

Statutory Document No. 2002/0872

*Children and Young Persons Act 2001***CHILDREN'S HOMES REGULATIONS 2002¹***Approved by Tynwald: 22 January 2003**Coming into Operation: 1 February 2003*

In exercise of the powers conferred on the Department of Health and Social Security by section 28 and 53 of the Children and Young Persons Act 2001¹, and of all other enabling powers, the following Regulations are hereby made:-

*Introductory***1 Citation, commencement and interpretation**

- (1) These Regulations may be cited as the Children's Homes Regulations 2002 and, subject to section 104(2) of the Act, shall come into operation on the 1st February 2003.
- (2) In these Regulations –
- “**the Act**” means the Children and Young Persons Act 2001;
- “**the authority**”, in relation to a children's home, means the person by whom the home is carried on;
- “**the Department**” means the Department of Health and Social Security;
- “**medicinal product**” has the same meaning as in the Medicines Act 1976²;
- “**person in charge**”, in relation to a children's home, means the person appointed to be in charge of it by the authority;
- “**placement plan**”, in relation to a child, means a plan prepared with respect to him in accordance with regulation 6;
- “**registered dentist**” has the same meaning as in the Dental Act 1985³;
- “**responsible person**”, in relation to a child accommodated at a children's home, means any of the following –
- (i) his parents;

¹ 2001 c.20² 1976 c.22³ 1985 c.29

- (ii) any person who is not his parent but has parental responsibility for him;
- (iii) any advocate acting for him or appointed to represent him under section 96 of the Act (including any person authorised by the advocate to visit him);
- (iv) any social worker for the time being assigned to him by the Department;
- (v) any person appointed as a visitor for him under paragraph 3 of Schedule 2 to the Act;
- (vi) any person authorised to inspect the home pursuant to section 55(2)(a) of the Act;
- (vii) any person authorised to visit the child pursuant to section 55(2)(b) of the Act;
- (viii) (viii) any guardian ad litem of the child appointed by the High Court (including a guardian *ad litem* appointed under the Adoption Rules 1985⁴).

2 Application of Regulations

These Regulations do not apply to a children's 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.

Staff

3 Qualifications and criminal records

- (1) The authority shall ensure that, so far as reasonably practicable, the number of staff of each children's home and their experience and qualifications are adequate to ensure that the welfare of the children accommodated there is safeguarded and promoted at all times.
- (2) The authority shall, where practicable, obtain information about previous criminal convictions before employing or engaging the services of a person in a children's home in a position which involves substantial and unsupervised access to children on a sustained or regular basis.

4 Fitness

- (1) The authority shall not –
 - (a) employ a person to work at a children's home, or
 - (b) allow a person to whom paragraph (2) applies to work at a children's home,

⁴ GC 195/85

unless that person is fit to work at a children's home.

- (2) This paragraph applies to any person who is employed by a person other than the authority to work at the children's home in a position in which he may in the course of his duties have regular contact with children accommodated there.
- (3) For the purposes of paragraph (1), a person is not fit to work at a children's home unless –
 - (a) he is of integrity and good character;
 - (b) he has the qualifications, skill and experience necessary for the work he is to perform;
 - (c) he is physically and mentally fit for the purposes of the work he is to perform; and
 - (d) full and satisfactory information is available in relation to him in respect of the matters set out in Schedule 1.
- (4) The authority shall ensure that –
 - (a) any offer of employment to a person is subject to paragraph (3)(d) being complied with in relation to that person; and
 - (b) unless paragraph (5) applies, no person starts work at a children's home until such time as paragraph (3)(d) has been complied with in relation to him.
- (5) The authority may permit a person to start work at a children's home notwithstanding paragraph (4)(b) where –
 - (a) the authority has taken all reasonable steps to obtain full information in respect of each of the matters listed in Schedule 1 in respect of that person, but the enquiries in relation to any of the matters specified in paragraphs 3 to 6 of Schedule 1 are incomplete;
 - (b) full and satisfactory information in respect of that person has been obtained in relation to the matters specified in paragraphs 2 and 8 of Schedule 1;
 - (c) the authority considers that the circumstances are exceptional; and
 - (d) pending receipt of, and satisfying himself with regard to, any outstanding information, the authority ensures that the person is appropriately supervised while carrying out his duties.
- (6) The authority shall take reasonable steps to ensure that any person working at the children's home who is not employed by him and to whom paragraph (2) does not apply is appropriately supervised while carrying out his duties.

