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STATUTORY INSTRUMENTS

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**1991 No. 1507**

**CHILDREN AND YOUNG PERSONS**

**The Refuges (Children's Homes and Foster Placements) Regulations 1991**

*Made* - - - - *30th June 1991*  
*Laid before Parliament* *8th July 1991*  
*Coming into force* - - *14th October 1991*

The Secretary of State for Health, in exercise of the powers conferred by sections 51(4) and 104(4) of the Children Act 1989(1) and of all other powers enabling him in that behalf hereby makes the following regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Refuges (Children's Homes and Foster Placements) Regulations 1991 and shall come into force on 14th October 1991.

**Interpretation**

2. —

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

“certificate” means a certificate issued under section 51 (refuges for children at risk);

“designated officer” means a police officer for the time being designated for the purpose of these Regulations by the chief officer for the police area within which—

- (a) a home which is provided as a refuge in pursuance of section 51(1) is situated, or
- (b) a foster parent who provides a refuge in pursuance of section 51(2) lives;

“home” means a registered children's home or voluntary home;

“responsible person” in relation to a child means—

- (a) except where a person has care of the child as mentioned in paragraph (b) below—
  - (i) a parent of his,
  - (ii) a person who is not a parent of his, but who has parental responsibility for him, and

- (iii) any person who for the time being has care of him not being a person providing a refuge;
  - (b) any person who for the time being has care of the child by virtue of a care order, emergency protection order or section 46 (removal and accommodation of children by police in cases of emergency) as the case may be.
- (2) Any reference in these Regulations to a numbered section is a reference to the section in the Children Act 1989 bearing that number.

### **Requirements**

#### **3. –**

- (1) The provisions of this regulation shall apply while a certificate is in force with respect to a home or a foster parent.
- (2) A child may not be provided with a refuge unless it appears to the person providing that refuge that the child is at risk of harm unless the child is or continues to be provided with a refuge.
- (3) As soon as is reasonably practicable after admitting a child to a home for the purpose of providing a refuge or after a foster parent provides a refuge for a child, and in any event within 24 hours of such provision, the person providing the refuge for the child shall–
- (a) notify the designated officer that a child has been admitted to the home, or provided with refuge by a foster parent, together with the telephone number by which the person providing the refuge for the child may be contacted,
  - (b) if he knows the child’s name, notify the designated officer of that name, and
  - (c) if he knows the child’s last permanent address, notify the designated officer of that address.
- (4) Where subsequently the person providing the refuge discovers the child’s name or last permanent address he shall immediately notify the designated officer accordingly.
- (5) As soon as is reasonably practicable after providing the refuge for the child, and in any event within 24 hours of becoming aware of the identity of the responsible person for the child, the person providing the refuge shall give to the designated officer the name and address of the responsible person.
- (6) The requirements of paragraph (7) of this regulation shall apply where the designated officer has been notified or is otherwise aware–
- (a) that a child is being provided with a refuge, and
  - (b) of the name and address of a responsible person.
- (7) The designated officer shall–
- (a) inform the responsible person
    - (i) that the child is being provided with a refuge,
    - (ii) by whom the refuge is being provided,
  - (b) notify the responsible person of a telephone number by which the person providing the refuge for the child may be contacted,
  - (c) not disclose to any person the address of the place at which the refuge is provided.
- (8) Where a child ceases to be provided with a refuge, the person who provided him with the refuge shall notify the designated officer.
- (9) No child shall be provided with a refuge in any one place for a continuous period of more than 14 days or for more than 21 days in any period of 3 months.

## Withdrawal of a Certificate

### 4. –

- (1) The Secretary of State may withdraw a certificate at any time–
- (a) where a person providing a refuge fails to comply with a requirement of regulation 3 of these Regulations;
  - (b) where a person providing a refuge in a home fails to comply with any provision of Part II of the Children’s Homes Regulations 1991(2);
  - (c) where a foster parent providing a refuge fails to comply with any provision contained in the agreement relating to him concerning the matters to which paragraphs 3 to 9 of Schedule 2 to the Foster Placement (Children) Regulations 1991(3) apply and any provision contained in the agreement relating to him concerning the matters to which paragraphs 4 to 8 of Schedule 3 to those Regulations apply or with any provision of regulation 11(4) of those Regulations in respect of an emergency placement under those Regulations, or
  - (d) where the person providing a refuge or any person assisting him in that respect has had proceedings instituted against him in relation to, or has been convicted of, any criminal offence.
- (2) Where a certificate is withdrawn the person carrying on the voluntary home or registered children’s home in respect of which, or the foster parent in respect of whom, it was issued shall return it immediately to the Secretary of State.

Signed by authority of the Secretary of State for Health.

30th June 1991

*Virginia Bottomley*  
Minister of State,  
Department of Health

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(2) S.I.1991/1506.  
(3) S.I. 1991/910.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

*(This note does not form part of the Regulations)*

These Regulations make provision in respect of registered children's homes and voluntary homes which are used as refuges and foster parents who provide refuges in accordance with section 51 of the Children Act 1989. Regulation 3 provides for the requirements which are to be complied with while a certificate is in force and regulation 4 makes provision for the withdrawal of certificates by the Secretary of State.