
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 479

The Children's Homes Regulations (Northern Ireland) 1996

Part III

Administration of Children's Homes

Confidential records with respect to children in children's homes

15.—(1) The responsible authority shall arrange that there shall be kept in each children's home a record in permanent form with respect to each child who is accommodated there, which shall so far as is practicable include the information specified in Schedule 2.

(2) The record mentioned in paragraph (1) shall be kept securely and treated as confidential subject only to—

- (a) any statutory provision under which access may be obtained or given to records and information concerning a child; and
- (b) any court order, in respect of access to records and information concerning a child.

(3) The records mentioned in paragraph (1) shall be retained for at least 75 years from the date of birth of the child to whom they relate or, if the child dies before attaining the age of 18, for a period of 15 years from the date of his death.

Access by guardians ad litem to records and register

16. Each voluntary organisation, where it is not acting as an authorised person⁽¹⁾, and every person carrying on a registered children's home, shall provide a guardian ad litem of a child with—

- (a) such access as may be required to—
 - (i) records in so far as they relate to the child maintained in accordance with these Regulations, and
 - (ii) the information from such records held in whatever form (such as by means of a computer);
- (b) such copies of the records as the guardian ad litem may require.

Other records with respect to children in children's homes

17.—(1) The responsible authority shall keep in each children's home the records specified in Schedule 3 and shall ensure that the details are kept up to date.

(2) The records referred to in paragraph (1) shall be retained for at least 15 years, except for records of menus which need be kept only for one year.

(1) For access by guardians ad litem to authority and authorised person's records *see* Article 61 of the Children (Northern Ireland) Order 1995 (S.I.1995/755 (N.I. 2)). "Authorised person" is defined in Article 49(2) of that Order

Regulations and guidance

18. A copy of these Regulations and of any relevant guidance issued by the Department⁽²⁾ shall be kept in each children's home and made available when required to—

- (a) all staff;
- (b) every child accommodated in the home;
- (c) the parents or guardians of any child accommodated in the home; and
- (d) any person who is not a parent of a child accommodated in the home but has parental responsibility for him.

Notification of significant events

19.—(1) In respect of the events at any children's home mentioned in paragraph (2), the responsible authority shall forthwith notify—

- (a) insofar as it is reasonably practicable—
 - (i) the parents of any child concerned,
 - (ii) any person who is not a parent of any child concerned but who has parental responsibility for such a child, and
 - (iii) any other person who has undertaken to meet any fees or expenses incurred in accommodating any child concerned at the home;
 - (b) except in the case of the event mentioned in paragraph (2)(b), the Director of Public Health⁽³⁾ of the Health and Social Services Board within whose area the children's home is situated;
 - (c) where the responsible authority is not an authority—
 - (i) the authority within whose area the home is situated, and
 - (ii) the registration authority;
 - (d) in respect of the events mentioned in paragraph (2)(a), (b) and (c), the Department, except in relation to paragraph (2)(a) where the child is being looked after by an authority⁽⁴⁾; and
 - (e) in respect of the event mentioned in paragraph (2)(c), a constable.
- (2) The events referred to in paragraph (1) are—
- (a) the death of a child accommodated at the children's home;
 - (b) any conduct on the part of a member of staff of the home which is, or may be such, in the opinion of the responsible authority, that he is not, or as the case may be, would not be a suitable person to be employed in work involving children;
 - (c) the suffering of serious harm by a child accommodated at the home;
 - (d) any serious accident involving a child accommodated at the home;
 - (e) any serious illness of a child accommodated at the home; and
 - (f) the outbreak in the home of any notifiable infectious disease to which the Public Health Act (Northern Ireland) 1967⁽⁵⁾ applies.

(2) This guidance is published by Her Majesty's Stationery Office and is available from HMSO Bookshop, 16 Arthur Street, Belfast, BT1 4GD or direct from it by post

(3) Article 32 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)) provides that the Chief Administrative Medical Officer of a Health and Social Services Board shall be known as the Director of Public Health of that Board

(4) Equivalent provision is made in these circumstances by Article 34(1) of the Children (Northern Ireland) Order 1995

(5) 1967 c. 36 (N.I.); Schedule 1, which specifies notifiable diseases, was substituted by the Schedule to the Public Health Notifiable Diseases Order (Northern Ireland) 1990 (S.R. 1990 No. 66)

(3) Any notification given with respect to the death of a child shall give such details as to the circumstances as is known to the responsible authority.

Absence of a child without permission

20.—(1) The responsible authority shall draw up and cause to be recorded in writing the procedure to be followed when any child accommodated in a children’s home is absent without permission.

(2) The responsible authority shall ensure that the procedure mentioned in paragraph (1) is drawn to the attention of the children accommodated in the children’s home and the staff of, and others working in, the home.

Absence of person in charge of voluntary home or registered children’s home

21.—(1) Subject to paragraphs (2) and (4), where the person in charge of a voluntary home or registered children’s home proposes to be absent from the home for a continuous period of 4 weeks or more, he shall give written notice to that effect to the registration authority at least 4 weeks before the absence is due to begin.

(2) Subject to paragraph (4), where it is necessary for the person in charge to be absent from the home for a continuous period of 4 weeks or more in circumstances where it would be impracticable to give the period of notice mentioned in paragraph (1), the registration authority may accept such shorter notice as appears reasonable.

(3) Subject to paragraph (4), where paragraph (1) applies, the person for the time being in charge of a voluntary home or registered children’s home shall inform the registration authority at least 7 days before the beginning of the absence of—

- (a) its occurrence and anticipated duration;
- (b) the reason for it;
- (c) the number of children accommodated, when the information is given;
- (d) the arrangements which have been made for the running of the home; and
- (e) the name, address and qualifications of the person who will for the time being be in charge.

(4) Nothing in this regulation shall require notification to be given to the registration authority if, in a case falling within paragraph (1) or (2), no child is to be accommodated during the period of the absence.

(5) If, in any case referred to in paragraph (4), a child is provided with accommodation in the home during the period of absence, the person for the time being in charge shall, within 7 days of the child first being provided with accommodation, inform the registration authority of the matters mentioned in paragraph (3).

(6) Within 7 days of the return of the person in charge, or the appointment of some other person in his place, the responsible authority shall notify the registration authority of that fact.

(7) If, in the case of a registered children’s home the person in charge is also the responsible authority, anything required to be done by or to the responsible authority shall be done by or to (as the case may require) the person for the time being in charge of the home.

Accountability and visiting on behalf of responsible authority

22.—(1) If the person carrying on a voluntary home or registered children’s home is an individual, but is not also the person in charge of the home, he shall visit the home once a month, or cause some other person to do so on his behalf and to report to him in writing on the conduct of the home.

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(2) Where the person carrying on a voluntary home or registered children's home is a body of persons (whether incorporated or not), the directors, or other persons responsible for the conduct of the body, shall cause one of their number, or an employee of that body who is not directly concerned with the conduct of the home, to visit the home once a month and to report to them in writing on the conduct of the home.

(3) An authority providing a home under Part VII of the Order shall cause the home to be visited once a month and to report to it in writing upon the conduct of the home.