5 Conditions of employment

- (1) References in this regulation to an employee are to a person employed by the authority to work at a children's home.

- (2) The authority shall –
 - (a) ensure that any appointment of an employee is subject to the satisfactory completion of a period of probation; and
 - (b) provide every employee with a job description outlining his responsibilities.
- (3) The authority shall operate a disciplinary procedure which provides in particular –
 - (a) for the suspension of an employee where necessary in the interests of the safety or welfare of children accommodated in the home; and
 - (b) that the failure on the part of an employee to report an incident of abuse, or suspected abuse, of a child accommodated in the home to an appropriate person is a ground on which disciplinary proceedings may be instituted.
- (4) For the purposes of paragraph (2)(b) an appropriate person is –
 - (a) the authority,
 - (b) an officer of the Department, or
 - (c) a constable.
- (5) The authority shall ensure that all employees –
 - (a) receive appropriate training, supervision and appraisal; and
 - (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

Placement of children in children's home

6 Child's placement plan

- (1) The Department shall –
 - (a) before accommodation is provided for a child in a children's home, or
 - (b) if that is not reasonably practicable, as soon as possible thereafter, prepare, in consultation with the authority, a written plan (a "placement plan") for the child.
- (2) A placement plan shall set out in particular –
 - (a) how, on a day-to-day basis, the child will be cared for and his welfare safeguarded and promoted by the home;
 - (b) the arrangements made for his health care and education; and
 - (c) any arrangements made for contact with his parents, relatives and friends.
- (3) The Department shall keep under review and revise the placement plan as necessary.

- (4) In preparing or reviewing the placement plan the Department shall, so far as practicable having regard to the child's age and understanding, seek and take account of his views.
- (5) The authority shall so far as is reasonably practicable comply with any request made by the Department –
 - (a) to provide it with information relating to the child; and
 - (b) provide a suitable representative to attend any meetings the Department may hold concerning the child.

Contact etc.

7 Contact and access to communications

- (1) Subject to paragraphs (4) and (6), the authority shall, in relation to every child accommodated at a children's home, -
 - (a) promote the contact of the child with his parents, relatives and friends in accordance with the arrangements set out in his placement plan; and
 - (b) provide suitable facilities within the home for him to meet privately at any reasonable time with –
 - (i) any responsible person; and
 - (ii) any relative or friend of his.
- (2) Subject to paragraphs (4) and (6), the authority shall ensure that a telephone and (if the necessary facilities are available in the home) electronic mail are available for children accommodated in the home in conditions such that they may make and receive communications in private.
- (3) The authority shall ensure that any disabled child accommodated in the home is provided with access to such aids and equipment which he may require as a result of his disability in order to facilitate his communication with others.
- (4) Subject to paragraphs (5) and (7), the authority may impose such restriction, prohibition or condition upon –
 - (a) a child's contact under paragraph (1) with any parent, relative or friend of his; or
 - (b) his access to communications under paragraph (2),which it is satisfied is necessary for the purpose of safeguarding or promoting his welfare.
- (5) No measure may be imposed by the authority under paragraph (4) in relation to a child who is being looked after by the Department unless –
 - (a) the Department consents to the imposition of the measure; or

- (b) the measure is imposed in an emergency, and full details are given to the Department within 24 hours of its imposition.
- (6) This regulation is subject to the provisions of any order of a court of competent jurisdiction providing for or regulating contact between the child and any person.

