STATUTORY INSTRUMENTS

1990 No. 87

CHILDREN AND YOUNG PERSONS

The Children's Homes (Control and Discipline) Regulations 1990

Made - - - -	*19th January 1990*
Laid before Parliament	*29th January 1990*
Coming into force	*19th February 1990*

The Secretary of State for Health, in exercise of the powers conferred by sections 39, 60 and 85(1) of the Child Care Act 1980(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children's Homes (Control and Discipline) Regulations 1990 and shall come into force on 19th February 1990.

(2) In these Regulations, unless the context otherwise requires—

"the 1980 Act" means the Child Care Act 1980;

"home" means a community home (whether a community home maintained by a local authority, or a controlled community home or an assisted community home) or a voluntary home and—

(a) "controlled community home" means a community home designated as a controlled community home in accordance with section 31(4) of the 1980 Act(b);

(b) "assisted community home" means a community home designated as an assisted community home in accordance with section 31(5) of the 1980 Act;

(c) "voluntary home" has the meaning given by section 56 of the 1980 Act(c) but does not include a voluntary home which is a controlled community home or an assisted community home;

"responsible body" means—

(a) in relation to a controlled community home, and a community home maintained by a local authority, the local authority responsible for its management;

(b) in relation to an assisted community home, the voluntary organisation responsible for its management;

(c) in relation to a voluntary home, the persons carrying on the home.

Control and discipline

2.—(1) The responsible body shall ensure that control of the home is maintained in accordance with sound management, good professional practice and on the basis of good personal relationships with the children in the home and, except as otherwise so directed by the Secretary of State under section 53 of the Children and Young Persons Act 1933(d)

(a) 1980 c.5.
(b) Section 31 was substituted for sections 31 to 34 of the 1980 Act by section 4(1) of the Health and Social Services and Social Security Adjudications Act 1983 (c.41).
(c) Section 56 was amended by the Registered Homes Act 1984 (c.23), Schedule 1, paragraph 6.
(d) 1933 c.12.

(punishment of certain grave crimes), with the use only of such sanctions, not being sanctions prohibited by paragraph (2) of this regulation, as are approved in writing by the responsible body.

(2) The following sanctions may not be used on a child in a home—

(a) any form of corporal punishment;

(b) any deprivation of food or drink;

(c) any restriction or refusal of any facility for a child to receive visits and communications from and to communicate by telephone or post with:

(i) his parent or guardian,

(ii) his relatives,

(iii) any person visiting a voluntary home in accordance with regulation 2 of the Administration of Children's Homes Regulations 1951**(a)** (visits by administering authority),

(iv) any person visiting a community home in accordance with regulation 3(2) of the Community Homes Regulations 1972**(b)**,

(v) any visitor appointed for the child in pursuance of section 11 of the 1980 Act,

(vi) any social worker for the time being assigned to the child by the local authority or voluntary organisation in whose care he is, or who are looking after him, if his identity is known to the person in charge of the home, or

(vii) any solicitor for the time being acting for the child, or whom the child wishes to instruct;

(d) any restriction or refusal of any facility for a child to make visits to his parents or guardian, or his relatives;

(e) requiring a child to wear distinctive or inappropriate clothes;

(f) the use, or withholding, of medication or medical or dental treatment.

Amendment of the Administration of Children's Homes Regulations 1951 and the Community Homes Regulations 1972

3.—(1) The Administration of Children's Homes Regulations 1951 shall be amended as follows—

(a) regulation 11 is hereby revoked;

(b) in regulation 16 the words " nor the provisions of Regulation 11 " shall be omitted;

(c) for paragraph 7 of the Schedule there shall be substituted the following paragraph—

"**7.** A record containing full particulars of the use made of any of the sanctions approved in accordance with regulation 2(1) of the Children's Homes (Control and Discipline) Regulations 1990, including the individual circumstances in which such a sanction is used.".

(2) After regulation 9 of the Community Homes Regulations 1972 there shall be inserted the following regulation—

" **Record of Sanctions**

9A. Full particulars of the use made of any of the sanctions approved in accordance with regulation 2(1) of the Children's Homes (Control and Discipline) Regulations 1990 including the individual circumstances in which such a sanction is used shall be recorded in permanent form by the person in charge of the home and signed by that person and witnessed by another and the record shall be kept in the home.".

(3) Regulation 10 of the Community Homes Regulations 1972 is hereby revoked.

Signed by authority of the Secretary of State for Health

Virginia Bottomley
Minister of State,
Department of Health

19th January 1990

(a) S.I. 1951/1217.
(b) S.I. 1972/319.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prohibit the use of certain sanctions, including corporal punishment, in relation to children in community and voluntary homes and require those responsible for such a home to ensure that control of the home is maintained in accordance with good professional practice (regulation 2).

They amend the Administration of Children's Homes Regulations 1951 and the Community Homes Regulations 1972 and introduce changes in relation to control and discipline in such homes, and impose new requirements about records concerning the methods used.

They require records to be kept of the use made of any approved sanctions in particular cases (regulation 3).