

Legal Notice No. 5 of 2010

ST.HELENA



WELFARE OF CHILDREN ORDINANCE, 2008

WELFARE OF CHILDREN REGULATIONS, 2010

In exercise of the powers conferred by sections 12, 34, 38, 39, 41, 69, 71, 76 and 77 of the Welfare of Children Ordinance, 2008, the Governor in Council makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Welfare of Children Regulations, 2010, and shall come into force on 1st March 2010

Part I
Preliminary

Interpretation

2. In these Regulations—
“**registered person**”, in relation to a children’s home, means any person who is the registered provider or the registered manager of the home;
“**the Board**” means the Safeguarding of Children’s Board constituted under regulation 3;
“**the Ordinance**” means the Welfare of Children Ordinance, 2008.

Part II
Safeguarding Children’s Board

Constitution of the Board

3. The St Helena Safeguarding Children’s Board established by the Governor shall include the chief officers or their nominees from Departments administering—
(a) Social Services ;
(b) the Police;
(c) Education; and
(d) two members appointed from non-governmental organisations and civil societies which are involved in children’s activities.

Functions of the Board

4. For purposes of achieving its objective as prescribed in section 39 of the Ordinance, the functions of the Board shall be—

- (a) to review policies and procedures with respect to—
 - (i) the action to be taken in areas of concern with respect to safeguarding and promotion of welfare of children;
 - (ii) training of persons who work with children;
 - (iii) recruitment and supervision of persons who work with children ;
 - (iv) investigation of allegations concerning persons who work with children; and
 - (v) safety and welfare of privately fostered children;
- (b) to participate in the planning of services for children;
- (c) to communicate the need to safeguard and promote the welfare of children;
- (d) to review procedures to ensure a co-ordinated response to unexpected child deaths;
- (e) to monitor the effectiveness of what is being done, by each person or body represented on it, to safeguard children:
- (f) to collect and analyse information about child deaths, and
- (g) consider applications under regulation 14.

Functions of the Department in relation to the Board

5. (1) The Department shall make arrangements to promote cooperation between the Department and the Board with a view to supporting the Board in fulfilling its functions under regulation 4.

Procedures of the Board

6. The Board shall regulate its own proceedings in order to fulfil its functions under regulation 4 and to meet its objective under section 39 of the Ordinance

Part III Parental Responsibility

7. A parental responsibility agreement between the biological parents of a child to provide that the biological father shall have parental responsibility for such child shall be in the form set out in Form A in Schedule 2.

Part IV Private Fostering

Notification of proposal to foster a child privately

8. (1) A person who proposes to foster a child privately must notify the Department of such proposal, subject to subregulation (2), at least three months before the private fostering arrangement is to begin.

(2) In an emergency situation notification may be given within three months of the commencement of the arrangement but must be given as soon as reasonably possible after the emergency arises.

(3) Any person who is involved (whether or not directly) in arranging for a child to be fostered privately must notify the Department of the arrangement as soon as possible after the arrangement has been made.

(4) A parent of a child and any other person who has parental responsibility for a child, who is not involved (whether or not directly) in arranging for the child to be fostered privately, but who knows that it is proposed that the child should be fostered privately must notify the Department of the proposal as soon as possible after he becomes aware of the arrangement.

(5) Notification must be by submission of Form B of Schedule 2.

(6) Notification given under subregulations (1) to (3) must contain such of the following information as the person giving the notification is able to provide:

- (a) the name, sex, date and place of birth, religious persuasion, and cultural and linguistic background of the child;
 - (b) the name and current address of the person giving the notice;
 - (c) the name and current address of the proposed or current private foster carer;
 - (d) the name and current address of the parents of the child and of any other person who has parental responsibility for the child and (if different) of any person from whom the child is to be, or was, received;
 - (e) the name and current address of the minor siblings of the child, and details of the arrangements for their care;
 - (f) the name and current address of any person, other than a person specified in subregulation (d), who is or was involved (whether or not directly) in arranging for the child to be fostered privately;
 - (g) the date on which it is intended that the private fostering arrangement will start; and
 - (h) the intended duration of the private fostering arrangement.
- (7) If applicable, the following information must also be provided in respect of any person referred to in the notification under subregulations (4)(c), (d) and (f):
- (a) any offence of which any such person has been convicted;
 - (b) any disqualification under regulation 15 or a prohibition imposed on any such person under section 70 of the Ordinance, including any details of the order, requirement or offence which gives rise to such disqualification or prohibition;
 - (c) any such conviction, disqualification or prohibition imposed on any other person living in or employed at the same household as such person.

Action to be taken by Department on receipt of notification of proposal to foster child privately

9. (1) Upon receipt of notification under regulation 8, the Department shall arrange for an officer of the Department within seven working days to—
- (a) visit the premises where it is proposed that the child will be cared for and accommodated;
 - (b) visit and speak to the proposed private foster carer and to all members of his household;
 - (c) visit and speak to the child, alone unless the officer considers it inappropriate;
 - (d) speak to and, if it is practicable to do so, visit every parent of or person with parental responsibility for the child.
- (2) The purpose of the visit by the officer under subregulation (1) is to establish—
- (a) whether the intended duration of the arrangement is understood by and agreed between—
 - (i) the parents of the child or any other person with parental responsibility for the child; and
 - (ii) the proposed private foster carer;
 - (b) the wishes and feelings of the child about the proposed arrangement (considered in the light of his age and understanding);
 - (c) the suitability of the proposed accommodation;
 - (d) the capacity of the proposed private foster carer to look after the child;
 - (e) the suitability of other members of the proposed private foster carer's household;
 - (f) that arrangements for contact between the child and his parents, any other person with parental responsibility for him, and other persons who are significant to him, have been agreed and understood and that those arrangements will be satisfactory for the child;
 - (g) that the parents of the child or any other person with parental responsibility for him and the proposed private foster carer have agreed financial arrangements for the care and maintenance of the child;
 - (h) that consideration has been given to, and necessary steps taken to make arrangements for, care of the child's health;
 - (i) that consideration has been given to, and necessary steps taken to make arrangements for, the child's education;
 - (j) how decisions about the care of the child will be taken; and
 - (k) whether the proposed private foster carer, the parents of the child, any other person with parental responsibility for the child, or any other person concerned with the child are being given such advice as seems to the Department to be needed;
 - (l) such matters as appear to the officer to be relevant.

(3) Having completed his functions under subregulation (2), the officer must make a written report to the Department.

Notification by person already fostering a child privately

10. (1) A person who is fostering a child privately and has not given notification to the Department in accordance with regulation 8 must notify the Department immediately in writing.

(2) The Department will determine in all the circumstances of the case whether full notification under regulation 8 is required.

(3) Where notification is required under subregulation (2) it must contain such of the information specified in regulation 8 as the person giving the notification is able to provide.

Subsequent visits to children who are being fostered privately

11. (1) The Department must arrange for an officer to visit every child who is being fostered privately—

(a) within 4 weeks of the commencement of the fostering; and

(b) subsequent to the visits in paragraph (a) at intervals of 16 weeks or at a frequency (which can be more or less than 16 weeks) determined by the Department in accordance with their duties under section 3 of the Ordinance but in any case there shall be not be more than 26 weeks between visits.

(2) In addition to visits carried out in accordance with subregulation (1) the Department must arrange for every child who is fostered privately to be visited by an officer when reasonably requested to do so by the child, the private foster carer, a parent of the child or any other person with parental responsibility for the child.

(3) When carrying out a visit under this regulation, the officer must speak to the child alone unless he considers it inappropriate and must during such visit establish—

(a) the feelings of the child about the arrangement (considered in the light of his age and understanding);

(b) that the child's physical, intellectual, emotional, social and behavioural development is appropriate and satisfactory;

(c) that the child's needs arising from his religious persuasion and cultural and linguistic background are being met;

(d) the suitability of the accommodation if the visit is taking place at the child's accommodation;

(e) as far as possible the status of the child's health;

(f) whether the contact between the child and his parents, or any other person with whom contact has been arranged, is satisfactory for the child;

(g) whether the private foster carer, the parents of the child, any other person with parental responsibility for the child, or any other person concerned with the child are being given such advice as appears to the Department to be needed; and

(h) such other matters as appear to be relevant.

(4) The officer must make a written report to the Department after each visit carried out in accordance with this regulation.

Notification of change of circumstances

12. (1) A private foster carer must notify the Department of—

(a) any change of his address;

(b) any further offence of which he or a person who is part of or employed at his household has been convicted;

(c) any further disqualification under regulation 15 or restriction under section 70 imposed on him or a person who is part of or employed at his household;

- (d) any person who begins to be part of or employed at his household, and any offence of which that person has been convicted, and any disqualification under regulation 15 or prohibition imposed on him by section 70; and
- (e) any person who ceases to be part of or employed at his household.
- (2) A notification under subregulation (1) must be given in advance if practicable, otherwise not more than 48 hours after the change of circumstances.
- (3) The parent of a privately fostered child, and any other person who has parental responsibility for the child, who knows that the child is being fostered privately, must notify the Department of any change of his own address.

Notification of the end of private fostering arrangement

13. (1) Subject to subregulations (2) and (3), any person who has been fostering a child privately but has ceased to do so must notify the Department at the earliest opportunity and in any event within 72 hours of the foster care ending and must include in the notification the name and address of the person into whose care the child was received and that person's relationship with the child.

(2) Where a person has been fostering a child privately but has ceased to do so because of the death of the child, he must in his notification to the Department indicate that that is the reason.