Child protection

8 Arrangements for the protection of children

- (1) The authority shall prepare and implement a written policy in relation to every children's home –
 - (a) for the purpose of safeguarding children accommodated in the children's home from abuse or neglect; and
 - (b) setting out the procedure for dealing with any allegation of abuse or neglect.
- (2) The procedure referred to in paragraph (1)(b) shall in particular provide for –
 - (a) liaison and co-operation with the Department in relation to a child protection enquiry relating to any child accommodated in the home;
 - (b) notification (in accordance with regulation 26) of the instigation and outcome of any such enquiry;
 - (c) the prompt referral to the Department of any allegation of abuse or neglect affecting any child accommodated in the home;
 - (d) the keeping of written records of any such allegation, and of the action taken in response to it;
 - (e) consideration to be given to the measures which may be necessary to protect children in the home following such an allegation;
 - (f) a requirement for persons working at the home to report any concerns about the welfare or safety of a child accommodated there to one of the following –
 - (i) the authority;
 - (ii) a constable;
 - (iii) an officer of the Department;
 - (g) the making of arrangements for –
 - (i) any person working at the home, and
 - (ii) any child accommodated there,to have access at all times and in an appropriate form to information enabling him to contact the Department concerning the welfare or safety of any such child.

- (3) In this regulation “child protection enquiry” means any enquiry carried out by the Department under section 46(1) or (2) of the Act, or in the exercise of its functions under section 23(1) of the Act.
- (4) The authority shall prepare and implement written policies in relation to every children's home –
 - (a) for the prevention of bullying in the home, and setting out the procedure for dealing with an allegation of bullying; and
 - (b) setting out the procedure to be followed when any child accommodated in the home is absent without permission.

9 Use of surveillance

- (1) Subject to any requirements for electronic monitoring imposed by a court of competent jurisdiction, the authority shall ensure that electronic or mechanical monitoring devices for the surveillance of children are not used in a children's home, except –
 - (a) for the purpose of safeguarding and promoting the welfare of the child or other children accommodated in the home, and
 - (b) where the following conditions are met –
 - (i) it is provided for in the child's placement plan,
 - (ii) so far as is practicable in the light of his age and understanding, the child is informed in advance of the intention to use the device;
 - (iii) the device is no more restrictive than necessary, having regard to the child's need for privacy.
- (2) Without prejudice to paragraph (1), the authority shall ensure that devices referred to in that paragraph are not used without the Department's consent in the case of a child being looked after by the Department.

10 Complaints and representations

- (1) The authority shall, in relation to every children's home, establish a written procedure for considering complaints made by or on behalf of children accommodated in the home.
- (2) The procedure shall in particular provide –
 - (a) for an opportunity for informal resolution of the complaint at an early stage;
 - (b) that no person who is the subject of a complaint takes any part in its consideration other than, if the authority considers it appropriate, at the stage referred to in sub-paragraph (a);
 - (c) for dealing with complaints about the authority;
 - (d) for complaints to be made by a person acting, on behalf of a child;

- (e) for arrangements for the procedure to be made known to –
 - (i) any child accommodated in the home;
 - (ii) the Department;
 - (iii) any responsible person; and
 - (iv) any person working in the home.
- (3) A copy of the procedure shall be supplied on request to any of the persons mentioned in paragraph 2(e).
- (4) The copy of the procedure supplied under paragraph (3) shall include –
 - (a) the name, address and telephone number of the Department; and
 - (b) details of the procedure (if any) which has been notified to the authority by the Department for the making of complaints to it relating to the home.
- (5) The authority shall ensure that a written record is made of –
 - (a) any complaint,
 - (b) the action taken in response to it, and
 - (c) the outcome of any investigation.

