

1987 No. 2233 (S.150)

**SOCIAL WORK, SCOTLAND**  
**RESIDENTIAL AND OTHER ESTABLISHMENTS, SCOTLAND**

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

*Made* - - - - - *18th December 1987*  
*Laid before Parliament* *14th January 1988*  
*Coming into force* - - - *1st June 1988*

The Secretary of State, in exercise of the powers conferred on him by sections 5(2) and 60(1) of the Social Work (Scotland) Act 1968(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**PART I**  
**GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the Social Work (Residential Establishments – Child Care) (Scotland) Regulations 1987 and shall come into force on 1st June 1988.

**Interpretation**

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

“the Act” means the Social Work (Scotland) Act 1968;

“care authority” means a local authority or voluntary organisation responsible for the welfare of a child where regulation 3 applies;

“child” means a person under the age of 18 years;

“local authority” means a regional or islands council;

“local health authority” means a health board set up under the National Health Service (Scotland) Act 1978(b);

“managers” means—

(a) in the case of a voluntary organisation, the management committee to whom powers are delegated within the organisation for management of the residential establishment;

(b) in the case of a local authority, those officers having delegated powers under section 2 of the Act, as read with section 56 of the Local Government (Scotland) Act 1973(c), for the management of the residential establishment;

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(a) 1968 c.49; section 5(2) was substituted by the Children Act 1975 (c.72), Schedule 3, paragraph 49; section 60(1) was amended by section 8(3) of the Health and Social Services and Social Security Adjudications Act 1983 (c.41).

(b) 1978 c.29.

(c) 1973 c.65; section 56 was amended by the Local Government and Planning (Scotland) Act 1982 (c.43), section 32.

“person in charge” means the person in charge of a residential establishment who is responsible to the managers of the residential establishment;

“registering authority” means the local authority with which the person carrying on any residential establishment is registered or is required to be registered for the purposes of section 62 of the Act;

“residential placement” means a placement to which Part III or IV of these Regulations applies.

(2) In these Regulations any reference to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

## 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<sup>(a)</sup>; or
- (c) is a school which is registered voluntarily in accordance with section 61A of the Act<sup>(b)</sup>.

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.

(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

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

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

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(a) 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.

(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.

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

### **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(a).

### **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.

### **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.

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

## **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.

## **PART III**

### **ARRANGEMENTS BY A CARE AUTHORITY TO PLACE A CHILD IN RESIDENTIAL CARE**

#### **Application**

17.—(1) This Part of these Regulations applies to a care authority which has responsibility for a child in relevant circumstances and which places the child in any of the following:—

- (a) a residential establishment;
- (b) a school within the meaning of the Education (Scotland) Act 1980 where the child will normally reside there for the duration of the placement; or
- (c) a hospital, convalescent home, private nursing home or other health establishment within the meaning of the National Health Service (Scotland) Act 1978 where the child will normally reside there for the duration of the placement.

(2) Where paragraph (1)(b) applies the relevant local authority to whom this Part of the Regulations applies is the local authority for the purposes of its functions under the Act.

(3) “Relevant circumstances” for the purposes of paragraph (1) means where a child is in the care of the care authority or, as the case may be, the care authority has responsibility for the child by virtue of any of the following:—

- (a) sections 15 or 16 of the Act;
- (b) section 10 of the Matrimonial Proceedings (Children) Act 1958(a), section 11 of the Guardianship Act 1973(b) or section 26 of the Adoption (Scotland) Act 1978(c);
- (c) the granting of authorisation under section 37(2) of the Act(d) or a warrant under sections 37, 40 or 42 of the Act;
- (d) respite care arrangements made at the request of the child’s parent or guardian.

(4) Where paragraph (3)(b) applies this Part of the Regulations shall apply subject to any directions made by the court as to the care of a child.

(5) For the purposes of paragraph (3)(d), “respite care arrangements” means arrangements whereby a child with particular handicaps or needs who is normally cared for by his parents, guardian or relatives is cared for in a residential placement for a short period;

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(a) 1958 c.40.

(b) 1973 c.29.

(c) 1978 c.28.

(d) Section 37(2) was substituted by the Children Act 1975 (c.72), section 83(b).

and paragraph (3)(d) shall apply only where the care authority is responsible for the choice of the residential placement to provide such respite care.

#### **Decision to place a child in residential care**

**18.** Where a care authority has had responsibility for a child by virtue of any of the statutory provisions or arrangements referred to in regulation 17 for 6 weeks or more immediately before the placement, it may place the child in any of the residential placements referred to in regulation 17(1) only if—

- (a) it has, as far as reasonably practicable, ascertained the particulars set out in Schedule 2;
- (b) it is satisfied that the placement in residential care is appropriate to the child's needs, having considered the information referred to in paragraph (a) and any other relevant information and having regard to its duty under section 20 of the Act(a); and
- (c) it is satisfied that the particular residential placement proposed for the child is appropriate to the child's needs having regard, where a residential establishment is involved, to the statement of functions and objectives prepared by the managers.

