
STATUTORY INSTRUMENTS

1993 No. 3069

CHILDREN AND YOUNG PERSONS

The Children (Homes, Arrangements for Placement, Reviews and Representations) (Miscellaneous Amendments) Regulations 1993

Made - - - - *8th December 1993*
Laid before Parliament *9th December 1993*
Coming into force - - *1st January 1994*

The Secretary of State for Health, in exercise of the powers conferred by sections 24(15)(1), 26(1), (2), (5) and (6), 59(3), (4) and (5), 60(3)(f), 62(3), 63(3)(b), 64(4) and 104(4) of, and paragraph 4(1) and (2) of Schedule 4, paragraph 7(1) and (2) of Schedule 5, paragraph 10(1) and (2) of Schedule 6 to the Children Act 1989(2) and of all other powers enabling her in that behalf hereby makes the following Regulations:

Citation and commencement.

1. These Regulations may be cited as the Children (Homes, Arrangements for Placement, Reviews and Representations) (Miscellaneous Amendments) Regulations 1993 and shall come into force on 1st January 1994. Amendment of the Children’s Homes Regulations 1991

2.—(1) The Children’s Homes Regulations 1991(3) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation) after the definition of “person in charge” there shall be inserted the following definition—

““qualifying school” means an independent school which is a children’s home within the meaning of section 63(6) of the Act(4);”.

(3) In regulation 3 (application of regulations)—

(a) in paragraph (1) for the words “paragraph (2)” there shall be substituted the words “paragraphs (2) and (3)”;.

(1) Section 24(15) was inserted by paragraph 13 of Schedule 16 to the Courts and Legal Services Act 1990 (c. 41).
(2) 1989 c. 41.
(3) S.I.1991/1506.
(4) Section 63(6) was substituted by section 292 of the Education Act 1993 (c. 35).

(b) in paragraph (2) after the words “premises used” there shall be inserted the words “by a local authority”;

(c) after paragraph (2) there shall be inserted the following paragraph—

“(3) The following provisions of these Regulations shall not apply to qualifying schools—

- (a) regulation 10 (employment and education of older children);
- (b) regulation 13 (purchase of clothes);
- (c) regulation 15 (confidential records relating to children in children’s homes);
- (d) regulation 17 (other records relating to children in children’s homes);
- (e) regulation 19 (notification of significant events);
- (f) in regulation 20 (absence of a child without authority) paragraph (2);
- (g) regulation 32 (circumstances necessitating visits by local authorities);
- (h) regulation 33 (further visits); and
- (i) regulation 34 (requirements for visits).”.

(4) In Part I, after regulation 3 (application of regulations) there shall be inserted the following regulation—

“Exemptions from registration and regulation as voluntary home or children’s home

3A. The following homes are exempted from the definitions of “voluntary home” in section 60(3) of the Act and “children’s home” in section 63(3) of the Act—

- (a) any home used only to accommodate children for the purpose of a holiday for periods of less than 28 days at a time in the case of any one child;
- (b) an approved probation hostel and an approved bail hostel as defined in section 57(1) of the Powers of Criminal Courts Act 1973⁽⁵⁾;
- (c) a hostel run by or on behalf of a professional football club to provide care and accommodation exclusively for professional footballers or trainee professional footballers who are under the age of 18;
- (d) an institution within the further education sector within the meaning of the Further and Higher Education Act 1992⁽⁶⁾.”.

(5) In regulation 5(1) (staffing of children’s homes) for the words “ensure that the number of staff” there shall be substituted the words “ensure that, so far as is reasonably practicable, the number of staff”.

(6) In regulation 6(1) (accommodation for individual children) after the words “each child” there shall be inserted the word “accommodated”.

(7) In regulation 7 (accommodation-general provisions)—

(a) in paragraph (3) for the words “The responsible authority” there shall be substituted the words “Subject to paragraph (3A), the responsible authority”;

(b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) In the case of a home in respect of which a certificate under section 51 of the Act is in force the facilities for meeting privately the persons listed in paragraph (3) may be at a different address.”; and

(c) in paragraph (5) the word “pay” shall be omitted.

⁽⁵⁾ 1973 c. 62; section 57(1) was amended by the Criminal Law Act 1977 (c. 45), section 65(4) and (5) and Schedules 12 and 13.

⁽⁶⁾ 1992 c. 13. See Ch. II.

(8) In regulation 8 (control and discipline)—

- (a) in paragraph (1) after the words “shall be used” there shall be inserted the words “on children accommodated”; and
- (b) in paragraph (2) after the words “shall not be used” there shall be inserted the words “on children accommodated”.