Accommodation

11 Accommodation for children

The authority shall ensure that, so far as is reasonably practicable, each child accommodated in a children's home is provided with an area within the home which is suitable for his needs and is equipped with –

- (a) furniture, bedding and furnishings appropriate to his needs; and
- (b) if he is disabled, what is reasonably necessary in order to meet his needs arising from his disability so as to enable him to live as normal a life as possible.

12 Accommodation: general

- (1) The authority shall ensure that there is provided within a children's home for the use of children accommodated there –
 - (a) a sufficient number of wash basins, baths and showers supplied with hot and cold running water; and
 - (b) a sufficient number of lavatories for the number of children accommodated.
- (2) The authority shall ensure that all parts of the home used by children accommodated are –
 - (a) adequately lit, heated and ventilated;

- (b) kept in good structural repair, clean and reasonably decorated and maintained for the purpose of accommodating children.
- (3) The authority shall ensure that there are provided in the children's home adequate facilities –
 - (a) for laundering linen and clothing used by children accommodated there, and
 - (b) for children wishing to do so to wash, dry and iron their own clothes.

Control and discipline

13 Control and discipline

- (1) No measure of control, restraint or discipline which is excessive or unreasonable shall be used at any time on children accommodated in a children's home.
- (2) The authority shall prepare, implement, keep under review and where appropriate revise a written policy (“a behaviour management policy”) in relation to a children's home, setting out –
 - (a) the measures of control, restraint and discipline which may be used in the home; and
 - (b) the means whereby good behaviour is to be promoted in the home
- (3) The authority shall send a copy of the behaviour management policy to the Department within 28 days after it has been prepared or revised.
- (4) Without prejudice to paragraph (1) but subject to paragraph (5), the following measures shall not be used on a child accommodated in a children's home –
 - (a) any form of corporal punishment;
 - (b) any deprivation of food or drink;
 - (c) any restriction, other than one imposed by a court or under regulation 7(4), on visits to or by any child or any restriction on or delay in communications by telephone or post with –
 - (i) any responsible person; or
 - (ii) any telephone service line providing counselling for children;
 - (d) any requirement that a child wear distinctive or inappropriate clothes;
 - (e) the use or withholding of medication or medical or dental treatment;
 - (f) the intentional deprivation of sleep;

- (g) the imposition of fines (except a reasonable sum by way of reparation);
 - (h) any intimate physical examination of the child;
 - (i) the withholding of any aids or equipment needed by a disabled child;
 - (j) any measure imposed by another child;
 - (k) any punishment of a group of children for the behaviour of an individual child.
- (5) Nothing in this regulation prohibits –
- (a) the taking of any action by, or in accordance with the instructions of, a registered medical practitioner or registered dentist which is necessary to protect the health of a child;
 - (b) the taking of any action immediately necessary to prevent injury to any person or serious damage to property;
 - (c) the imposition of a requirement that a child wear distinctive clothing, for purposes connected with his education or with any organisation whose members customarily wear uniform in connection with its activities;
 - (d) the imposition by the authority or the person in charge of the home, having obtained a court order where necessary, of any prohibition, restriction or condition upon contact between the child and any person, if the authority or the person in charge of the home is satisfied that the prohibition, restriction or condition is necessary to protect or promote the welfare of the child.
- (6) A person authorised for the purpose by the authority shall, within 24 hours after any disciplinary measure is taken with respect to a child, make and sign a written record of –
- (a) the name of the child;
 - (b) a description of the measure;
 - (c) when and where it was taken and, in the case of any form of restraint, for how long;
 - (d) the reason why it was taken, including details of behaviour leading to the measure;
 - (e) the person by whom it was taken and (where appropriate) the names of any other persons present; and
 - (g) the effectiveness and any consequences of the measure.