**19.—(1)** Where a care authority has not had responsibility for a child by virtue of any of the statutory provisions or arrangements referred to in regulation 17 for more than 6 weeks immediately before placement, it may make arrangements for placing a child in any of the residential placements referred to in regulation 17(1) only if it has complied with the procedure provided for in regulation 18, or it is satisfied that—

- (a) the placement would not be detrimental to the welfare of the child; and
- (b) having considered all the information available to it, placement in residential care would be in the child's best interests.

(2) Where a care authority has complied with the requirements of paragraph (1)(a) and (b), it shall within 6 weeks of the date on which it assumed responsibility for the child carry out the procedure provided for in regulation 18 and a placement may continue beyond that period only if the requirements of regulation 18 are met.

(3) Paragraph (2) shall not apply where a care authority has had responsibility for a child by virtue of an arrangement referred to in regulation 17(3)(c).

**20.** When making arrangements to place a child under this Part of the Regulations a care authority shall ensure, so far as is consistent with its duty under section 20 of the Act, that the child will be brought up in accordance with his religious persuasion having ascertained so far as is practicable the wishes and feelings of the child, having regard to his age and understanding, and consulted with the person in charge.

**21.** When making arrangements under this Part of the Regulations in relation to two or more children of the same family a care authority shall ensure, so far as is consistent with its duty under section 20 of the Act, with regard to each child of the family and having ascertained so far as is practicable the wishes and feelings of each child, having regard to his age and understanding, that the children are placed in the same residential placement or, where that is not appropriate or practicable, that the placements facilitate as far as possible continued mutual contact and access.

#### **Notifications by care authority on placement of a child**

**22.—(1)** Subject to paragraphs (2), (3) and (4), where a care authority places a child in accordance with this Part of the Regulations it shall make arrangements forthwith for written notice of the placement and the particulars of the placement to be given to—

- (a) the local authority in whose area the residential placement occurs if that is different from that of the care authority;

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(a) Section 20 was amended by the Children Act 1975, section 79 and by the Health and Social Services and Social Security Adjudications Act 1983, Schedule 2, paragraph 5.

- (b) the education authority in whose area the residential placement occurs if the child is of compulsory school age within the meaning of section 31 of the Education (Scotland) Act 1980, and such notice shall be given before the placement if the care authority has received advice that the child has significant medical or educational needs;
- (c) the local health authority in whose area the residential placement occurs, and such notice shall be given before the placement is made if the care authority has received medical advice that the child has a medical problem of significance to his future care;
- (d) each parent or guardian of the child whose whereabouts are known, but no particulars of the placement shall be given to a parent or guardian of the child where the care authority considers, having regard to section 20 of the Act and the code of practice issued by the Secretary of State under section 17E of the Act(a), that in the interests of the child such particulars should not be given.

(2) Paragraph (1)(b) shall not apply in any case where the care authority does not intend the placement to last for more than 28 days unless—

- (a) the care authority has received advice that the child has significant medical or educational needs; or
- (b) any such placement does actually last for more than 28 days, in which case the education authority referred to in paragraph (1)(b) shall be given notice as required by paragraph (1) as soon as possible after the expiry of the said 28 days.

(3) Paragraph (1)(c) shall not apply in any case where the care authority does not intend the placement to last for more than 28 days unless—

- (a) the care authority has received medical advice that a child has a medical problem of significance to his future care; or
- (b) the child is below compulsory school age within the meaning of section 31 of the Education (Scotland) Act 1980; or
- (c) any such placement does actually last for more than 28 days, in which case the local health authority referred to in paragraph (1)(c) shall be given notice as required by paragraph (1) as soon as possible after the expiry of the said 28 days.

### **Monitoring of placements**

23. The care authority shall take such steps as are necessary to satisfy itself that any placement made under this Part of the Regulations continues to be in the interests of the child and in particular—

- (a) shall ensure that the child is visited on their behalf—
  - (i) within one week of the placement being made;
  - (ii) thereafter at intervals of not more than 3 months from the date of the last visit;
  - (iii) on such other occasions as the care authority considers necessary in order to supervise the child's welfare;
- (b) shall ensure that written reports are produced reporting on visits made in accordance with paragraph (a) and that these are considered by the care authority.

### **Termination of placement**

24.—(1) Subject to section 20 of the Act, where for any reason it appears to the care authority that it is no longer in a child's best interests to remain in a residential placement in which he was placed under this Part of the Regulations the care authority shall make arrangements to terminate the placement as soon as practicable in the interests of the child.

