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STATUTORY INSTRUMENTS

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**1991 No. 975**

**CHILDREN AND YOUNG PERSONS**

**Inspection of Premises, Children and Records  
(Independent Schools) Regulations 1991**

<i>Made</i>	- - - -	<i>11th April 1991</i>
<i>Laid before Parliament</i>		<i>18th April 1991</i>
<i>Coming into force</i>	- -	<i>14th October 1991</i>

The Secretary of State for Health, in exercise of the powers conferred by sections 87(6) and 104(4) of the Children Act 1989<sup>(1)</sup> and of all other powers enabling him in that behalf hereby makes the following regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Inspection of Premises, Children and Records (Independent Schools) Regulations 1991 and shall come into force on 14th October 1991.

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

“authorised person” means a person authorised by a local authority under subsection (5) of section 87 of the Children Act 1989 (welfare of children in independent schools) who enters an independent school in exercise of the power conferred by that subsection;

“relevant independent school” means, in relation to an inspection, an independent school which provides accommodation for a child within the area of the local authority which authorised the person carrying out the inspection.

**Inspection of premises**

2. An authorised person may inspect any premises or part of the premises used by any relevant independent school.

**Inspection of children**

3.—(1) Subject to paragraphs (2) and (3) of this regulation an authorised person may carry out an inspection of the children who are accommodated in a relevant independent school either individually or together with other such children in such a school.

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(1) 1989 c. 41.

(2) To the extent that the inspection includes a physical examination of a child the inspection shall be subject to the child's consent to it being given or withheld where the child is of sufficient understanding to give or withhold that consent.

(3) An inspection may not be carried out under paragraph (1) of this regulation in respect of—

- (a) any child of a member of staff at a relevant independent school; or
- (b) any other child living with such a member of staff as a member of his household

unless the child is also attending the school as a pupil.

### **Inspection of records**

4.—(1) An authorised person may carry out an inspection of the records specified in paragraph (2) of this regulation held by—

- (a) the proprietor of any relevant independent school, or
- (b) any person who is not the proprietor of such a school but who is responsible for conducting it

in respect of all the children whom he has power to inspect pursuant to regulation 3 of these Regulations.

(2) The records referred to in paragraph (1) of this regulation are those containing information concerning the state of health, emotional or developmental well-being or welfare of the children in a relevant independent school and include any record containing any of the following—

- (a) the name and address of the person (if any) with parental responsibility for a child in the school,
- (b) details of medical or dental treatment undergone by a child, while he is at school, whether or not administered by a member of staff of the school,
- (c) details of accidents to any child in the school, the death of any child in the school, serious illness or infectious disease suffered by any child at the school, or other significant harm sustained by a child while at the school,
- (d) the names and qualifications of the staff responsible for the welfare of children in the school, including non-teaching and part-time staff and volunteers working at the school, both inside and outside teaching hours,
- (e) details of any cases of a child absconding from the school,
- (f) details of fire practice drills and fire alarm tests at the school,
- (g) details of any complaints made by any person in respect of the state of health, emotional or developmental well-being or welfare of a child in the school,
- (h) details of punishments administered to any child in the school.

Signed by authority of the Secretary of State for Health

11th April 1991

*Virginia Bottomley*  
Minister of State,  
Department of Health

## **EXPLANATORY NOTE**

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

These regulations make provision for inspection by persons authorised by local authorities for the purposes of section 87(5) of the Children Act 1989 (welfare of children in independent schools) of the premises of independent schools, the children in them and records maintained in respect of them. Authorised persons may enter independent schools in exercise of the power conferred by section 87(5) of that Act.