*Miscellaneous***14 Storage of medicinal products**

- (1) Subject to paragraph (3), the authority shall ensure that any medicinal product which is kept in a children's home shall be stored in a secure place so as to prevent any child accommodated there having access to it otherwise than under the supervision of a member of the staff of the home.
- (2) Subject to paragraph (3), the person in charge of a children's home shall ensure that no medicinal product shall be administered to a child otherwise than by a member of the staff of the children's home, a registered nurse, registered medical practitioner or registered dentist.
- (3) Paragraphs (1) and (2) do not apply to a medicinal product which –
 - (a) is stored by the child for whom it is provided in such a way that others are prevented from using it; and
 - (b) may safely be self-administered by that child.

15 Education, employment and leisure activity

- (1) The authority shall promote the educational attainment of a child accommodated in a children's home, in particular by ensuring that –
 - (a) he makes use of educational facilities appropriate to his age, aptitude, needs, interests and potential;
 - (b) the routine of the home is organised so as to further children's participation in education, including private study; and
 - (c) effective links are maintained with any schools attended by children accommodated in the home.
- (2) The authority shall ensure that children accommodated in the home are –
 - (a) encouraged to develop and pursue appropriate leisure interests; and
 - (b) provided with appropriate leisure facilities and activities;
- (3) Where any child accommodated in a children's home has attained the upper limit of compulsory school age, the authority shall assist with the making of, and give effect to, the arrangements made for him in respect of his education, training and employment.

16 Religious observance

The authority shall ensure that each child accommodated in a children's home is enabled, so far as practicable, to attend the services of, to receive instruction in, and to observe any requirement (whether as to dress, diet or otherwise) of, the religious persuasion to which he belongs.

17 Food provided for children and cooking facilities

- (1) The authority shall ensure that each child accommodated in a children's home is provided with food, in adequate quantities for his needs, which is properly prepared, wholesome and nutritious.
- (2) So far as is practicable the authority shall ensure that at each main meal there is a choice for each course.
- (3) The authority shall ensure that any special dietary need of a child accommodated in the home, which is due to his health, religious persuasion, racial origin or cultural background, is met.
- (4) The authority shall provide within a home –
 - (a) suitable and sufficient catering equipment, crockery and cutlery to provide for the needs of children accommodated in the home;
 - (b) proper facilities for the refrigeration and storage of food; and
 - (c) so far as is practicable, adequate facilities for children to prepare their own food if they so wish.

18 Purchase of clothes and pocket money

- (1) So far as is practicable the authority shall enable a child accommodated in a children's home to buy clothes according to his needs.
- (2) Where a child accommodated in the home does not wish, or is not able, to buy his own clothes, the authority shall buy clothes for him to meet his needs.
- (3) The authority shall provide children accommodated in the home with such sums of money in respect of their occasional personal expenses as is appropriate to their age and understanding.

19 Fire precautions

- (1) The authority shall ensure, before any child is accommodated in a children's home and at all times when children are accommodated, that the Department of Home Affairs is notified in writing of the following particulars –
 - (a) the location of the home;
 - (b) the number of children accommodated or to be accommodated there;
 - (c) the minimum and maximum age of children accommodated or to be accommodated there;
 - (d) whether children suffering from any impairment of movement or intellect are accommodated or are to be accommodated there and, if so, the nature of the impairment.
- (2) The authority shall ensure that in respect of the home –

- (a) precautions are taken against the risk of fire,
 - (b) means of escape in the event of fire are provided,
 - (c) arrangements are made for detecting, containing and extinguishing fire,
 - (d) arrangements are made for warning of an outbreak of fire and for evacuation in the event of fire,
 - (e) means for fire fighting are provided which are such as may reasonably be required in respect of that home.
- (3) The authority shall ensure that arrangements are made so that the staff of and, so far as is practicable, the children accommodated in the home are aware of the procedure to be followed in the event of fire at the home.
 - (4) The arrangements referred to in paragraph (3), in so far as they relate to staff, shall include practices of the evacuation procedure for the home and the techniques of resuscitation and the saving of life.
 - (5) The authority shall make arrangements to ensure that any outbreak of fire requiring an evacuation of children accommodated in the home from it or any part of it is notified to the authority immediately.

