1) The care authority or voluntary organisation by whom a child has been boarded-out shall inform the parent or guardian of the child of the address of the foster home in which the child has been boarded-out unless—

(*a*) the parent or guardian cannot be found, or

(*b*) the care authority or voluntary organisation are of the opinion that in the interests of the child this paragraph should not apply in his case.

(2) Whenever a child who is under school leaving age or who, being over school leaving age, is continuing to attend school is boarded-out the care authority or, as the case may be, the voluntary organisation shall immediately send to the education authority for the area in which the child is boarded-out—

(*a*) particulars of the child's full name, age and religion and of any bodily or other condition that may require special attention, and

(*b*) the name and address of the child's foster parent.

(3) Whenever a child is boarded-out by a care authority with a person residing in the area of another local authority or is boarded-out by a voluntary organisation the care authority or the voluntary organisation, as the case may be, shall immediately inform the area authority, and shall send them the following particulars, that is to say—

(*a*) the child's name, sex, date of birth and religious persuasion ;

(*b*) the name, religious persuasion and address of the child's foster parent ;

(*c*) the date upon which the child is boarded-out with that foster parent ; and

(*d*) the name of the authority or the voluntary organisation by whom the child is boarded-out.

Medical and dental treatment

12.—(1) The care authority or voluntary organisation shall arrange that a boarded-out child shall be registered as a patient with a medical practitioner undertaking to provide general medical services under Part IV of the National Health Service (Scotland) Act, 1947(**a**), in the district where the foster home is, and shall ensure that the foster parent arranges for the child to receive such medical treatment as may be required.

(2) The care authority or voluntary organisation shall arrange that a boarded-out child shall be examined by a medical practitioner within one month of his being placed in a foster home and thereafter at intervals not exceeding twelve months ; and the care authority or voluntary organisation shall arrange to be furnished by the medical practitioner on the occasion of each examination with a report in writing on the health of the child.

(3) The care authority or voluntary organisation shall arrange that a boarded-out child shall undergo regular dental examination and shall ensure that the foster parent arranges for the child to receive such dental treatment as may be required.

Visits by children's officer or visitor

13. The care authority or voluntary organisation shall ensure that a child boarded-out by them shall within the first two months after being boarded-out

(**a**) 10 & 11 Geo. 6. c. 27.

and thereafter at intervals of not more than three months from the date of the last visit be visited by the children's officer or by a visitor, as the case may be, who shall on each occasion see the child, his foster home and foster parent and furnish to the care authority, or, as the case may be, the voluntary organisation, a written report on the visit:

Provided that for eighteen months after the coming into force of these Regulations this Regulation shall be read as if for the words "three months" there were substituted the words "six months".

Supervision by area authority

14. When a child is boarded-out by a voluntary organisation or is boarded-out by a care authority with a person residing in the area of another authority, then, so long as the care of that child is not taken over by the area authority, either under subsection (4) of section 1 of the Act or otherwise, the voluntary organisation or the care authority may comply in relation to that child with the requirements of these Regulations with respect to the visiting and inspection of the foster home and of the boarded-out child by arranging for the area authority to carry out such visiting and inspection and to supply the required reports and information to the voluntary organisation or the care authority, as the case may be; but no such arrangement shall relieve the care authority or voluntary organisation of any other duties or powers in relation to the welfare of that child.

Misadventure to a boarded-out child

15.—(1) The care authority or voluntary organisation by whom a child has been boarded-out shall require the child's foster parent to notify them forthwith if the child—

(*a*) dies;

(*b*) runs away or without lawful authority is taken away from the foster home; or

(*c*) suffers an illness or injury likely to result in death or a serious disability.

(2) The care authority or voluntary organisation shall forthwith inform the Secretary of State and, if practicable, the parent or guardian of the child of any such occurrence, and shall supply to the Secretary of State such further information about the circumstances of the occurrence as he may require.

Termination of boarding-out

16.—(1) The care authority or voluntary organisation shall terminate the boarding-out of a child with a particular foster parent if it appears to them that it is no longer in the best interests of the child to be boarded-out with that foster parent.

(2) The care authority or voluntary organisation shall forthwith terminate the boarding-out of a child with a particular foster parent if they have reason to believe that the foster parent is a party to a contract for the purpose of ensuring the payment of a sum of money upon the illness or death of the child.

(3) Where a child has been boarded-out by a voluntary organisation or has been boarded-out by a care authority with a person resident in the area of another authority, and the area authority have reason to believe that the home in which the child has been placed is no longer suitable as a foster

home, or the person with whom the child has been boarded-out is no longer suitable as a foster parent, the area authority shall forthwith notify the care authority or voluntary organisation.

(4) Where a child ceases to be boarded-out the voluntary organisation or, as the case may be, the care authority (if it is not also the area authority) shall forthwith notify that fact, and the date upon which the child ceases to be boarded-out, to the area authority and the education authority; and if the boarding-out was terminated because a breach of these Regulations had occurred or because the foster parent had proved otherwise unsatisfactory, the voluntary organisation or, as the case may be, the care authority shall also notify the area authority of the reasons for the termination.

