STATUTORY INSTRUMENTS

1964 No. 1260 (S. 85)

REMAND HOMES

The Remand Home (Scotland) Rules 1964

Made - - - -	31*st July* 1964
Coming into Operation	1*st October* 1964

In exercise of the powers conferred upon me by section 82(3) of the Children and Young Persons (Scotland) Act 1937(a) and of all other powers enabling me in that behalf, I hereby make the following rules:—

Citation and Commencement

1. These rules may be cited as the Remand Home (Scotland) Rules 1964, and shall come into operation on 1st October 1964.

Interpretation

2.—(1) In these rules the following expressions have the meanings hereby respectively assigned to them, that is to say—

" child " means a child or young person who is detained in a remand home in pursuance of the Children and Young Persons (Scotland) Act 1937, the Criminal Justice (Scotland) Act 1949(b) or the Mental Health (Scotland) Act 1960(c);

" inspector " means any person authorised by the Secretary of State to inspect remand homes;

" parent " includes adoptive father, or adoptive mother, stepfather, stepmother and guardian.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

Aims

3. Local authorities shall so conduct remand homes as in general to promote the welfare of the children admitted thereto, and in particular to ensure that such children are secure in custody, that their individual circumstances are carefully considered and assessed and that they receive appropriate care and training.

Staff

4.—(1) The local authority shall appoint a suitably qualified person (hereinafter referred to as the " Superintendent ") to be in charge of a remand home and shall employ staff of such number and with such qualifications as will be adequate for the proper conduct of the remand home.

(2) In the absence of the Superintendent, a remand home shall be in the charge of, and the duties of the Superintendent carried out by, a member of the staff appointed for the purpose.

(3) The local authority shall appoint for the remand home a medical officer, being a medical practitioner duly registered under the Medical Acts.

(a) 1 Edw. 8 & 1 Geo. 6. c. 37.
(b) 12, 13 & 14 Geo. 6. c. 94.
(c) 8 & 9 Eliz. 2. c. 61.
(d) 52 & 53 Vict. c. 63.

(4) Notwithstanding the provisions of the preceding sub-paragraph the local authority may appoint more than one medical officer for the remand home ; in particular they may arrange for a medical practitioner to provide in respect of the children accommodated in the remand home general medical services under Part IV of the National Health Service (Scotland) Act 1947(a) and to undertake such of the duties prescribed in Rule 14 hereof as come within the scope of said general medical services.

(5) The local authority shall appoint chaplains of appropriate denominations.

Reception

5.—(1) On admission to a remand home each child shall be interviewed by the Superintendent who shall explain to the child the reasons for his being so admitted, and the provisions of Rules 11, 12, 13 and 14 which relate to correspondence, visits, religious observance and medical examination and care.

(2) As soon as practicable after the admission of a child to a remand home, the Superintendent shall notify the child's parent of such admission and at the first opportunity shall explain to the parent the general purport of the rules and conditions to which the child will be subject following such admission.

Food and Clothing

6. Each child shall be provided with wholesome and appetising food, reasonably varied and adequate for the maintenance of health and strength in accordance with a dietary scale, which shall include a table of minimum quantities, prepared by the Superintendent in consultation with the medical officer.

7. Each child shall wear his own clothing but where in the opinion of the Superintendent it is necessary or desirable on the grounds of health, cleanliness, or welfare, to do so in any particular case, clothing and footwear adequate for warmth and health outdoors as well as indoors shall be provided.

Education and Training

8. Appropriate primary or secondary education shall be given to each child of school age and education and suitable practical instruction shall be given to each child over school age.

9. Children may be required to do a reasonable amount of domestic work suitable to their individual capabilities, provided that—

(*a*) a child of school age may not be so occupied for more than two hours of any day ; and

(*b*) a child who has not attained the age of 12 years may be given only light work such as making his bed.

Recreation

10. Children shall be allowed not less than two hours daily for recreation and exercise, and not less than one hour thereof shall be spent in exercise in the open air except in inclement weather. The outdoor exercise shall be under the supervision of a member of the staff. Suitable and varied books and equipment for games and pastimes shall be provided and renewed as necessary.

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

Correspondence

11.—(1) Children shall be allowed to receive letters and shall be encouraged to write to their parents. For the latter purpose postage stamps shall be provided free by the local authority.