20 Health needs of children

- (1) The authority shall promote and protect the health of the children in a children's home which, inter alia, includes access to medical, dental, nursing, psychological and psychiatric advice, treatment and other services as he may require.
- (2) In particular the authority shall ensure that –
 - (a) each child is registered, in accordance with regulations under the National Health Service Act 2001⁵, with a registered medical practitioner providing general medical services under Part 2 of that Act;
 - (b) each child is provided with such individual support, aids and equipment as he may require as a result of any particular health needs or disability he may have;
 - (c) each child is provided with guidance, support and advice on health and personal care issues appropriate to his needs and wishes;
 - (d) at all times at least one person on duty at the children's home has a suitable first-aid qualification.

21 Hazards and safety

- (1) The authority shall ensure that, in relation to a children's home, -

⁵ 2001 c.14

- (a) all parts of the home to which children have access are, so far as reasonably practicable, free from hazards to their safety;
 - (b) any activities in which children participate are so far as reasonably practicable free from avoidable risks;
 - (c) unnecessary risks to the health or safety of children accommodated in the home are identified and, so far as possible, eliminated;
- (2) The authority shall make suitable arrangements for persons working at a children's home to be trained in first aid.

Administration

22 Confidential records with respect to children

- (1) The authority shall arrange that there shall be kept for each children's home a record in permanent form with respect to each child who is accommodated there, which shall so far as practicable include the information specified in Schedule 2.
- (2) The record mentioned in paragraph (1) shall be kept securely and treated as confidential to the authority and the Department subject only to —
 - (a) any statutory provision under which access may be obtained or given to records and information concerning a child;
 - (b) any order of a court of competent jurisdiction in respect of access to records and information concerning a child.
- (3) The records mentioned in paragraph (1) shall be retained for at least 75 years from the date of birth of the child to whom they relate or, if the child dies before attaining the age of 18, for a period of 15 years from the date of his death.

23 Access by representative to records etc.

The authority shall provide any advocate acting for a child accommodated in a children's home or appointed to represent him under section 96 of the Act (including, any person authorised by the advocate to visit the child) with —

- (a) such access as may be required to any record kept under these Regulations so far as they relate to the child;
 - (b) the information from such records held in whatever form (such as by means of computer); and
 - (c) such copies of the records,
- as he may require.

24 Other records to be kept

- (1) The authority shall keep for each children's home the records specified in Schedule 3 and shall ensure that the details are kept up to date.

- (2) The records referred to in paragraph (1) shall be retained for at least 15 years, except for records of menus which need be kept only for one year.

25 Regulations and guidance

A copy of these Regulations and of any relevant guidance issued by the Department in relation to these Regulations shall be kept in every children's home and made available when required to —

- (a) every person who works at the home;
- (b) every child accommodated in the home; and
- (c) any person who, in relation to any such child, is a responsible person.

26 Notification of significant events

- (1) So far as reasonably practicable, the authority shall forthwith notify each of the persons mentioned in paragraph (2) of any of the following events at a children's home —
- (a) the death of a child accommodated at the home;
 - (b) any conduct on the part of a member of staff of the home which is or may be such, in the opinion of the authority, that he is not, or as the case may be would not be, a suitable person to be employed in work involving children;
 - (c) the suffering of serious harm by a child accommodated at the home;
 - (d) any serious accident involving such a child;
 - (e) any serious illness of such a child;
 - (f) any allegation that such a child has committed a serious offence;
 - (g) any involvement or suspected involvement of such a child in prostitution;
 - (h) a serious incident necessitating, calling the police to the home;
 - (i) any absconding by a child accommodated at the home;
 - (j) the outbreak in the home of any notifiable disease (within the meaning, of Part 11 of the Public Health Act 1990⁶).
- (2) The persons to be notified under paragraph (1) are —
- (a) in any event, the Department;
 - (b) in the events mentioned in paragraph (1)(a), (c), (d), (e), (f), (g) or (i) —
 - (i) the parents of the child concerned,

