
STATUTORY INSTRUMENTS

1987 No. 2233

**The Social Work (Residential Establishments-
Child Care) (Scotland) Regulations 1987**

PART II

**GENERAL PROVISIONS APPLYING TO
CONDUCT OF RESIDENTIAL ESTABLISHMENTS**

General

3. This Part of these Regulations shall apply to any residential establishment which provides residential accommodation for children and—

- (a) is controlled or managed by a local authority; or
- (b) is one in respect of which a person is required to be registered under section 61 of the Act⁽¹⁾; or
- (c) is a school which is registered voluntarily in accordance with section 61A of the Act⁽²⁾.

4. The managers of any residential establishment to which these Regulations apply shall make such provision for the care, development and control of each child resident there as shall be conducive to the best interests of each child.

Statement of functions and objectives

5.—(1) Subject to the provisions of this Part of the Regulations—

- (a) the managers in the case of a residential establishment provided by a local authority, or
- (b) in any other case, the managers in consultation with the person in charge of the establishment,

shall prepare within 6 months of these Regulations coming into force a statement of functions and objectives for that establishment which shall include the particulars specified in Schedule 1.

(2) The managers shall keep under review the preparation of and implementation of the said statement of functions and objectives and for that purpose—

- (a) the managers shall ensure that the person in charge of the establishment reports in writing to them at intervals of not more than 6 months on the implementation of the statement of functions and objectives for that establishment; and
- (b) the managers shall make arrangements to ensure that each residential establishment they provide is visited on their behalf at intervals of not more than 6 months to furnish them with a report on the implementation of the statement of functions and objectives for each establishment.

(1) Section 61 was amended by section 1 of the Registered Establishments (Scotland) Act 1987 (c. 40).

(2) Section 61A was inserted by section 2 of the Registered Establishments (Scotland) Act 1987.

(3) Without prejudice to the arrangements made under paragraph (2)(b), the managers may make arrangements for each residential establishment they provide to be visited at such other times as they consider necessary by a person authorised for that purpose.

(4) Where the managers consider it necessary or appropriate, they shall in consultation with the person in charge of the establishment make such amendments to the statement of functions and objectives prepared in accordance with paragraph (1) above as they consider appropriate.

(5) The managers shall arrange for the statement of functions and objectives for any residential establishment they provide to be made available, on request, to any care authority or children's hearing considering the placing of a child in such an establishment.

Number of children who may be accommodated

6. Subject to section 62(5) of the Act(3) the managers shall, as they consider appropriate, determine the total number of children who may normally be resident in each residential establishment they provide.

Appointment of person in charge

7.—(1) Where a residential establishment is not provided by a local authority, the managers shall appoint a person to be in charge of the establishment and shall in writing—

- (a) delegate such duties under these Regulations or otherwise to the person in charge as the managers may determine;
- (b) specify the persons who will have charge of the establishment in the absence of the person in charge.

(2) Where a residential establishment is provided by a local authority, the person in charge shall be an officer appointed by the local authority.

Precautions against fire and accident

8.—(1) The managers shall, in consultation with the fire authority for the area in which any residential establishment they provide is situated, ensure that adequate precautions are taken against fire and shall review such precautions at suitable intervals having regard to any recommendations they may receive at any time from the fire authority.

(2) The managers shall make arrangements to ensure that by means of drills and practices the staff of residential establishments provided by them and, as far as practicable, children resident there are adequately trained and instructed in procedures to be followed in the event of fire.

(3) The managers shall ensure that adequate precautions are taken against the occurrence of other forms of accident in a residential establishment and that the staff and, as far as practicable, children resident there are acquainted with such precautions.

Notification of misadventure

9.—(1) The managers shall arrange for notification to be given to the parent or guardian of a child, if his whereabouts are known, and to the care authority responsible for the child's welfare of any case in which a child resident in the establishment—

- (a) dies; or
- (b) suffers from any injury or illness likely to result in death or any serious disability; or
- (c) runs away, or without lawful authority is taken away, from the residential establishment.

(3) Section 62(5) was substituted by the Registered Establishments (Scotland) Act 1987, section 3.

(2) Where paragraph (1)(a) applies the managers shall also without delay inform the relevant registering authority, if different from the care authority responsible for the child's welfare, where the residential establishment is one registered for the purposes of section 61 or 61A of the Act.

(3) Where a care authority receives notice that a child has died, it shall without delay inform the Secretary of State and shall supply to the Secretary of State such further information about the circumstances of the occurrence as he may require.

Discipline

10.—(1) Arrangements for discipline, relevant to the care and control of children resident in a residential establishment, shall be determined by the managers in accordance with the statement of functions and objectives formulated under regulation 5(1).

(2) The arrangements shall not authorise the giving of corporal punishment and corporal punishment shall for this purpose have the same meaning as in section 48A of the Education (Scotland) Act 1980(4).

Provision of education

11.—(1) The managers of each residential establishment shall ensure, in consultation with the appropriate education authority, that each child of school age accommodated in the establishment, and not meanwhile receiving education at a school or other place outwith the establishment, receives adequate and efficient education.

(2) In making provision for education under paragraph (1), the managers shall have regard to—

- (a) the requirements of sections 1 (duty of education authorities to secure provision of education) and 30 (duty of parents to provide education for their children) of the Education (Scotland) Act 1980;
- (b) the number of children normally resident in the establishment in respect of whom education may require to be provided, either within the establishment or, where that is not appropriate or is not provided, at a school;
- (c) the age, ability and aptitude of each child.

(3) For the purposes of paragraph (2)(b) above, in deciding where a child might best receive education the managers, in consultation with the appropriate education authority, shall have regard to the period for which the child is normally expected to be resident within the establishment.

(4) Any arrangements made under paragraph (1) above for provision of education within the establishment shall include accommodation for teaching purposes together with other requisite facilities and the employment, or arrangement for the services, of an adequate and appropriately qualified teaching staff.

(5) In this regulation the expression “school age” has the meaning assigned to it by section 31 of the Education (Scotland) Act 1980.

Religious instruction

12. The managers of a residential establishment shall, so far as is practicable and having regard to the child's wishes and feelings, arrange that every child resident in the establishment is able to attend such religious services and to receive such religious instruction as may be appropriate to the child's religious persuasion.

(4) 1980 c. 44; section 48A was inserted by the Education (No. 2) Act 1986 (c. 61), section 48.

Health and medical care

13. The managers shall ensure that arrangements are made—
- (a) within the residential establishment for the maintenance of conditions conducive to good health among the children resident there including the maintenance of satisfactory conditions of hygiene; and
 - (b) where appropriate, in consultation with the relevant care authority responsible for the child's welfare, for such medical and dental treatment to be available as may be required for each child.

Personal records

14. The managers in consultation with the person in charge shall ensure that all necessary records, including where necessary health particulars, are maintained in respect of each child resident in a residential establishment.

Log book

15. The managers shall ensure in consultation with the person in charge that there is maintained for each residential establishment a log book of day-to-day events of importance or of an official nature, including, without prejudice to this generality and to the inclusion of such information in personal records maintained under regulation 14, details of disciplinary measures imposed.

Monitoring of registered establishments

16. Where the registering authority have issued a certificate of registration in accordance with section 62(3) of the Act, they shall satisfy themselves by visits—
- (a) at intervals of not more than 1 year, that the operation of the residential establishment continues to conform to the requirements for registration and in doing so shall have regard to the statement of functions and objectives prepared in accordance with regulation 5; and
 - (b) otherwise as they consider necessary or appropriate, that the safety and welfare of children resident within the establishment are being maintained.