(2) Letters to or from the children may be read by the Superintendent or by a senior member of the staff deputed for the purpose by the Superintendent. The Superintendent shall have power to withhold any letter, provided that—

(*a*) a letter to a member of a local authority, to the Secretary of State or any of his officers or departments, or to a Member of Parliament may not be withheld ; and

(*b*) a letter shall not be withheld unreasonably or as a punishment.

When a letter is withheld the reasons shall be noted in the log book and the letter shall be preserved for at least one year.

Visits to Children

12.—(1) Children shall be allowed to receive visits from their parents, relatives and friends at specified times and at other times with the consent of the Superintendent, provided that the Superintendent may suspend visits to a particular child in the interests of that child or the conduct of the remand home. Any such suspension shall be recorded in the log book.

(2) Children awaiting appearance in court shall be allowed to be visited by their legal advisers.

(3) A remand home may be visited at any reasonable time by sheriffs, justices and magistrates of courts from which children are received in a remand home and by officers and members of every local authority making use of a remand home.

(4) Police, probation officers and officers of local authorities shall be allowed to visit any child.

Religious Observance

13. Arrangements shall be made where practicable for each child to attend preferably within the remand home a religious service appropriate to his religious persuasion. Chaplains shall be allowed to visit any child at any reasonable time.

Medical Care

14.—(1) The duties of the medical officer shall include—

(*a*) the general supervision of the health and cleanliness of the children in the remand home ;

(*b*) the general supervision of the hygienic condition of the remand home premises and of the health of the staff ;

(*c*) attendance at the remand home at weekly intervals ;

(*d*) examination of each child within 24 hours of his admission to the remand home ;

(*e*) provision for each child of such medical attention as may be necessary ;

(*f*) examination of each child immediately before his discharge from the remand home unless this is considered unnecessary by the medical officer ;

(*g*) supervision of the compilation of a medical record for each child containing, so far as the circumstances of each case permit or make necessary, particulars of the medical history of the child before

admission, his physical and mental condition on admission, his medical history while accommodated in the remand home and his condition on discharge from the remand home ; and

(*h*) the preparation and submission to the local authority of such reports in relation to the duties described in this sub-paragraph as may be required by the local authority.

(2) If a child in the care of a local authority is accommodated in a remand home not under the control of that authority, the authority responsible for the remand home shall on a request which may be made at any time provide that local authority with a medical report on the child.

Dental Care

15. The local authority shall make such arrangements as may be necessary for the urgent dental care of the children in the remand home, and for this purpose may use the school health service or the general dental services available under the National Health Service (Scotland) Act 1947.

Illness and Injury

16. In the event of the death or serious illness of or serious injury to any child accommodated in a remand home, the Superintendent shall immediately inform the parent, the local authority, the Secretary of State and the Clerk of any appropriate Court.

Fire Precautions

17.—(1) The local authority shall secure by means of regular fire drills and practices that the staff of the remand home are acquainted with the alarm, escape and fire-fighting arrangements and that the staff and, so far as is practicable, the children are well versed in the procedure for evacuation of the building whenever alarm of fire is given.

(2) The local authority shall notify the Secretary of State immediately of any outbreak of fire necessitating the removal of any child from the remand home or from any part of it affected by the fire.

18. The local authority shall consult the fire authority for the area in which the home is situated about the fire precautions which are suitable and necessary for the remand home and shall give to the Superintendent a copy of any report from the fire authority relating to the remand home.

Accommodation

19. Save in exceptional circumstances, the number of children accommodated in a remand home shall not exceed the number specified by the Secretary of State in respect of that remand home and every occasion on which the specified number is exceeded shall be recorded in the log book.

20. Sufficient and suitable accommodation and equipment shall be provided for the residence, education, recreation and care of the children.

21. Boys shall be segregated from girls unless when under the supervision of a member of staff.

22.—(1) Bedrooms shall contain a bed for each child, and shall have adequate ventilation, adequate heating, and adequate natural and artificial lighting. There shall be easy access from each bedroom to suitable and sufficient water closets and washing facilities. The number of beds in each bedroom shall not exceed the number specified by the Secretary of State.

(2) Bedrooms, water closets and washing facilities for boys shall be separate from those for girls.

Discipline

23. The discipline of the remand home shall be maintained by the personal influence of the Superintendent and his staff, and may be enforced when necessary by the forms of punishment authorised by these rules.

Punishment

24. Punishment may be by reprimand, or by temporary loss of recreation or privileges, provided that a child shall not be deprived of any meal or of exercise in the open air.