⁶ 1990 c.10

- (ii) any person who is not a parent of the child but who has parental responsibility for him, and
 - (iii) any other person who has undertaken to meet any fees or expenses incurred in accommodating the child at the home;
 - (c) in the events mentioned in paragraph (1)(b), (h) or (j), the persons mentioned in sub-paragraph (b) in relation to every child accommodated in the home;
 - (d) in the event mentioned in paragraph (1)(c), a constable.
- (3) Any notification given with respect to the death of a child shall give such detail as to the circumstances as is known to the authority.

27 Absence of a child without permission

- (1) The authority shall, in relation to every children's home, establish a written procedure to be followed when any child accommodated in a children's home is absent without permission.
- (2) The authority shall ensure that the procedure mentioned in paragraph (1) is drawn to the attention of the children accommodated in the home and the staff of, and others working in, the home.

28 Change of person in charge

The authority shall, wherever practicable, give at least one month's prior notice in writing to the Department of any proposal to change the person in charge of a children's home, giving the particulars mentioned in Schedule 4.

29 Penalties

- (1) If any requirement of these Regulations (except a requirement of regulation 6, 7(5) or 9(2)) is contravened in relation to any children's home, each of the following —
 - (a) the authority,
 - (b) the person in charge of the home, and
 - (c) where the requirement is imposed on any other person, that person,is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.
- (2) In any proceedings against a person mentioned in paragraph (1)(a) or (b) for an offence under this regulation, it shall be a defence for that person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

MADE

20 DECEMBER 2002

SCHEDULE 1

Regulation 4(3)(d)

INFORMATION WHICH IS REQUIRED AS TO PROPOSED WORKER AT CHILDREN'S HOME

- (1) Name, date of birth, address and telephone number (if any).
- (2) Proof of identity including a recent photograph.
- (3) Experience (if any) and documentary evidence of any relevant qualifications held by the proposed worker which are relevant to his suitability.
- (4) A full employment history, including addresses, together with a satisfactory written explanation of any gaps in employment.
- (5) Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, verification (so far as reasonably practicable) of the reason why the employment or position ended.
- (6) Names and addresses of 2 persons who are willing and able to give a reference as to the suitability of the proposed worker.
- (7) A report (where the authority considers it necessary) by a registered medical practitioner as to the physical and mental health of the proposed worker.
- (8) A check of previous convictions from the police showing the person not to have been convicted of a criminal offence.

SCHEDULE 2

Regulation 22(1)

**INFORMATION TO BE INCLUDED IN CONFIDENTIAL RECORDS
CONCERNING CHILDREN IN CHILDREN'S HOMES**

1. The child's name and any name by which the child has previously been known (other than a name used by the child before adoption).
2. The child's sex and date of birth.
3. The child's religious persuasion, if any.
4. A description of the child's racial origin, cultural and linguistic background.
5. Where the child came from before he was accommodated in the home.
6. The person by whose authority the child is provided with accommodation in the home, and the statutory provision under which he is so provided.
7. The name, address and telephone number and the religious persuasion, if any, of —
 - (a) the child's parents; and
 - (b) any person who is not a parent of the child but who has parental responsibility for him.
8. The name, address and telephone number of any social worker for the time being assigned to the child by the Department or by the authority.
9. The date and circumstances of any absence of the child from the home including whether the absence was authorised and where the child went during the period of absence.
10. The date and circumstances of any visit to the child whilst in the home by any responsible person
11. A copy of any information relating to identified special educational needs.
12. The name and address of any school or college attended by the child, and of any employer of the child.
13. Every school report received by the child while accommodated in the home.
14. The date and circumstances of any disciplinary measures imposed on the child.
15. Any special dietary or health needs of the child.
16. Arrangements for, including any restrictions on, contact between the child and —
 - (a) his parents;