(3) Subregulation (1) shall not apply where the private foster carer intends to resume the private fostering arrangement after an interval of not more than 60 days, but if—

- (a) he subsequently abandons his intention; or
- (b) the interval expires without his having given effect to his intention,

he must notify the Department within 48 hours of abandoning his intention or, as the case may be, the expiry of the interval.

(4) Any parent of a privately fostered child, and any other person who has parental responsibility for a child, who has given notification to the Department under regulation 8, must notify the Department of the ending of the private fostering arrangement and must include in the notification the name and address of the person into whose care the child was received and that person's relationship with the child.

Form of notification

14. Any notification required to be given to the Department under this Part must be given in writing.

Grounds for disqualification from fostering child privately

15. (1) A person is disqualified from fostering a child privately if any of the following provisions of this regulation apply to him:

- (a) he is a parent of a child with respect to whom a care order has been made at any time under section 42(1)(a) of the Ordinance;
- (b) a care order or supervision order has been made at any time under section 42 of the Ordinance with respect to a child so as to remove the child from his care, or prevent the child living with him;
- (c) he is a person whose registration in respect of a children's home has been cancelled under section 62(6) of the Ordinance, or he has been concerned in the management of, or had any financial interest in, a children's home, in respect of which the registration of any person has been cancelled under such section;
- (d) he has at any time been refused registration in respect of the provision of child-minding or day care, or had any such registration cancelled under section 78 or 79(7); or
- (e) he has been convicted of any of the following offences (or has been placed on probation or discharged absolutely or conditionally for any such offence)—
 - (i) any offence listed in Schedule I;
 - (ii) an offence of abduction of a child in care under section 59 of the Ordinance;

- (iii) an offence under section 53(13), 58(8), 60(5), or 161(7) of the Ordinance, of obstructing an authorised person from exercising any power under such section;
- (iv) an offence under section 63 of the Ordinance relating to children's homes;
- (viii) any offence under sections 144-147 of the Ordinance;
- (ix) an offence under section 163(5) of the Ordinance.

(2) Notwithstanding the provisions of subregulation (1) the Board may on receiving a request from the Department, exempt a person from any disqualification they would otherwise be subject to under the provisions of this regulation. The Board may make such exemption subject to such conditions as they think fit.

(3) Where the Department have stated their intention not to make recommendation under subregulation (2) or have failed to make recommendation within 21 days of receipt of notification under this Part, a person disqualified under the provisions of this regulation may apply in writing to the Board for consideration of exemption from disqualification. Upon receipt of such application the Board must notify the Department. The Department must make representations to the Board on the application within 14 days of such notice and the Board may on consideration of the Department's representations and representations of the applicant exempt the applicant from disqualification they would otherwise be subject to under this regulation.

(4) Unless the Board requires further information they must notify the person, subject of any request or application under this regulation, of their decision, within 14 days of the receipt of the report or application.

(5) A person in respect of whom the Board has made a decision under subregulations (2) or (3) may appeal to the Magistrates Court in respect of that decision not later than 28 days after notification in writing of the decision.

Part IV

Official fostering and placing of children in children's home

Placing of children by the Department

16. (1) Before placing a child with foster parents or in a children's home, the Department must, so far as is reasonably practicable, make immediate and long-term arrangements for that placement, and for promoting the welfare of the child who is to be placed.

(2) Where it is not practicable to make those arrangements before the placement, the Department must make them as soon as reasonably practicable thereafter.

(3) In the case of a child who is in care of the Department, the arrangements must so far as reasonably practicable be agreed by the Department with the child before a placement is made and if that is not practicable as soon as reasonably practicable thereafter.

(4) In any other case in which a child is looked after or accommodated but is not in the care of the Department, the arrangements must so far as reasonably practicable be agreed by the Department with—

- (a) a person with parental responsibility for the child; or
- (b) if there is no such person, the person who is caring for the child before a placement is made and if that is not practicable as soon as reasonably practicable thereafter.

(5) Any arrangements made by the Department under this regulation must be recorded in writing.

Considerations on making placement and contents of arrangements

17. (1) In making arrangements for the placement of a child with foster parents or in a children's home, the Department shall, as far as is reasonably practicable, have regard to—

- (a) in the case of a child who is in care, whether an application should be made to discharge the care order;
- (b) arrangements for contact, and whether there is any need for changes in the arrangements in order to promote contact with the child's family and others so far as is consistent with his or her welfare;

- (c) the Department's immediate and long term arrangements for the child, previous arrangements in respect of the child, and whether a change in those arrangements is needed and consideration of alternative courses of action;
 - (d) whether arrangements need to be made for the time when the child will no longer be looked after by the Department;
 - (e) whether plans need to be made to find a permanent substitute family for the child;
 - (f) the child's state of health including his or her physical, oral, emotional and mental health;
 - (g) the child's health history including, so far as practicable, his or her family health history and the effect of the child's health and health history on his or her development;
 - (h) any need the child has for mental health services;
 - (i) whether the child's health needs will be met in the proposed placement taking into account the information under subregulations (f) to (h);
 - (j) the child's educational history;
 - (k) the need to achieve continuity in the child's education and to promote the child's educational achievement;
 - (l) the need to identify any educational need which the child may have and to take action to meet that need;
 - (m) whether the child's educational needs will be met in the proposed placement, taking into account the information available in subregulations (j) to (l).
- (2) The arrangements referred to in regulation 16 must include, where practicable, arrangements concerning—
- (a) the type of accommodation to be provided and the name of any person who will be responsible for the child at that accommodation on behalf of the Department;
 - (b) details of any services to be provided for the child;
 - (c) the respective responsibilities of the Department and—
 - (i) the child;
 - (ii) any parent of his or hers; and
 - (iii) any person who is not a parent of his or hers but who has parental responsibility for him or her;
 - (d) what delegation there has been by the persons referred to in subregulations (c)(ii) and (iii) to the Department of parental responsibility for the child's day to day care;
 - (e) the arrangements for involving those persons and the child in decision making with respect to the child;
 - (f) the arrangements for contact between the child and—
 - (i) his or her parents;
 - (ii) any person who is not a parent of his or hers but who has parental responsibility for him or her; and
 - (iii) any relative, friend or other person connected with him or her, and, if appropriate, the reasons why contact with any such person would not be reasonably practicable or would be inconsistent with the child's welfare;
 - (g) the arrangements for notifying changes in arrangements for contact to any of the persons referred to in subregulation (f);
 - (h) the expected duration of arrangements and the steps which should apply to bring the arrangements to an end, including arrangements for rehabilitation of the child with the person with whom he or she was living before the arrangements were made or some other suitable person.

Notification of arrangements

18. (1) The Department must, so far as is reasonably practicable and consistent with the child's welfare, notify the following persons in writing of the arrangements to place a child, before the placement is made—

- (a) any person who is caring for the child immediately before the arrangements are made;
- (b) except in the case of a child in the care of the Department, any person in whose favour a contact order is in force with respect to the child; and
- (c) in the case of a child in the care of the Department, any person who has contact with the child pursuant to section 44 of the Ordinance or to an order under that section.

(2) Where it is not practicable to give the notification before the placement, it must be given as soon as reasonably practicable thereafter and in any event no later than 10 working days from the date the placement is made.

(3) The Department must send a copy of the arrangements referred to in regulation 16 or such part of the arrangements as they consider will not prejudice the welfare of the child, with the notification referred to in subregulation (1).

(4) Subject to subregulation (3), the Department must in the notification to the persons specified in subregulation (1)(a) and (b) provide copies of any relevant report or assessment available at the time the placement is made or obtained subsequently during the placement.

Arrangements for contact

19. In operating the arrangements referred to in subregulation 17(2)(f), a voluntary organisation or a person carrying on a private children's home must, unless it is not reasonably practicable or consistent with the child's welfare, endeavour to promote contact between the child and the persons mentioned in that paragraph.

Health care and assessment

20. (1) Subject to subregulations (3) and (4), a Department must—

(a) before making a placement or if that is not reasonably practicable, as soon as practicable and in any event not later than 14 working days after the placement is made, make arrangements for a medical practitioner or a nurse to conduct an assessment, which may include a physical examination, of the child's state of health;

(b) require any person specified in subregulation (a) who conducts an assessment to prepare a written report of the assessment, which addresses the matters listed in subregulations 17(1)(f) to (i), with particular reference to the child's state of mental health;

(c) ensure that a copy of any report prepared in accordance with sub-paragraph (b) and any subsequent assessment report prepared under this regulation during the placement, is forwarded to the Senior Medical Officer; and

(d) having regard to the matters listed in subregulations 17(1)(f) to (i) and, unless subregulation (4) applies, to any assessment reports, prepare a plan for the future health care of the child if one is not already in existence.

(2) The Department must ensure that each child is provided during the placement with—

(a) health care services, including medical, dental and mental health care and treatment; and

(b) advice and guidance on health, personal care and health promotion matters in accordance with the child's needs.

(3) Subregulation (1) does not apply if within the period of three months immediately preceding the placement, the child's health has been assessed and a report of the assessment prepared in accordance with that paragraph.

(4) Subregulations (1)(a) and (b) do not apply if the child, being of sufficient understanding to do so, refuses to consent to the assessment.

Establishment of records

21. (1) The Department must establish, and maintain, a written case record in respect of each child whom they place.

(2) The record must include—

(a) a copy of the arrangements referred to in regulation 16;

(b) a copy of any written report in their possession concerning the welfare of the child;

(c) a copy of any document considered or record established in the course of or as a result of a review of the child's case;

(d) details of arrangements for contact, of contact orders and of other court orders relating to the child; and

(e) written reasons provided in accordance with subregulation 17(2)(f).