(2) Where a residential placement is terminated in accordance with paragraph (1), the care authority shall forthwith give written notice of their decision and of the date on which the placement was terminated to any authority or person who received notice of the placement in accordance with regulation 22.

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(a) Section 17E was inserted by the Health and Social Services and Social Security Adjudications Act 1983, section 7(2).

**PART IV**  
**ARRANGEMENTS TO PLACE CHILDREN IN RELATION TO**  
**ACTION BY A CHILDREN'S HEARING**

**Application**

25.—(1) This Part of the Regulations applies where a supervision requirement is made, or is under consideration by a children's hearing, under section 44(1) of the Act which requires the child to reside in—

- (a) a residential establishment;
- (b) a school within the meaning of the Education (Scotland) Act 1980 where the child will normally reside there for the duration of the placement; or
- (c) a hospital, convalescent home, private nursing home or other health establishment within the meaning of the National Health Service (Scotland) Act 1978 where the child will normally reside there for the duration of the placement.

(2) Where paragraph (1)(b) applies the relevant local authority to whom this Part of the Regulations relates is the local authority for the purposes of its functions under the Act.

**Recommendations by a local authority**

26.—(1) Where a local authority submit a report on a child to a children's hearing under section 39(4) of the Act, they may recommend a placement of the type referred to in regulation 25(1) above only if—

- (a) they have carried out the procedure provided for in regulation 18 and are satisfied that it is appropriate to recommend to a children's hearing that it would be in the child's best interest to impose a supervision requirement under section 44(1) of the Act requiring the child to reside at that place; or
- (b) they have—
  - (i) carried out the procedure provided for in regulation 19(1);
  - (ii) ascertained, as far as reasonably practicable, the particulars set out in Schedule 2; and
  - (iii) having considered any other relevant information, and having regard to section 20 of the Act, concluded that a placement of the proposed type is appropriate to the child's needs and they are able to recommend to a children's hearing that a supervision requirement under section 44(1) of the Act requiring the child to reside at that place would be in the child's best interests.

(2) Regulations 20 and 21 shall apply to such a recommendation as they do to placements by a care authority under Part III of these Regulations.

**Placements in pursuance of a supervision requirement**

27.—(1) Where a children's hearing make a supervision requirement under section 44(1) of the Act requiring the child to reside as described at regulation 26(1) above, the local authority required by section 44(5) of the Act to give effect to the supervision requirement shall give written notice of the placement to the local, education and local health authorities as specified in regulation 22(1)(a) to (c).

(2) Regulation 23 shall apply to the local authority and relevant material from the reports required by regulation 23(b) shall be made available by the local authority to any children's hearing which reviews the supervision requirement under section 48 of the Act.

(3) Where, in the light of information gathered under paragraph (2) or any other information which they may obtain, it appears to the local authority that it is no longer in the interests of the child to remain in the residential placement named in the supervision requirement, they shall refer the case to their Reporter under section 47(1) of the Act for review of the supervision requirement.

(4) Where the residential placement is terminated the local authority shall give written notice to that effect to the local, education and local health authorities to whom they gave notice of the placement under paragraph (1).



**PART V**  
**MISCELLANEOUS PROVISIONS APPLICABLE TO ALL**  
**RESIDENTIAL PLACEMENTS**

**Application**

28. This Part of the Regulations applies to placements to which either Part III or IV of the Regulations applies.

**Information to be supplied to persons in respect of each child placed in residential care**

29. Where a care authority places a child in accordance with Part III of these Regulations or where a children's hearing make a supervision requirement under section 44(1) of the Act of the type referred to at regulation 27(1), the care authority—

- (a) shall provide the person in charge with the following:—
  - (i) written information about the child's background, health, and mental and emotional development; and
  - (ii) any other information which the care authority considers relevant to the placement including information about the child's wishes and feelings about the placement, so far as this is appropriate having regard to his age and understanding;
- (b) shall agree with the person in charge arrangements for the care to be provided for the child including—
  - (i) the arrangements that are to be made for contact between a child and his family in accordance with the code of practice issued by the Secretary of State under section 17E of the Act;
  - (ii) the arrangements that are to be made for ensuring that the child receives adequate and efficient education (having regard to regulation 11 above) and appropriate medical and dental treatment.

**Medical and dental treatment**

30. In consultation with the person in charge, the care authority shall ensure that each child in a residential placement receives such medical and dental treatment as may be required.

**PART VI**  
**REVOCATIONS**

31. The Administration of Children's Homes (Scotland) Regulations 1959(a), the Approved Schools (Scotland) Rules 1961(b), and the Approved Schools (Scotland) Amendment Rules 1963(c) are hereby revoked.

New St Andrew's House, Edinburgh  
18th December 1987

*Michael B. Forsyth*  
Parliamentary Under Secretary of State,  
Scottish Office

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(a) S.I. 1959/834.  
(b) S.I. 1961/2243.  
(c) S.I. 1963/1756.