Records

17.—(1) A care authority shall compile and maintain a case record in respect of—

(*a*) every child boarded-out by them;

(*b*) every child boarded-out by another local authority in respect of whom they perform under Regulation 14 of these Regulations any of the supervisory duties referred to in that Regulation; and

(*c*) every child boarded-out by a voluntary organisation in relation to whom they perform such supervisory duties.

(2) A voluntary organisation shall compile and maintain a case record in respect of every child boarded-out by them.

(3) Every case record compiled under this Regulation shall be preserved for at least three years after the child to whom it relates has attained the age of eighteen years or, if he has died before attaining that age, after his death; and shall be open to inspection at all reasonable times by any person authorised by the Secretary of State to inspect such records.

(4) A local authority shall in respect of every child boarded-out in their area, whether by them or by another local authority or by a voluntary organisation, enter in a register to be kept for the purpose particulars as to—

(*a*) the child's name, sex, date of birth and religious persuasion,

(*b*) the name, religious persuasion and the address of the foster parent,

(*c*) the name of the authority or organisation by whom he is boarded-out,

(*d*) the dates on which boarding-out on each occasion begins and ceases, and

(*e*) the reason why it ceases if they have been notified of this under paragraph (4) of Regulation 16 of these Regulations;

and such register shall be open to inspection at all reasonable times by any person authorised by the Secretary of State to inspect such records.

Transitional provisions

18.—(1) Nothing in these Regulations shall require the care authority or voluntary organisation to terminate the boarding-out of a child with any person with whom he is boarded-out at the date when these Regulations come into operation for the purpose only of complying with any provision thereof relating to the procedure to be adopted by a care authority or a voluntary organisation before boarding-out a child.

(2) Nothing in these Regulations shall require the care authority or voluntary organisation to terminate the boarding-out of a child with a person with whom at the date when these Regulations come into operation he is

boarded-out in accordance with a special arrangement made with the consent of the Secretary of State under Article 36 of the Children (Boarding-out, etc.) (Scotland) Rules and Regulations, 1947(a).

Interpretation

19.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"the Act" means the Children Act, 1948;

"area authority" in relation to a child who is boarded-out means the local authority within whose area the child's foster home is situated;

"boarding-out" has the meaning assigned to it by Regulation 1 of these Regulations;

"care authority" has the meaning assigned to it by Regulation 1 of these Regulations;

"children's officer" means the children's officer of the care authority or area authority, as the context may require, or a member of his staff authorised by the children's committee of the authority to carry out duties in relation to the boarding-out of children in their care;

"foster home" means a dwelling in which a boarded-out child lives with his foster parent;

"local authority" means the council of a county or large burgh, or in relation to counties combined for the purposes mentioned in subsection (1) of section 118 of the Local Government (Scotland) Act, 1947(b), the joint county council;

"reception centre" means accommodation provided by a local authority in accordance with subsection (2) of section 15 of the Children Act, 1948, for the temporary reception of children;

"visitor" means a person authorised by a voluntary organisation to visit foster children and foster parents in accordance with these Regulations;

"voluntary organisation" means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.

(2) The Interpretation Act, 1889(c), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Revocation

20. The Children (Boarding-out, etc.) (Scotland) Rules and Regulations, 1947, are hereby revoked.

Extent

21. These Regulations shall apply to Scotland only.

Citation and commencement

22. These Regulations may be cited as the Boarding-out of Children (Scotland) Regulations, 1959, and shall come into operation on the first day of August, 1959.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State

St. Andrew's House,
Edinburgh, 1.
5th May, 1959.

(a) S.R. & O. 1947/2146 (Rev. III, p. 769: 1947 I, p. 208).
(b) 10 & 11 Geo. 6. c. 43. (c) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations replace the Rules revoked by Regulation 20. The Rules revoked applied only to the boarding-out of children by local authorities; these Regulations apply to such boarding-out and also to the boarding-out of children by voluntary organisations. They do not apply in the case of children boarded-out for a holiday, or for less than one month, or by the managers of an approved school.

The Regulations include provisions as to the consideration of a child's suitability for boarding-out, the medical and dental examination of children, suitability of foster parents and foster homes, visits and reports thereon, supervision and termination of boarding-out and records to be maintained and information to be exchanged by responsible authorities. Provision is made for the limitation of boarding-out in any area.

1959 No. 834 (S. 43)

The Administration of Children's Homes (Scotland) Regulations, 1959

Made - - - -	*5th May*, 1959
Laid before Parliament	*12th May*, 1959
Coming into Operation	*1st August*, 1959

In exercise of the powers conferred upon me by subsection (4) of section 15 and section 31 of the Children Act, 1948(a), I hereby make the following Regulations:—

PART I

LOCAL AUTHORITY HOMES AND VOLUNTARY HOMES

General Principles of Administration

1. The administering authority for any home shall make arrangements for the home to be conducted in such a manner and on such principles as will secure the well-being of the children in the home.

2. The administering authority for any home shall arrange for the home to be visited at least once in every month by an authorised visitor who shall satisfy himself that the home is conducted in accordance with Regulation 1 of these Regulations, shall report to the administering authority on his visit and shall enter in the log book referred to in paragraph 2 of the Schedule hereto his name and the date of his visit.

3. The administering authority for any home shall furnish the Secretary of State with such information as he may from time to time require as to the accommodation and staffing arrangements at the home.

(a) 11 & 12 Geo. 6. c. 43.