Register

22. (1) The Department must, in respect of every child placed by them enter into a register to be kept for the purpose—

- (a) the name, sex and date of birth of the child;
- (b) the name and address of the person or children's home with whom the child is placed and, if different, of those of the child's parents or other person not being a parent of his or hers who has parental responsibility for him or her;
- (c) where a child is placed in a children's home, the name of the member of the children's home with particular responsibility for protecting and promoting the health and educational welfare of the child and for liaison with education and health care providers on that child's behalf;
- (d) whether the child is at risk of being abused;
- (e) whether the child is a disabled child;
- (f) the date on which each placement of the child began and terminated and the reason for each termination;
- (g) whether the child is in care of the Department;
- (h) such other particulars as may be appropriate.

Retention and confidentiality of records and register

23. (1) A case record under regulation 21 relating to a child who is placed must be retained by the Department until the 75th anniversary of the date of birth of the child to whom it relates or, if the child dies before attaining the age of 18, for a period of 15 years beginning with the date of his or her death.

(2) Entries in the register kept in accordance with regulation 22 must be retained until the child to whom the entry relates attains the age of 25 or, if the child has died before attaining 25, the period of 5 years beginning with the date of his or her death.

(3) The records and entries in the register may be retained under subregulations (1) and (2) either by retaining the original written record or register, or a copy of it, or by keeping all of the information from such record or register in some other accessible form (including electronic form).

(4) The Department must secure the safe keeping of case records and the register and must take all necessary steps to ensure that information contained in them is treated as confidential, subject only to—

- (a) any provision of or made under or by virtue of, a statute under which access to such records or information may be obtained or given;
- (b) any court order under which access to such records or information may be obtained or given.

Part V**Registration of Children's Homes****General****Application for registration**

24. A person who wishes to apply for registration of a children's home under section 62 of the Ordinance shall submit to the Department an application in the form set out in Form E in Schedule 2.

Statement of purpose and children's guide

25. (1) The registered person shall compile in relation to the children's home a written statement (in these Regulations referred to as "the statement of purpose") which shall consist of a statement as to the following matters:

- (a) a statement of—
 - (i) the overall aims of the children's home, and the objectives to be attained with regard to children accommodated in the home; and

- (ii) the facilities and services to be provided for the children accommodated in the children's home;
- (b) the name and address of the registered provider, and of the registered manager if applicable;
- (c) the relevant qualifications and experience of the registered provider and, if applicable, the registered manager;
- (d) the number, relevant qualifications and experience of persons working at the children's home, and if the workers are all of one sex, a description of the means whereby the home will promote appropriate role models of both sexes;
- (e) the arrangements for the supervision, training and development of employees;
- (f) the organisational structure of the children's home;
- (g) the following particulars—
 - (i) the age-range, sex and numbers of children for whom it is intended that accommodation should be provided;
 - (ii) whether it is intended to accommodate children who are disabled, have special needs or any other special characteristics; and
 - (iii) the range of needs (other than those mentioned in subregulation (b)) that the home is intended to meet.
- (h) any criteria used for admission to the home, including the home's policy and procedures for emergency admissions, if the home provides for emergency admissions;
- (i) if the children's home provides or is intended to provide accommodation for more than six children, a description of the positive outcomes intended for children in a home of such a size, and of the home's strategy for counteracting any adverse effects arising from its size, on the children accommodated there;
- (j) a description of the children's home's underlying ethos and philosophy, and where this is based on any theoretical or therapeutic model, a description of that model;
- (k) the arrangements made to protect and promote the health of the children accommodated at the home;
- (l) the arrangements for the promotion of the education of the children accommodated there, including the facilities for private study;
- (m) the arrangements to promote children's participation in recreational, sporting and cultural activities;
- (n) the arrangements made for consultation with the children accommodated about the operation of the children's home;
- (o) the arrangements made for the control, restraint and discipline of children;
- (p) the arrangements made for child protection and to counter bullying;
- (q) the procedure for dealing with any unauthorised absence of a child from the children's home;
- (r) a description of any electronic or mechanical means of surveillance of children which may be used in the children's home;
- (s) the fire precautions and associated emergency procedures in the children's home;
- (t) the arrangements for the children's religious instruction and observance;
- (u) the arrangements for contact between a child and his parents, relatives and friends;
- (v) the arrangements for dealing with complaints;
- (w) the arrangements for dealing with reviews of placement plans;
- (x) the type of accommodation, including the sleeping accommodation, provided, and, where applicable, how children are to be grouped, and in what circumstances they are to share bedrooms;
- (y) details of any specific therapeutic techniques used in the home, and arrangements for their supervision;
- (z) a description of the children's home's policy in relation to anti-discriminatory practice as respects children and children's rights.
- (2) The registered person shall provide a copy of the statement of purpose to the Department and shall make a copy of it available upon request for inspection by—
 - (a) any person who works at the children's home;
 - (b) any child accommodated in the children's home; and
 - (c) the parent of any child accommodated in the children's home,and in this paragraph references to a child who is accommodated in the children's home include a child in respect of whom accommodation in the children's home is being considered.

(3) The registered person shall produce a guide to the children's home (in these Regulations referred to as "the children's guide") which shall include—

- (a) a summary of the home's statement of purpose;
- (b) a summary of the complaints procedure established under subregulation 24(1)(v).

(4) The children's guide shall be produced in a form appropriate to the age, understanding and communication needs of the children to be accommodated in the home.

(5) The registered person shall supply a copy of the children's guide to the Department and, on admission, to each child accommodated in the home.

(6) Subject to subregulation (7), the registered person shall ensure that the children's home is at all times conducted in a manner which is consistent with its statement of purpose.

(7) Nothing in subregulation (6) or in regulation 50 shall require or authorise the registered person to contravene or not comply with—

- (a) any other provision of these Regulations; or
- (b) the conditions for the time being in force in relation to the registration of the registered person under Part IX of the Ordinance.

(8) The registered person shall—

- (a) keep under review and, where appropriate, revise the statement of purpose and the children's guide;
- (b) notify the Department of any such revision within 28 days; and
- (c) if the children's guide is revised, supply a copy to each child accommodated in the home.

Registered persons

Fitness of registered provider

26. (1) A person shall not carry on a children's home unless he is fit to do so.

(2) A person is not fit to carry on a children's home unless the person—

(a) is an individual who carries on the children's home—

- (i) otherwise than in partnership with others, and he satisfies the requirements set out in subregulation (3);
- (ii) in partnership with others, and he and each of his partners satisfies the requirements set out in subregulation (3);

(b) is a partnership, and each of the partners satisfies the requirements set out in subregulation (3);

(c) is an organisation and—

- (i) the organisation has given notice to the Department of the name, address and position in the organisation of an individual (in these Regulations referred to as "the responsible individual") who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the children's home; and
- (ii) that individual satisfies the requirements set out in subregulation (3).

(3) The requirements are that—

- (a) he is of integrity and good character;
- (b) he is physically and mentally fit to carry on the children's home; and
- (c) full and satisfactory information is available in relation to him in respect of the following matters:
 - (i) proof of identity including a recent photograph;
 - (ii) a criminal record certificate from every country in which such person had resided for more than six months;
 - (iii) two written references, including a reference from the person's most recent employer, if any;
 - (iv) 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;
 - (v) documentary evidence of any relevant qualifications;
 - (vi) a full employment history, together with a satisfactory written explanation of any gaps in employment.

Appointment of manager

27. (1) The registered provider shall appoint an individual to manage the children's home if—
- (a) there is no registered manager in respect of the children's home; and
 - (b) the registered provider is an organisation or a partnership; or
 - (c) is not, or does not intend to be, in full-time day to day charge of the children's home.
- (2) Where the registered provider appoints a person to manage the children's home, he shall give notice to the Department of—
- (a) the name of the person so appointed; and
 - (b) the date on which the appointment is to take effect.
- (3) A person shall not manage a children's home unless he is fit to do so.
- (4) A person is not fit to manage a children's home unless—
- (a) he is of integrity and good character;
 - (b) having regard to the size of the children's home, its statement of purpose, and the number and needs (including any needs arising from any disability) of the children accommodated there—
 - (i) he has the qualifications, skills and experience necessary for managing the children's home; and
 - (ii) he is physically and mentally fit to manage the children's home; and
 - (c) full and satisfactory information is available [in relation to him in respect of each of the matters specified in subregulation 26(3)(c).

Training requirements of registered person

28. (1) The registered provider and the registered manager shall, having regard to the size of the children's home, its statement of purpose, and the number and needs (including any needs arising from any disability) of the children accommodated there, carry on or manage the home (as the case may be) with sufficient care, competence and skill.
- (2) If the registered provider is—
- (a) an individual, he shall undertake;
 - (b) an organisation, it shall ensure that the responsible individual undertakes;
 - (c) a partnership, it shall ensure that one of the partners undertakes,
- from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the children's home.
- (3) The registered manager shall undertake from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the children's home.

Notification of offences

29. Where the registered person or the responsible individual is convicted of any criminal offence, whether in St Helena or elsewhere, he shall give notice in writing to the Department of—
- (a) the date and place of the conviction;
 - (b) the offence of which he was convicted; and
 - (c) the penalty imposed on him in respect of the offence.

Conduct of children's home***Promotion of welfare***

30. (1) The registered person shall ensure that the children's home is conducted so as to—
- (a) promote and make proper provision for the welfare of children accommodated there; and
 - (b) make proper provision for the care, education, supervision and, where appropriate, treatment, of children accommodated there.
- (2) The registered person shall make suitable arrangements to ensure that the home is conducted—

- (a) in a manner which respects the privacy and dignity of children accommodated there; and
- (b) with due regard to the sex, religious persuasion, racial origin, and cultural and linguistic background and any disability of children accommodated there.