- (b) any person who is not a parent of his but who has parental responsibility for him;
 - (c) any other person.
- 17. A copy of —
 - (a) the placement plan; and
 - (b) any plan for the care of the child prepared by the Department.
- 18. The date and result of any review of the child's case.
- 19. The name and address of the medical practitioner with whom the child is registered
- 20. Details of any accident involving the child.
- 21. Details of any immunisation, illness, allergy, or medical examination of the child and of any medical or dental need of the child.
- 22. Details of any health examination or developmental test conducted with respect to the child at or in connection with his school.
- 23. Details of all medical products taken by the child while in the home and by whom they were administered, including those which the child was permitted to administer to himself.
- 24. The date on which any money or valuables are deposited by or on behalf of a child for safekeeping, and the date on which such money is withdrawn, and the date on which any valuables are returned.
- 25. Where the child goes to when he ceases to be accommodated in the home.

SCHEDULE 3

Regulation 24(1)

OTHER RECORDS WITH RESPECT TO CHILDREN IN CHILDREN'S HOMES

1. A record showing –
 - (a) the date on which each child was first accommodated in the children's home;
 - (b) the date on which any child ceased to be accommodated in the children's home;
 - (c) where each child came from before he was accommodated in the children's home;
 - (d) where each child who has ceased to be accommodated went when he left the children's home;
 - (e) the identity of the person, authority or organisation responsible for the child being placed in the children's home;
 - (f) what child (if any) accommodated in the children's home was being looked after by the Department or by any other authority or organisation and under what legal authority.

2. A record showing –
 - (a) the full name;
 - (b) the sex;
 - (c) the date of birth; and
 - (d) the qualifications relevant to. and experience of work involving children.

of every person who has substantial unsupervised access to children residing in the home and –

- (i) is employed at the children's home,
- (ii) works at the home, Or
- (iii) is intended by the authority to work at the home.

showing whether that person works at the home full-time or part-time (whether paid or not), and if part-time the average number of hours worked per week. and whether or not he resides at the home or is intended to do so.

3. A record of all those persons resident at the children's home, other than the persons mentioned in paragraph 2 and children accommodated in the home.
4. A record of accidents occurring in the home.
5. A record of any medicinal product administered to any child in the home. including the date and circumstances of its administration and by whom

it was administered including medicinal products which the child is permitted to administer to himself.

6. A record of every fire drill or fire alarm test conducted, with details of any deficiency in either the procedure or the equipment concerned, together with details of the steps taken to remedy that deficiency.
7. A record of all money deposited by or on behalf of a child for safekeeping, together with the date on which that money was withdrawn, or the date of its return.
8. A record of all valuables deposited by or on behalf of a child and the date of their return.
9. Records of all accounts kept in the children's home.
10. A record of menus.
11. A record of every disciplinary measure imposed, giving the information required by regulation 13.
12. Records of duty rosters.
13. A daily log of events occurring in the home, including the names of visitors to any child accommodated in the home.

SCHEDULE 4

Regulation 28

PARTICULARS OF CHANGE OF PERSON IN CHARGE OF CHILDREN'S HOME

1. The name, date of birth, address and telephone number of the applicant.
2. Proof of identity including a recent photograph.
3. The experience (if any) and documentary evidence of any relevant qualifications held by the applicant which are relevant to his suitability to carry on the home.
4. A full employment history. including addresses, together with a satisfactory written explanation of an gaps in employment.
5. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults. so far as reasonably practicable verification of the reason why the employment or position ended.
6. The names and addresses of 2 persons. in addition to those referred to in paragraph 4. who are willing and able to give a reference as to the suitability of the applicant to carry on a children's home.
7. A report (where the Department consider it necessary) by a registered medical practitioner as to the physical and mental health of the applicant.
8. A check of previous convictions from the police showing the person not to have been convicted of a criminal offence.

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.