**MATTERS TO BE INCLUDED IN A STATEMENT OF FUNCTIONS AND OBJECTIVES**

- 1. Arrangements to meet the needs and development potential of all children resident in the establishment, including the child's emotional, spiritual, intellectual and physical needs.**
- 2. Arrangements for the education of children resident in the establishment including—**
  - (a) where education is provided in the establishment, the standard and range of educational provision; or**
  - (b) where education is not provided in the establishment, the arrangements made with the relevant education authority for such provision.**
- 3. For the purposes of regulation 8, the measures which will be taken to safeguard the physical care of children resident in the establishment.**
- 4. The disciplinary and other arrangements relating to the care and control of children as provided for in regulations 4 and 10.**
- 5. Arrangements for the residential establishment—**
  - (a) in co-operation with the relevant care authority, to assist each child in developing his potential while in care within the establishment and after leaving care;**
  - (b) for taking into account the needs and wishes of each child so placed, and those of the parents, and for the child's rights and responsibilities to be defined with due regard to his age and understanding; and**
  - (c) for formulating procedures in co-operation with the relevant care authority in each case to deal with complaints from children resident in the establishment, or their parents or other relatives.**
- 6. Arrangements for record keeping in accordance with regulation 14, including—**
  - (a) procedures for the selection of children to be admitted to the establishment;**
  - (b) details of admissions and discharges from the establishment;**
  - (c) procedures for access to records for staff, children and parents; and**
  - (d) records regarding any involvement of children and parents in relation to decisions taken about the child's welfare while resident in the establishment.**
- 7. Arrangements for visits by relatives and friends of children resident in the establishment.**
- 8. The establishment's policy on the involvement of children and parents in decisions about the child's future while in residential care.**
- 9. Policy and practice in regard to the recruitment and training of appropriately qualified staff to ensure that the objectives of the residential establishment are achieved, having regard also to the range of services which will be provided including social work, health and, where relevant, education.**
- 10. Arrangements for health care within the residential establishment in accordance with regulation 13.**
- 11. Details of all fire practices and fire alarm tests carried out in the residential establishment.**

**PARTICULARS TO BE ASCERTAINED BY THE CARE AUTHORITY FOR  
EACH CHILD PLACED IN RESIDENTIAL CARE**

1. Name, sex, date and place of birth and present address.
2. Nationality and race.
3. Physical description.
4. Present legal status of the child under the Act, including, where appropriate, the background of the child's reception into the care of the local authority, so far as relevant to consideration of the arrangements which are to be made for the child.
5. Previous history of care or involvement of the child with the care authority.
6. Details of any brothers or sisters, including dates of birth, addresses, arrangements in respect of their care and custody and whether any brother or sister is also being considered for placement in residential care.
7. The extent of access by members of the child's natural family including, if the child is illegitimate, his father; details of any court order relating to access.
8. Religious denomination, including details of any baptism, confirmation or equivalent ceremonies.
9. Personality and social development.
10. Interests, hobbies, etc.
11. Names and addresses of schools attended and educational attainments.
12. Any special needs in relation to the physical or mental health of the child and his emotional and behavioural development, and whether he is a recorded child under section 60 of the Education (Scotland) Act 1980(a).
13. The child's wishes and feelings in relation to residential care in general or proposed placement in a residential establishment, as the case may be, including any wishes in respect of religious and cultural upbringing.
14. A comprehensive medical report signed by a fully registered medical practitioner as to the health of the child.
15. Any other information which the care authority considers relevant to its duty under section 20 of the Act.

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(a) Section 60 was substituted by the Education (Scotland) Act 1981 (c.58), section 4(1).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are concerned with the provision of residential care of children for whom local authorities and voluntary organisations have responsibility under the Social Work (Scotland) Act 1968. They supersede the Administration of Children's Homes (Scotland) Regulations 1959 and the Approved Schools (Scotland) Rules 1961.

Part II of the Regulations deals with the conduct of residential establishments and requires them to be conducted in a way which is conducive to the best interests of the children resident in them (regulation 4). Each establishment is required to prepare a statement of functions and objectives setting out the respective responsibilities of managers and persons in charge (regulation 5 and Schedule 1). Minimum requirements are specified regarding notifications of incidents, fire precautions, discipline, records, education and health care (regulations 7-15).

Parts III and V of the Regulations prescribe the procedures to be followed by care authorities in relation to children, parents and others in making arrangements to place a child in residential care (regulations 18-22, 29 and Schedule 2); and the arrangements for the supervision of children so placed (regulations 23, 24 and 30).

Part IV sets out the responsibilities of a local authority in making recommendations to a children's hearing and in giving effect to a supervision requirement where a child is placed in residential care (regulations 26 and 27).

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