Child's placement plan

31. (1) The registered person shall, before providing accommodation for a child in a children's home, or if that is not reasonably practicable, as soon as possible thereafter, prepare in consultation with the Department a written plan (in these Regulations referred to as the "placement plan") for the child setting out, in particular—

- (a) how, on a day to day basis, he 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.
- (2)** The registered person shall keep under review and revise the placement plan as necessary.
- (3)** In preparing or reviewing the placement plan the registered person shall, so far as practicable having regard to the child's age and understanding, seek and take account of his views.
- (4)** The registered person shall—
- (a) ensure that the placement plan is consistent with any plan for the care of the child prepared by the Department; and
 - (b) comply with requests made by the Department to—
 - (i) provide it with information relating to the child; and
 - (ii) provide a suitable representative to attend any meetings it may hold concerning the child.

Food provided for children

32. (1) The registered person shall ensure that children accommodated in a children's home are provided with—

- (a) food which—
 - (i) is served in adequate quantities and at appropriate intervals;
 - (ii) is properly prepared, wholesome and nutritious;
 - (iii) is suitable for their needs and meets their reasonable preferences; and
 - (iv) is sufficiently varied; and
 - (b) access to fresh drinking water at all times.
- (2)** The registered person 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.

Provision of clothing, pocket money and personal necessities

33. (1) The registered person shall ensure that the needs and reasonable preferences of each child accommodated in the home for clothing including footwear, and personal necessities are met.

(2) The registered person 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.

Contact and access to communications

- 34. (1)** The registered person shall—
- (a) subject to subregulations (6) and (8), promote the contact of each child with his parents, relatives and friends in accordance with the arrangements set out in his placement plan; and

- (b) subject to subregulation (3), ensure that suitable facilities are provided within the children's home for any child accommodated there to meet privately at any reasonable time with his parents, relatives and friends, and the persons listed in subregulation (2).
- (2) The persons are—
- (a) any advocate instructed to represent the child under section 159 of the Ordinance;
- (b) any officer for the time being assigned to the child by the Department;
- (c) any person appointed as a visitor for him in accordance with Schedule 2 paragraph 3 of the Ordinance;
- (d) any person authorised by the Department;
- (e) any person authorised in accordance with section 66(2) of the Ordinance to conduct an inspection of the children's home and the children there.
- (4) Subject to subregulations (6) and (8), the registered person shall ensure that children accommodated in the home are provided at all reasonable times with access to the following facilities which they may use without reference to persons working in the home—
- (a) a telephone on which to make and receive telephone calls in private; and
- (b) facilities to send and receive post and, if the necessary facilities are provided for the use of children accommodated in the home, electronic mail, in private.
- (5) The registered person 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.
- (6) The registered person may (subject to subregulations (7) and (8)) impose such restriction, prohibition or condition upon a child's contact with any person under subregulation (1) or access to communications under subregulation (4) which he is satisfied is necessary for the purpose of safeguarding or promoting the welfare of the child in question.
- (7) No measure may be imposed by the registered person in accordance with subregulation (6) unless—
- (a) the child's placing authority consents to the imposition of the measure; or
- (b) the measure is imposed in an emergency, and full details are given to the placing authority within 24 hours of its imposition.
- (8) This regulation is subject to the provisions of any relevant order of the court relating to contact between the child and any person.

Arrangements for the protection of children

35. (1) The registered person shall prepare and implement a written policy which—
- (a) is intended to safeguard children accommodated in the children's home from abuse or neglect; and
- (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.
- (2) The procedure under subregulation (1)(b) shall in particular provide for—
- (a) liaison and co-operation with the Department in the case of any child protection enquiries in relation to any child accommodated in the children's home;
- (b) the prompt referral to the Department of any allegation of abuse or neglect affecting any child accommodated in the children's home;
- (c) details the notification procedure, of the instigation and outcome of any child protection enquiries involving any child accommodated in the children's home, to the Department;
- (d) written records to be kept of any allegation of abuse or neglect, and of the action taken in response;
- (e) consideration to be given to the measures which may be necessary to protect children in the children's home following an allegation of abuse or neglect;
- (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 registered person;
- (ii) a police officer; or
- (iii) an officer of the Department;
- (g) arrangements to be made for persons working at the home and children accommodated there, to have access at all times and in an appropriate form, to information which would

enable them to contact the Department concerning the welfare or safety of children accommodated in the home.

- (3) The registered person shall prepare and implement as required—
 - (a) a written policy for the prevention of bullying in the children's home, which shall in particular set out the procedure for dealing with an allegation of bullying; and
 - (b) a procedure to be followed when any child accommodated in a children's home is absent without permission.

Behaviour management, discipline and restraint

36. (1) No measure of control, restraint or discipline which is excessive, unreasonable or contrary to subregulation (5) shall be used at any time on children accommodated in a children's home.

(2) The registered person shall prepare and implement a written policy (in this regulation referred to as "the behaviour management policy") which sets out—

- (a) the measures of control, restraint and discipline which may be used in the children's home; and
- (b) the means whereby appropriate behaviour is to be promoted in the home.

(3) The registered person shall—

- (a) keep under review and where appropriate revise the behaviour management policy; and
- (b) notify the Department of any such revision within 28 days.

(4) The registered person shall ensure that within 24 hours of the use of any measure of control, restraint or discipline in a children's home, a written record is made in a volume kept for the purpose which shall include—

- (a) the name of the child concerned;
- (b) details of the child's behaviour leading to the use of the measure;
- (c) a description of the measure used;
- (d) the date, time and location of, the use of the measure, and in the case of any form of restraint, the duration of the restraint;
- (e) the name of the person using the measure, and of any other person present;
- (f) the effectiveness and any consequences of the use of the measure; and
- (g) the signature of a person authorised by the registered provider to make the record.

(5) Subject to subregulation (6), the following shall not be used as disciplinary measures on children accommodated in a children's home—

- (a) any form of corporal punishment;
- (b) any punishment relating to the consumption or deprivation of food or drink;
- (c) any restriction, other than one imposed by a court or in accordance with regulation 34, on—
 - (i) a child's contact with his parents, relatives or friends;
 - (ii) visits to him by his parents, relatives or friends;
 - (iii) a child's communications with any of the persons listed in regulation 34(2); or
 - (iv) his access to any telephone helpline 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 any financial penalty, other than a requirement for the payment of a reasonable sum (which may be by instalments) 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 which involves—
 - (i) any child in the imposition of any measure against any other child; or
 - (ii) the punishment of a group of children for the behaviour of an individual child.

(6) Nothing in this regulation shall prohibit—

- (a) the taking of any action by, or in accordance with the instructions of, a registered medical practitioner or a registered dental practitioner 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; or

- (c) the imposition of a requirement that a child wear distinctive clothing for sporting purposes, or for purposes connected with his education or with any organisation whose members customarily wear uniform in connection with its activities.

Education, employment and leisure activity

37. (1) The registered person shall promote the educational attainment of children accommodated in a children's home, in particular by ensuring that—

- (a) the children make use of educational facilities appropriate to their 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 registered person 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 in a children's home has attained the age where he is no longer required to receive compulsory full-time education, the registered person shall assist with the making of, and give effect to, the arrangements made for his education, training and employment.

Religious observance

38. The registered person shall ensure that each child accommodated in a children's home is enabled, so far as practicable—

- (a) to attend the services of;
- (b) to receive instruction in; and
- (c) to observe any requirement (whether as to dress, diet or otherwise) of, the religious persuasion to which he belongs.

Health needs of children

39. (1) The registered person shall promote and protect the health of the children accommodated in a children's home.

(2) In particular the registered person shall ensure that—

- (a) each child has access to such medical, dental, nursing, psychological and psychiatric advice, treatment and other services, as he may require;
- (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;
- (e) any person appointed to the position of nurse at the children's home is a registered nurse.

Medicines

40. (1) The registered person shall make suitable arrangements for the recording, handling, safekeeping, safe administration and disposal of any medicines received into the children's home.

(2) In particular the registered person shall ensure, subject to paragraph (3), that—

- (a) any medicine which is kept in a children's home is stored in a secure place so as to prevent any child accommodated there having unsupervised access to it;

- (b) any medicine which is prescribed for a child is administered as prescribed, to the child for whom it is prescribed, and to no other child; and
- (c) a written record is kept of the administration of any medicine to any child.
- (3) Subregulation (2) does not apply to a medicine 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 be safely self-administered by that child.

Use of surveillance

41. Subject to any requirements for electronic monitoring imposed by a court under any enactment, the registered person shall ensure that electronic or mechanical monitoring devices for the surveillance of children are not used in a children's home, except for the purpose of safeguarding and promoting the welfare of the child concerned, or other children accommodated in the children's home, and where the following conditions are met—

- (a) the Department consents to the use of the measure in question;
- (b) it is provided for in the child's placement plan;
- (c) so far as practicable in the light of his age and understanding, the child in question is informed in advance of the intention to use the measure; and
- (d) the measure is no more restrictive than necessary, having regard to the child's need for privacy.

Hazards and safety

42. The registered person shall ensure that—
- (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,

and shall make suitable arrangements for persons working at the children's home to be trained in first aid.

Complaints and representations

43. (1) The registered person shall 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 registered person considers it appropriate, at the informal resolution stage only;
 - (c) for dealing with complaints about the registered person;
 - (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) children accommodated in the home;
 - (ii) their parents;
 - (iii) the Department; and
 - (iv) persons working in the home.

(3) A copy of the procedure shall be supplied on request to any of the persons mentioned in subregulation (2)(e).