25.—(1) When the above methods are not appropriate corporal punishment may be ordered by the Superintendent subject to the following conditions—

(*a*) it shall not be administered to a girl;

(*b*) it shall be administered only by the Superintendent in the presence of an adult witness, and any assistance necessary in administering it may be given only by a member of the staff of the remand home;

(*c*) it shall not be inflicted on more than one occasion for one offence;

(*d*) it shall not, without the approval of the medical officer, be administered to any boy who shows any sign of physical weakness, mental illness or mental deficiency;

(*e*) it shall be inflicted only by means of a light tawse;

(*f*) a boy who has reached the age of 14 years may be given not more than three strokes on each hand or six strokes on the posterior over ordinary cloth trousers, and a younger boy may be given not more than two strokes on each hand or four strokes on the posterior over ordinary cloth trousers;

(*g*) corporal punishment in any form not authorised by these rules shall not be inflicted by any person on any child and striking, cuffing and shaking are strictly forbidden; and

(*h*) any person who commits a breach of this rule shall be liable to dismissal or other disciplinary action.

(2) All cases of corporal punishment shall be immediately recorded in the log book.

Separation

26. The Superintendent may order a child who is behaving in an unmanageable or violent manner or is likely, in the opinion of the Superintendent, to exercise a bad influence on the other children to be temporarily separated from the other children by being confined in a room approved for the purpose by the Secretary of State; provided that—

(*a*) no child shall be so separated for longer than, in the opinion of the Superintendent, is reasonably necessary;

(*b*) the room shall have good natural lighting and when occupied shall be kept lit after dark, and shall have adequate ventilation and heating;

(*c*) the medical officer shall be consulted if there is any reason to think that such separation might be in any respect harmful to the child;

(*d*) suitable forms of occupation shall be provided;

(*e*) the child shall as far as practicable be given exercise and recreation;

(*f*) means of communication between the child and a member of staff shall be available at all times during the day and night and the child shall be visited frequently by a member of staff and at least once each day by the Superintendent;

(*g*) such separation shall not be continued for more than 24 hours or for more than two successive nights without consultation with the medical officer and the prior consent of the local authority; and

(*h*) each such separation and the circumstances thereof shall be recorded in the log book without delay.

Supervision and Inspection

27. The local authority shall appoint three of their number, of whom at least one shall be a woman, to visit the remand home at least once every month.

28. Remand homes shall be open to inspection at all times by an inspector.

Records and Reports

29. The Superintendent shall keep the following records:—

(*a*) a register in which shall be recorded all admissions and discharges;

(*b*) a log book in which shall be entered every event of importance connected with the remand home, including—

(i) visits and inspections;

(ii) all cases of infectious disease, serious illness, serious injury or death;

(iii) occasions on which corporal punishment is administered;

(iv) absconding or unlawful removal of a child;

(v) fire drills;

(vi) suspension of visits to a child;

(vii) occasions on which a letter from or to a child is withheld; and

(viii) occasions on which a child is separated under Rule 26; and

(*c*) a menu book in which shall be recorded details of each meal served each day.

30. The records prescribed in Rule 29 shall be inspected at regular intervals not exceeding one month by the persons appointed under Rule 27 to visit the remand home, and shall be made available for inspection by any of the said persons and by an inspector.

31. The local authority shall report to the Secretary of State at intervals of three months the number of occasions and circumstances of:—

(*a*) the accommodation of children in excess of the number specified by the Secretary of State under Rule 19;

(*b*) changes of staff, other than domestic staff;

(*c*) corporal punishment; and

(*d*) absconding or unlawful removal of a child.

Application of Rules

32.—(1) These rules shall apply to a child detained in a remand home as a place of safety under powers conferred by any statute as they apply to a child committed to custody in a remand home.

(2) In the application of these rules to private premises with whose occupiers the local authority have arranged for the use of part of the premises as a remand home under section 81(1) of the Children and Young Persons (Scotland) Act 1937 or to children detained in such premises, as the case may be, Rules 8, 11(2), 17, 22, 25 and 27 shall not apply and Rules 10, 12, 29 and 30 shall apply only so far as practicable and appropriate.

Revocation

33. The Remand Home (Scotland) Rules 1946(a) are hereby revoked.

Michael Noble,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
31st July 1964.

EXPLANATORY NOTE

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

These rules deal with the treatment, employment and control of children detained in remand homes provided by local authorities under section 81 of the Children and Young Persons (Scotland) Act 1937, and with the visiting and inspection of the homes.

(a) S.R. & O. 1946/693 (Rev. XI, p. 667: 1946 I, p. 129).