(9) In regulation 9(2) (storage of medicinal products) for the words “or registered medical practitioner” there shall be substituted the words “, registered medical practitioner or registered dental practitioner”.

(10) In regulation 14(2) (fire precautions) sub-paragraphs (a) to (e) shall be omitted and after the words “in respect of the home” there shall be inserted the words “a fire certificate has been obtained in accordance with section 5 of the Fire Precautions Act 1971(7).”.

(11) In regulation 22(2) (accountability and visiting on behalf of responsible authority) after the words “one of their number” there shall be inserted the words “, or an employee of that body who is not directly concerned with the conduct of the home,”.

Amendment of the Arrangements for Placement of Children (General) Regulations 1991

3. For regulation 2 of the Arrangements for Placement of Children (General) Regulations 1991(8) (application of regulations) there shall be substituted the following regulation—

“Application of Regulations

2.—(1) Subject to paragraph (2), these Regulations apply to placements—

- (a) by a local authority of any child;
- (b) by a voluntary organisation of a child who is not looked after by a local authority;
- (c) in a registered children’s home of a child who is neither looked after by a local authority nor accommodated in such a home by a voluntary organisation, by a person carrying on the home.

(2) These Regulations shall not apply to placements of a child, otherwise than by a local authority or voluntary organisation—

- (a) in an independent school which is a children’s home within the meaning of section 63(6) of the Act; or
- (b) in a special school (as defined in section 182 of the Education Act 1993(9)) which is not maintained by a local education authority, or otherwise out of public funds.”.

Amendment of the Review of Children’s Cases Regulations 1991

4. After regulation 11 of the Review of Children’s Cases Regulations(10) (application of regulations to short periods) there shall be inserted the following regulation—

“Exceptions to application of Regulations

12. These Regulations shall not apply in the case of a child who is being provided with accommodation, otherwise than on behalf of a local authority or voluntary organisation—

(7) 1971 c. 40.
(8) S.I. 1991/890.
(9) 1993 c. 35.
(10) S.I. 1991/895.

- (a) in an independent school which is a children's home within the meaning of section 63(6) of the Act; or
- (b) in a special school (as defined in section 182 of the Education Act 1993⁽⁹⁾) which is not maintained by a local education authority, or otherwise out of public funds.”.

Amendment of the Representations Procedure (Children) Regulations 1991

5. After regulation 11 (application to voluntary organisations and registered children's homes) of the Representations Procedure (Children) Regulations 1991⁽¹¹⁾ there shall be inserted the following regulation—

“Exceptions to application of Regulations

11A. These Regulations shall not apply to representations made by a child or a person in respect of a child who is being provided with accommodation, otherwise than by a local authority or voluntary organisation—

- (a) in an independent school which is a children's home within the meaning of section 63(6) of the Act; or
- (b) in a special school (as defined in section 182 of the Education Act 1993⁽¹²⁾) which is not maintained by a local education authority, or otherwise out of public funds.”.

Signed by authority of the Secretary of State for Health

Department of Health
8th December 1993

John Bowis
Parliamentary Under-Secretary of State,

⁽⁹⁾ 1993 c. 35.
⁽¹¹⁾ S.I. 1991/894.
⁽¹²⁾ 1993 c. 35.

EXPLANATORY NOTE

(This note is not part of the Regulation)

These Regulations amend the Children’s Home Regulations 1991 (“the principal Regulations”) and make minor amendments to certain other Regulations. Regulation 2(1), (2) and (3) amends the principal Regulations so as to provide that certain regulations of the principal Regulations will not apply to independent schools which are children’s homes within the meaning of section 63 of the Children Act 1989 as amended by section 292 of the Education Act 1993.

Regulation 3(4) exempts from the definitions of “voluntary home” and “children’s home” in the Children Act 1989 so as to remove the requirement to register premises used only for the purpose of providing holiday accommodation, or as approved probation hostels and approved bail hostels, or as hostels run by football clubs for professional footballers or trainee professional footballers who are under the age of 18, or as colleges of further education. Other minor amendments are made to the principal Regulations (regulation 3(5) to (12)).

Regulations 3, 4 and 5 make minor amendments to the Arrangements for Placement of Children (General) Regulations 1991, the Review of Children’s Cases Regulations 1991 and the Representations Procedure (Children) Regulations 1991 respectively so as to disapply these Regulations in the case of placements, otherwise than by a local authority or voluntary organisation, in those independent schools that are children’s homes and in special schools (which are not maintained out of public funds).