(4) The registered person shall ensure that a written record is made of any complaint, the action taken in response, and the outcome of the investigation.

- (5) The registered person shall ensure that—

- (a) children accommodated in the home are enabled to make a complaint or representation; and
- (b) no child is subject to any reprisal for making a complaint or representation.
- (6) The registered person shall supply to the Department at its request a statement containing a summary of any complaints made during the preceding twelve months and the action that was taken.

Staffing

Staffing of children's homes

- 44. (1)** The registered person shall ensure that there is at all times, having regard to—
- (a) the size of the children's home, the statement of purpose, and the number and needs (including any needs arising from any disability) of the children accommodated there; and
 - (b) the need to safeguard and promote the health and welfare of the children accommodated in the home,

a sufficient number of suitably qualified, competent and experienced persons working at the children's home.

(2) The registered person shall ensure that the employment of any persons on a temporary basis at the children's home will not prevent children from receiving such continuity of care as is reasonable to meet their needs.

Fitness of workers

- 45. (1)** The registered person shall not—
- (a) employ a person to work at the children's home unless that person is fit to work at a children's home; or
 - (b) allow a person to whom subregulation (2) applies to work at the children's home 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 registered person 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 subregulation (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, skills 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 each of the following matters:
 - (i) proof of identity including a recent photograph;
 - (ii) a criminal record certificate from every country in which such person had resided for more than six months;
 - (iii) two written references, including a reference from the person's most recent employer, if any;
 - (iv) 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;
 - (v) documentary evidence of any relevant qualifications;
 - (vi) a full employment history, together with a satisfactory written explanation of any gaps in employment.

(4) The registered person shall ensure that—

- (a) any offer of employment to a person is subject to subregulation (3)(d) being complied with in relation to that person; and
- (b) unless subregulation (5) applies, no person starts work at a children's home until such time as subregulation (3)(d) has been complied with in relation to him.

(5) Where the following conditions apply, the registered person may permit a person to start work at a children's home notwithstanding subregulation (4)(b)—

- (a) the registered person has taken all reasonable steps to obtain full information in respect of each of the matters listed in subregulation 3(d) in respect of that person, but the enquiries in relation to any of the matters listed in subregulations (3)(d)(iii) to (vi) are incomplete;
 - (b) full and satisfactory information in respect of that person has been obtained in relation to the matters specified in subregulations 3(d)(i) and (ii);
 - (c) the registered person considers that the circumstances are exceptional; and
 - (d) pending receipt of, and satisfying himself with regard to, any outstanding information, the registered person ensures that the person is appropriately supervised while carrying out his duties.
- (6) The registered person shall take reasonable steps to ensure that any person working at the children's home who is not employed by him and to whom subregulation (2) does not apply, is appropriately supervised while carrying out his duties.

Employment of staff

46. (1) The registered person shall prior to appointing a member of staff submit to the Department an application in the form set out in Form F in Schedule 2. No appointment shall be made prior to the Department approving such appointment in writing. The registered person shall also—
- (a) ensure that all permanent appointments are subject to the satisfactory completion of a period of probation; and
 - (b) provide all employees with a job description outlining their responsibilities.
- (2) The registered person shall operate a disciplinary procedure which, in particular—
- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children accommodated in the home; and
 - (b) provides 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.
- (3) For the purposes of subregulation (2)(b), an appropriate person is the registered person, an officer of the Department or a police officer.
- (4) The registered person shall ensure that all persons employed by him—
- (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.

Records

Children's case records

47. (1) The registered person shall maintain in respect of each child who is accommodated in a children's home a record in permanent form which—
- (a) includes the information, documents and records specified in subregulation (2) relating to that child;
 - (b) is kept up to date; and
 - (c) is signed and dated by the author of each written entry.
- (2) The information specified in subregulation (1)(a) includes—
- (a) the child's name and any name by which the child has previously been known, other than a name used by the child prior to adoption;
 - (b) the child's date of birth and sex;
 - (c) the child's religious persuasion, if any;
 - (d) a description of the child's cultural and linguistic background;
 - (e) the child's address immediately prior to entering the home;
 - (f) the name, address, telephone number and the religious persuasion, if any, of the child's parents;

- (g) the date and circumstances of all absences of the child from the home, including whether the absence was authorised and any information relating to the child's whereabouts during the period of absence;
- (h) the date of, and reason for, any visit to the child whilst in the home;
- (i) a details of any special educational needs of the child;
- (j) the date and circumstances of any measures of control, restraint or discipline used on the child;
- (k) any special dietary or health needs of the child;
- (l) details of the school attended by the child, and of any employer of the child;
- (m) every school report received in respect of the child while accommodated in the home;
- (n) arrangements for, including any restrictions on, contact between the child, his parents, and any other person;
- (o) a copy of any plan for the care of the child prepared by the Department and of the placement plan and date and result of any review thereof;
- (p) details of any accident or serious illness involving the child while accommodated in the home;
- (q) details of any immunisation, allergy, or medical examination of the child and of any medical or dental need or treatment of the child;
- (r) details of any health examination or developmental test conducted with respect to the child at or in connection with his school;
- (s) details of any medicines kept for the child in the home, including any medicines which the child is permitted to administer to himself, and details of the administration of any medicine to the child;
- (t) the dates on which any money or valuables are deposited by or on behalf of a child for safekeeping, and the dates on which any money is withdrawn, and any valuables are returned;
- (u) the address, and type of establishment or accommodation, to which the child goes when he ceases to be accommodated in the home.

(2) The record mentioned in subregulation (1) may not be disclosed to any person except in accordance with—

- (a) any provision of, or made under, or by virtue of, a statute under which access to such records is authorised; or
- (b) any court order authorising access to such records.

(3) The record mentioned in subregulation (1) shall be—

- (a) kept securely in the children's home so long as the child to whom it relates is accommodated there; and
- (b) thereafter retained in a place of security,

for at least 75 years from the date of birth of the child to whom it relates or, if the child dies before attaining the age of 18, for a period of fifteen years from the date of his death.

Other records

48. (1) The registered person shall maintain in the children's home the following records and shall ensure that they are kept up to date:

- (a) a record in the form of a register showing in respect of each child accommodated in a children's home—
 - (i) the date of his admission to the home;
 - (ii) the date on which he ceased to be accommodated there;
 - (iii) his address prior to being accommodated in the home;
 - (iv) his address on leaving the home;
- (b) a record showing in respect of each person working at the home—
 - (i) his full name, date of birth, sex and home address;
 - (ii) his qualifications relevant to, and experience of, work involving children;
 - (iii) whether he 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
 - (iv) whether he resides at the home;
- (c) a record of any persons who reside or work at any time at the children's home, who are not mentioned in the records kept in accordance with subregulations (a) or (b);

- (d) a record of all accidents occurring in the children's home, or to children whilst accommodated by the home;
 - (e) a record of the receipt, disposal and administration of any medicine to any child;
 - (f) 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;
 - (g) a record of all money deposited by a child for safekeeping, together with the date on which that money was withdrawn, or the date of its return;
 - (h) a record of all valuables deposited by a child and the date of their return;
 - (i) records of all accounts kept in the children's home;
 - (j) a record of menus served;
 - (k) a copy of the staff duty roster of persons working at the children's home, and a record of the actual rosters worked;
 - (l) a daily log of events occurring in the home;
 - (m) a record of all visitors to the home and to children accommodated in the home, including the names of visitors and the reasons for the visit.
- (2) The records referred to in subregulation (1) shall be retained for at least 15 years from the date of the last entry, except for records of menus, which need be kept only for one year.

Notifiable events

49. (1) The registered person shall without delay notify the Department if, in relation to a children's home, any of the following events takes place:

- (a) death of a child accommodation in the home;
- (b) serious illness or serious accident sustained by a child accommodated in the home;
- (c) outbreak of any infectious disease which in the opinion of a registered medical practitioner attending children at the home is sufficiently serious to be so notified;
- (d) allegation that a child accommodated at the home has committed a serious offence;
- (e) involvement or suspected involvement of a child accommodated at the home in prostitution;
- (f) serious incident necessitating calling the police to the home;
- (g) absconding by a child accommodated at the home;
- (h) any serious complaint about the home or persons working there;
- (i) instigation and outcome of any child protection enquiry involving a child accommodated at the home.

(2) The registered person shall without delay notify the parent of any child accommodated in the home of any significant incident affecting the child's welfare unless to do so is not reasonably practicable or would place the child's welfare at risk.

(3) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing.

Premises

Fitness of premises

50. (1) The registered person shall not use premises for the purposes of a children's home unless they are in a location, and of a physical design and layout, which are suitable for the purpose of achieving the aims and objectives set out in the home's statement of purpose.

(2) The registered person shall ensure that all parts of the children's home used by children are—

- (a) adequately lit, heated and ventilated;
- (b) secure from unauthorised access;
- (c) suitably furnished and equipped;
- (d) of sound construction and kept in good structural repair externally and internally;
- (e) kept clean and reasonably decorated and maintained; and

- (f) equipped with what is reasonably necessary, and adapted as necessary, in order to meet the needs arising from his disability of any disabled child accommodated in the home so as to enable him to live as normal a life as possible.
- (3) The registered person shall ensure that the children's home is kept free from offensive odours and make suitable arrangements for the disposal of general and clinical waste.
- (4) The registered person shall ensure that there are within the children's home for use by children accommodated there in conditions of appropriate privacy—
- (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 and sex of children accommodated.
- (5) The registered person shall provide for the number and needs of children accommodated in the children's home—
- (a) sufficient and suitable kitchen equipment, crockery, cutlery and utensils;
- (b) adequate facilities for the preparation and storage of food; and
- (c) so far as is practicable, adequate facilities for children to prepare their own food if they so wish, and are of an age and ability, to do so.
- (6) The registered person shall ensure that there are within a children's home adequate facilities for laundering linen and clothing, and, for children wishing to do so, to wash, dry and iron their own clothes.
- (7) The registered person shall ensure that there is provided within a children's home—
- (a) adequate communal space for sitting, recreation and dining; and
- (b) such facilities for private study as are appropriate to the age and educational needs of the children accommodated.
- (8) The registered person shall ensure that each child is provided with sleeping accommodation which is—
- (a) suitable to his needs including his need for privacy; and
- (b) equipped with furniture, storage facilities, lighting, bedding and other furnishings including window and floor coverings suitable to his needs.
- (9) The registered person shall ensure that no child shares a bedroom with an adult, nor (except in the case of siblings) a child who is of the opposite sex or of a significantly different age to him.
- (10) The registered person shall provide for persons working at the children's home—
- (a) suitable facilities and accommodation, other than sleeping accommodation, including—
- (i) facilities for the purpose of changing;
- (ii) storage facilities;
- (b) sleeping accommodation where the provision of such accommodation is needed in connection with their work at the home.

Fire precautions

- 51.** The registered person shall after consultation with the fire and rescue service—
- (a) take adequate precautions against the risk of fire, including the provision of suitable fire equipment;
- (b) provide adequate means of escape;
- (c) make adequate arrangements—
- (i) for detecting, containing and extinguishing fires;
- (ii) for giving warnings of fires;
- (iii) for evacuation in the event of fire;
- (iv) for the maintenance of all fire equipment; and
- (v) for reviewing fire precautions, and testing fire equipment, at suitable intervals;
- (d) make arrangements for persons working at the home to receive suitable training in fire prevention; and
- (e) ensure, by means of fire drills and practices at suitable intervals, that the persons working at the home and, so far as practicable, children accommodated there, are aware of the procedure to be followed in case of fire.

Management of Homes**Visits by registered provider**

52. (1) Where the registered provider is an individual, but is not in day to day charge of the children's home, he shall visit the home in accordance with this regulation.

(2) Where the registered provider is an organisation or a partnership, the home shall be visited in accordance with this regulation by—

- (a) the responsible individual or one of the partners, as the case may be;
- (b) another of the directors or other persons responsible for the management of the organisation or partnership; or
- (c) an employee of the organisation or partnership who is not directly concerned with the conduct of the home.

(3) Visits under subregulations (1) or (2) shall take place at least once a month and may be unannounced.

(4) The person carrying out the visit shall—

- (a) interview, with their consent and in private, such of the children accommodated there, their parents, relatives and persons working at the home as appears necessary in order to form an opinion of the standard of care provided in the home;
- (b) inspect the premises of the children's home, its daily log of events and records of any complaints; and
- (c) prepare a written report on the conduct of the home.

(5) The registered provider shall supply a copy of the report required to be made under subregulation (4)(c) to—

- (a) the Department;
- (b) the registered manager of the children's home; and
- (c) in the case of a visit under subregulation (2)—
 - (i) where the registered provider is an organisation, to each of the directors or other persons responsible for the management of the organisation; and
 - (ii) where the registered provider is a partnership, to each of the partners.

Review of quality of care

53. (1) The registered person shall establish and maintain a system for—

- (a) monitoring the matters set out in subregulation (2) at appropriate intervals; and
 - (b) improving the quality of care provided in the children's home.
- (2)** The following matters shall be monitored under subregulation (1)(a):
- (a) in respect of each child accommodated in the children's home, compliance with the Department's plan for the care of the child (where applicable) and the placement plan;
 - (b) the deposit and issue of money and other valuables handed in for safekeeping;
 - (c) daily menus;
 - (d) all accidents and injuries sustained in the home or by children accommodated there;
 - (e) any illnesses of children accommodated in the home;
 - (f) complaints in relation to children accommodated in the home and their outcomes;
 - (g) any allegations or suspicions of abuse in respect of children accommodated in the home and the outcome of any investigation;
 - (h) staff recruitment records and conduct of required checks for new workers in the home;
 - (i) visitors to the home and to children in the home;
 - (j) notifications of the events listed in section 52(1);
 - (k) any unauthorised absence from the home of a child accommodated there;
 - (l) the use of measures of control, restraint and discipline in respect of children accommodated in the home;
 - (m) risk assessments for health and safety purposes and subsequent action taken;
 - (n) medicines, medical treatment and first aid administered to any child accommodated in the home;
 - (o) duty rosters of persons working at the home, and the rosters actually worked;
 - (p) the home's daily log of events;

- (q) fire drills and tests of alarms and of fire equipment;
- (r) records of appraisals of employees;
- (s) minutes of staff meetings.

(3) The registered person shall supply to the Department a report in respect of any review conducted by him for the purposes of subregulation (1), and make a copy of the report available on request to children accommodated in the home, their parents and placing authorities.

(4) The system referred to in subregulation (1) shall provide for consultation with children accommodated in the home, their parents and placing authorities.

Regulations and guidance

54. The registered person shall ensure that a copy of these Regulations (and of any amendments to them) are kept in the home and made available on request to—

- (a) any person working in the home;
- (b) any child accommodated in the home; and
- (c) the parent of any child accommodated in the home.

Financial position

55. (1) The registered provider shall carry on the children's home in such manner as is likely to ensure that the home will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.

(2) The registered person shall—

- (a) ensure that adequate accounts are maintained and kept up to date in respect of a children's home;
- (b) supply a copy of the accounts to the Department at its request.

(3) The registered person shall provide the Department with such information as it may require for the purpose of considering the financial viability of the children's home, including—

- (a) the annual accounts of the home certified by an accountant;
- (b) information as to the financing and financial resources of the home; and
- (c) a certificate of insurance for the registered provider in respect of liability which may be incurred by him in relation to the home in respect of death, injury, public liability, damage or other loss.

Miscellaneous

Notice of absence

56. (1) Where—

- (a) the registered provider, if he is the person in day to day charge of the children's home; or
- (b) the registered manager,

proposes to be absent from the home for a continuous period of 28 days or more, the registered person shall give notice in writing to the Department of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in subregulation (1) shall be given no later than one month before the proposed absence commences, or within such shorter period as may be agreed with the Department and the notice shall specify with respect to the proposed absence—

- (a) its length or expected length;
- (b) the reason for it;
- (c) the arrangements which have been made for running the children's home;
- (d) the name, address and qualifications of the person who will be responsible for the home during the absence; and
- (e) in the case of the absence of the registered manager, the arrangements that have been or are proposed to be made for appointing another person to manage the children's home during the absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered person shall give notice of the absence within one week of its occurrence specifying the matters mentioned in subregulations (2)(a) to (e).

(4) Where—

- (a) the registered provider if he is the person in day to day charge of the home; or
- (b) the registered manager,

has been absent from the children's home for a continuous period of 28 days or more, and the Department has not been given notice of the absence, the registered person shall without delay give notice in writing to the Department specifying the matters mentioned in subregulations (2)(a) to (e).

(5) The registered person shall notify the Department of the return to duty of the registered provider or (as the case may be) the registered manager not later than seven days after the date of his return.

Notice of changes

57. The registered person shall give notice in writing to the Department as soon as it is practicable to do so if any of the following events take place or are proposed to take place—

- (a) a person other than the registered person carries on or manages the children's home;
- (b) a person ceases to carry on or manage the home;
- (c) where the registered provider is an individual, he changes his name;
- (d) where the registered provider is a partnership, there is any change in the membership of the partnership;
- (e) where the registered provider is an organisation—
 - (i) the name or address of the organisation is changed;
 - (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
 - (iii) there is to be any change in the identity of the responsible individual;
- (f) where the registered provider is an individual, a trustee in bankruptcy is appointed, or he makes a composition or arrangement with his creditors;
- (g) where the registered provider is a company, a receiver, manager, liquidator or provisional liquidator is appointed; or
- (h) the premises of the home are significantly altered or extended, or additional premises are acquired.

Death of registered person

58. (1) If more than one person is registered in respect of a children's home, and a registered person dies, the other registered person shall without delay notify the Department of the death in writing.

(2) If only one person is registered in respect of a children's home, and he dies, his personal representatives shall notify the Department in writing—

- (a) without delay of the death; and
- (b) within 28 days of their intentions regarding the future running of the home.

(3) The personal representatives of the deceased registered provider may carry on the home without being registered in respect of it—

- (a) for a period not exceeding 28 days;
- (b) for any further period as may be determined in accordance with subregulation (4).

(4) The Department may extend the period specified in subregulation (3)(a) by such further period, not exceeding one year, as the Department shall determine and shall notify any such determination to the personal representatives in writing.

(5) The personal representatives shall appoint a person to take full-time day to day charge of the home during any period in which in accordance with subregulation (3), they carry on the children's home without being registered in respect of it.

Offences

59. (1) A contravention or failure to comply with the provisions of these regulations shall be an offence punishable on summary conviction by a fine not exceeding £2,000.

(2) The Department shall not bring proceedings against a person in respect of any contravention or failure to comply with these regulations under Part V unless—

- (a)* subject to subregulation (4), he is a registered person;
- (b)* notice has been given to him in accordance with subregulation (3);
- (c)* the period specified in the notice, within which the registered person may make representations to the Department, has expired; and
- (d)* in a case where, in accordance with subregulation (3)*(b)*, the notice specifies any action that is to be taken within a specified period, the period has expired and the action has not been taken within that period.

(3) Where the Department considers that the registered person has contravened or failed to comply with any of the provisions of the regulations mentioned in subregulation (1), it may serve a notice on the registered person specifying—

- (a)* in what respect in its opinion the registered person has contravened or is contravening any of the regulations, or has failed or is failing to comply with the requirements of any of the regulations;
- (b)* where it is practicable for the registered person to take action for the purpose of complying with any of those regulations, the action which, in the opinion of the Department, the registered person should take for that purpose;
- (c)* the period, not exceeding three months, within which the registered person should take any action specified in accordance with subregulation *(b)*;
- (d)* the period, not exceeding one month, within which the registered person may make representations to the Department about the notice.

(4) The Department may bring proceedings against a person who was once, but no longer is, a registered person, in respect of any previous failure to comply with these regulations and for this purpose, references in subregulations (2) and (3) to a registered person shall be taken to include such a person.

Compliance with regulations

60. Where there is more than one registered person in respect of a children's home, anything which is required under these Regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

Part VI***Child-minding and day care*****Application for registration as child-minder or provide day care**

61. (1) A person who wishes to register with the Department as a childminder or day care provider under section 76 of the Ordinance (or who wishes to renew any such registration), shall submit to the Department an application in the form set out in Form C in Schedule 2.

(2) An application for renewal of registration under subregulation (1) shall be accompanied by the fee prescribed in Schedule 3.

Grounds for disqualification from providing child-minding or day care service

62. A person who is disqualified under regulation 15(1) and not exempt by decision of the Board under regulation 15(2) from privately fostering a child, or on whom a prohibition has been imposed under section 70 of the Ordinance, shall be disqualified from providing any child-minding or day care service.

Certification to look after older children

63. A person who wishes to be certified by the Department under section 79 of the Ordinance, shall submit to the Department an application in the form set out in Form D in Schedule 2.

Part VII
Provision relating to accommodation

Secure accommodation

64. A child shall not be kept in secure accommodation without the authority of a court for a period of more than 72 hours. The court on application under section 34 of the Ordinance may make an order to keep the child in secure accommodation for a period of 3 months and on subsequent applications for periods of 6 months.

Part VIII
Assistance for disabled children

Application for assistance

65. (1) A person who wishes to apply to the Department for assistance for disabled children under section 8 of the Ordinance, shall submit to the Department an application in the form set out in Form G in Schedule 2.

(2) The Department will assess any such application received in accordance with this section and will determine the application in accordance with the provisions of section 8 of the Ordinance within a reasonable time.

Part IX
Appeals

Appeal

66. (1) An appeal against a decision of the Department made after application under regulation 65 may be made to the Board by the original applicant. The Board will usually determine any such appeal within 28 days of receipt of such in writing.

(2) The Board will notify the appellant in writing within 5 days of the determination of the appeal.

(3) The Board may grant the application in full or part or refuse the appeal.

SCHEDULE 1
(Regulation 14)

Offences

Murder
Manslaughter
Kidnapping
Offences of a violent or sexual nature
Any under the Drugs (Prevention of Misuse) Ordinance, 2003
Any under the Drugs (Trafficking Offences) Ordinance, 2003

Offences includes aiding, abetting, counselling, procuring or inciting the committing of any offence against a child or conspiring or attempting to commit any such offence.

SCHEDULE 2
(Regulations 23, 45, 60(1), 62 & 64)

FORM A

PARENTAL RESPONSIBILITY AGREEMENT
(Section 12(2) of Welfare of Children Ordinance, 2008)
(Regulation 7)

This is a Parental Responsibility Agreement regarding:

the Child *Full Name:* _____ *(Boy/Girl)*
Date of birth: _____
Date of 18th birthday: _____

Between:

the Mother *Name:* _____
Address: _____

And

the Father *Name:* _____
Address: _____

We declare that: we are the mother and father of the above child and we agree that the child's father shall have parental responsibility for the child (in addition to the mother having parental responsibility).

<p>Signed (Mother)</p> <p>_____</p> <p>Date</p> <p>Certificate of witness: The following evidence of identity was produced by the person signing above:</p> <p>_____</p> <p>Signed in the presence of: <i>Name of witness</i></p> <p>_____</p> <p><i>Address:</i></p> <p>_____</p> <p>_____</p> <p>_____</p> <p><i>Signature of Witness</i></p> <p>_____</p> <p>[Justice of the Peace/Magistrate/ Judicial Officer]</p>	<p>Signed (Father)</p> <p>_____</p> <p>Date</p> <p>Certificate of witness: The following evidence of identity was produced by the person signing above:</p> <p>_____</p> <p>Signed in the presence of: <i>Name of witness</i></p> <p>_____</p> <p><i>Address:</i></p> <p>_____</p> <p>_____</p> <p>_____</p> <p><i>Signature of Witness</i></p> <p>_____</p> <p>[Justice of the Peace/Magistrate/ Judicial Officer]</p>
<p>NOTES ABOUT PARENTAL RESPONSIBILITY AGREEMENT</p> <p>Read these notes <u>before</u> you make the Agreement</p> <p>About the Parental Responsibility Agreement</p> <p>The making of this agreement will affect the legal position of the mother and the father. You should both seek legal advice before you make the Agreement.</p> <p>When you fill in the Agreement</p> <p>Put the name of one child only. If the father is to have parental responsibility for more than one child, fill in a separate form for each child.</p> <p>When you have filled in the Agreement</p> <p>A justice of the peace, Magistrate or Judicial Officer will witness your signature and sign the certificate of the witness.</p> <p>Ending the Agreement</p> <p>Once a parental responsibility agreement has been made, it can only end—</p> <ul style="list-style-type: none"> • by an order of court made on the application of any person who has parental responsibility for the child; • by an order of the court made on the application of the child with permission of the court; <p>when the child reaches the age of 18 years.</p>	

FORM B

NOTIFICATION OF PROPOSAL TO FOSTER A CHILD PRIVATELY

Welfare of Children Ordinance, 2008
(Sections 68-74)

(PLEASE COMPLETE ONE FORM PER CHILD)

Section 1 – Details of child

Please state Child's Full Name						
Age:		Date of Birth	/ /	Sex	Male	Female
Place of Birth		Child's employer if any:				
Please state the child's school (if attending)						
Please state any child minder, crèche or toddlers group that the child maybe attending.						
Please state details of Religious Persuasion and cultural background						

Has there ever been any previous foster care arrangements? YES <input type="checkbox"/> NO <input type="checkbox"/> (Please Tick appropriate)	If yes, please detail below: (Please give dates of these arrangements and reason for ending these arrangements) <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/>
Who has parental responsibility for this child? (Please state full name)	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/>
Have any care or supervision orders been made at any time regarding this child.	YES <input type="checkbox"/> NO <input type="checkbox"/> (Please Tick appropriate)
Please state the date that the arrangements are intended to Start.	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/>
Please state the intended duration of these arrangements.	From / / To / /

Section 2 – Parental Details

Please state Full Name						
Age:		Date of Birth	/ /	Sex	Male	Female
Place of Birth		Employer if any;				

Address							
Relationship to the child		i.e. Biological Mother/Father, Step parent, Guardian, Foster Parent					
Parents/PR destination							
Parents/PR employer							
Contact details for parents/PR when off-island		Address:					
		Telephone No.					
Please state Full Name							
		Age:		Date of Birth	/ /	Sex	Male
Place of Birth		Employer if any:					
Address							
Relationship to the child		i.e. Biological Mother/Father, Step parent, Guardian, Foster Parent/Parental responsibility					
Parents/PR destination							
Parents/PR employer							
Contact details for parents/PR when off-island		Address:					
		Telephone No.					
Section 3 – Details of Foster Carers							
Intended Primary Carer							
Please state Full Name							
		Age:		Date of Birth	/ /	Sex	Male

Place of Birth	_____	Employer and occupation if any;					
Home Address	_____						
Home telephone No.				Work telephone No.			
Relationship to the child	i.e. Family member / relation						
Please detail any records of offences or disqualifications you may have.	_____ _____ _____						
Please state Full Name	_____						
	Age:		Date of Birth	/ /	Sex	Male	Female
Place of Birth	_____	Employer and occupation if any;					
Home Address	_____						
Home telephone No.				Work telephone No.			
Relationship to the child	i.e. Family member / relation						
Please detail any records of offences or disqualifications you may have.	_____ _____ _____						
Section 4 – Details of all Siblings (Note not just minors)							
Please state Child's Full Name	_____						
	Age:		Date of Birth	/ /	Sex	Male	Female
Place of Birth	_____	Child's employer if any:					
Please state the child's school (if attending)	_____						
Please state any							

child minder, crèche or toddlers group that the child maybe attending.							
Please state any arrangements that have been made for the care of this sibling (if required)							
Please state Child's Full Name							
	Age:		Date of Birth	/ /	Sex	Male	Female
Place of Birth			Child's employer if any;				
Please state the child's school (if attending)							
Please state any child minder, crèche or toddlers group that the child maybe attending.							
Please state any arrangements that have been made for the care of this sibling (if required)							
Section 5 – Details of other adults living or working in the foster home							
Please state Full Name							
	Age:		Date of Birth	/ /	Sex	Male	Female
Place of Birth			Employer if any;				
Please state Full Name							
	Age:		Date of Birth	/ /	Sex	Male	Female
Place of Birth			Employer if any;				
Please state Full Name							
	Age:		Date of Birth	/ /	Sex	Male	Female
Place of Birth			Employer if any;				
Please state Full Name							
	Age:		Date of Birth	/ /	Sex	Male	Female
Place of Birth			Employer if any;				

	Age:		Date of Birth	/ /	Sex	Male	Female
Place of Birth				Employer if any;			

Additional Details

Are the biological parents married?	_____
Has a court order been made in regards to parental responsibility for this child?	_____
Has a parental responsibility agreement been made in regards to the child?	_____
Does the child have a Legal Guardian? (Please state name)	_____

Name of person giving notice.....

I declare the foregoing information given by me in this form is true and correct to the best of my knowledge.

Signed..... Dated.....

FORM C

**APPLICATION FOR REGISTRATION
CHILDMINDER / DAY CARE PROVIDER***

Welfare of Children Ordinance, 2008

(Section 76)

*(*Delete whichever is not applicable)*

Name of body applicant:	
Former names (if applicable):	
Date of birth (of individual):	
Name of Body Corporate (if applicable) and Registration Number:	

Directors/trustees of body corporate (if applicable): (including names, former names and dates of birth)					
Address of applicant:					
Name of responsible individual/s (if different from applicant): (being the individual/s who will be providing the actual childminding or day care service)					
Address of premises: (where childminding or day care service will be provided)					
Are these domestic premises?	<i>Yes / No*</i> (delete whichever not applicable)				
Proposed hours: (for which applicant wishes to provide childminding or day care services)					
Relevant experience of applicant and any responsible individual: (including previous work with children or elderly or disabled people whether paid or not)	<table border="1"> <thead> <tr> <th><i>Applicant</i></th> <th><i>Responsible Person</i></th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> </tbody> </table>	<i>Applicant</i>	<i>Responsible Person</i>		
<i>Applicant</i>	<i>Responsible Person</i>				
Number and ages of children of the applicant and responsible individual: (include any children for whom either is to be responsible, other than as child-minder or provider of day care, during the hours in which the child-minding or day care is to be provided)					
Any relevant qualifications of the applicant and responsible individual:					
Details of employment history of applicant and responsible individual:					
Details of any criminal convictions of the applicant or responsible individual and any directors/trustees in the case of a					

<p>body corporate: Include:</p> <p>(a) date of offence; (b) nature of the offence: © place where offence occurred; (d) penalty imposed.</p>	
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FORM D	
APPLICATION FOR CERTIFICATION (TO LOOK AFTER OLDER CHILDREN) Welfare of Children Ordinance, 2008 (Section 79)	
Full names / Name of body corporate:	
Former names (if applicable):	
Date of birth (of individual):	
Registration number (in case of body corporate):	
Directors/trustees of body corporate: (including names, former names and dates of birth)	
Address of applicant:	
Name of responsible individual/s: (being the individual/s who will be looking after the children)	
Address of premises:	
Are these domestic premises?	
Proposed hours: (for which applicant wishes to look after children)	
Relevant experience of applicant and any responsible individual: (including previous work with children or elderly or disabled people whether paid or not)	
Number and ages of children of the applicant and responsible individual: (include any children for whom either is to be responsible during	

the hours in which such other children will be looked after)	
Any relevant qualifications of the applicant and responsible individual:	
Details of employment history of applicant and responsible individual:	
Details of any criminal convictions of the applicant or responsible individual and any directors/trustees in the case of a body corporate: Include: (a) date of offence; (b) nature of the offence; (c) place where offence occurred; (d) penalty imposed.	

FORM E

APPLICATION FOR REGISTRATION OF CHILDREN'S HOME

**Welfare of Children Ordinance 2008
(Section 62)**

Note to the applicant- in submitting this form it is either expressed or implied that you are aware and agree to a full and detailed background check that maybe carried out on any information or individual so named in this document. This includes personal or criminal details that maybe held on St. Helena or elsewhere.

Signed..... Dated.....

Address and proposed name of children's home premises:	
Name of body corporate of owner(s) of the Children's home:	

Details of individual responsible for registering children's home (the responsible individual): (see section 62(3))	Full Name:			
	Home Address:			
	Date of Birth:	/ /	Place of Birth:	
	Former names: (if applicable)			
Description of premises:				
Size of premises: (Sq Floor Area/No. of floors) Number and ages of children if known at date of application:				
Total number of rooms:		Number of rooms used for purposes of the home:		Number of toilets for purposes of the home:
Approximate number of children to be cared for at any one time:				
Date of inspection by the Fire Service:				
Details of proposed manager(s) of Children's home:	Full Name:			
	Home Address:			
	Date of Birth:	/ /	Place of Birth:	
	Former names: (if applicable)			
Please detail any relevant experience of applicant and any manager: (including previous work with children whether paid or not)				

Please detail any relevant qualifications:
I the undersigned understand that in signing and submitting this form I am aware and agree to a full and detailed background check that maybe carried out on any information regarding my personal or criminal details held on St. Helena or elsewhere.
Signed..... Dated.....

Details of proposed employee of Children's home:	Full Name:			
	Home Address:			
	Date of Birth:	/ /	Place of Birth:	
	Former names: (if applicable)			
Proposed Position of applicant:				
Please detail any relevant experience of applicant and any manager: (including previous work with children whether paid or not)				

Please detail any relevant qualifications:
I the undersigned understand that in signing and submitting this form I am aware and agree to a full and detailed background check that maybe carried out on any information regarding my personal or criminal details held on St. Helena or elsewhere.
Signed..... Dated.....

FORM F

APPLICATION FOR REGISTRATION OF A NEW MEMBER OF STAFF TO WORK AT A CHILDREN’S HOME

**Welfare of Children Ordinance 2008
(Section 62)**

Note to the applicant- in submitting this form you agree to a full and detailed background check that maybe carried out on any information or individual so named in this document. This includes personal or criminal details that maybe held on St. Helena or elsewhere.

Signed..... Dated.....

Name and Address of children’s home premises:	
Name of body corporate of	

owner(s) of the Children's home:				
Details of individual responsible for registering children's home (the responsible individual): (see section 62(3))	Full Name:			
	Home Address:			
	Date of Birth:	/ /	Place of Birth:	
	Former names: (if applicable)			
Details of new proposed staff member:	Full Name:			
	Home Address:			
	Date of Birth:	/ /	Place of Birth:	
	Former names: (if applicable)			
Please detail any relevant experience of applicant: (including previous work with children whether paid or not)				
Please detail any relevant qualifications:				
Please state what position it is propose you will be applying for;				

Please give details of any criminal conviction you may have, for any offence, whether spent or otherwise. Also when and where (including off Island). If none, please state "NONE";
I the undersigned understand that in signing and submitting this form I am aware and agree to a full and detailed background check that maybe carried out on any information regarding my personal or criminal details held on St. Helena or elsewhere.
Signed..... Dated.....

FORM G

ASSISTANCE FOR DISABLED CHILDREN – REQUEST FORM
Welfare of Children Ordinance 2008
(Section 8 (2) b, c, d)

Details of Parent or Guardian:	Full Name:			
	Home Address:			
	Date of Birth:	/ /	Place of Birth:	
	Tel No. (Home)		Tel No. (Work)	
Please state your relationship with child: (Mother/Father/Guardian/Other)				
Please state the number of dependant members in your family: (Names & Ages)				
Is there any other income within your family household?		Total Amount received:		£

Please state total financial resources within your family household:
Please state all financial outgoings within your household:

Details of Disabled Child:	Full Name:			
	Home Address:			
	Date of Birth:	/	/	Place of Birth:
	Former names: (if applicable)			
Full name of both parents: (if different from above)				
State nature of disability:				
Level of care required:				
Please detail support or nature of assistance requested:				

I the undersigned declare that the information given in this document is true to the best of my knowledge and belief.

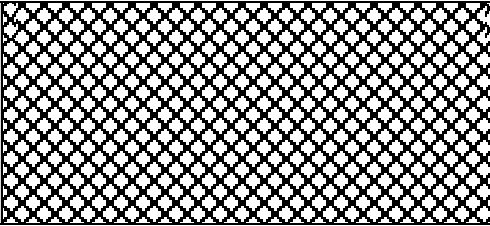
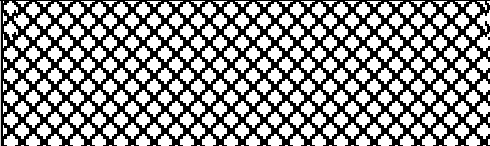
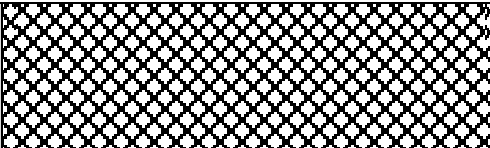
Signed..... Dated.....

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Assessment carried out: (Please tick)	YES	NO	By whom?	(State Name)
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Brief assessment findings:	

Is the level of assistance appropriate to their condition? (Tick box)	YES	NO	If NO please state reasons below:	
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Is the level of assistance appropriate to the circumstances of the Parent/guardian? (Tick box)	YES	NO	If NO please state reasons below:		
Is there a cost associated with providing the request? (Tick box)	YES	NO	If YES please explain reasons below:	Projected Cost:	£
Is the assistance in line with section 8 (2) d? (Tick box)	YES	NO	Outline in what way? (Please see below)		
That the assistance referred to in paragraph (b) shall be designed to ensure that disabled children have effective access to and receive education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to their achieving the fullest possible social integration and individual development.					
Is there any proposed condition subject to which the assistance is granted? (Tick box)	YES	NO	If YES please state conditions below:		
1.					
2.					
3.					
4.					

Made by the Governor in Council this 26th day of February 2010.

G M Benjamin
Clerk of Councils

Explanatory Note

(This note is not part of the Regulations)

The purpose of these Regulations is to prescribe the matters required under the Ordinance to be prescribed including the forms and fees for applications for registration under the Ordinance.