

Home > Statutory Instruments > 1996 >

S.I. No. 397/1996 - Child Care (Standards in Children's Residential Centres) Regulations, 1996.

S.I. No. 397/1996 - Child Care (Standards in Children's Residential Centres) Regulations, 1996.

S.I. No. 397 of 1996.

CHILD CARE (STANDARDS IN CHILDREN'S RESIDENTIAL CENTRES)
REGULATIONS, 1996.

PART I

Preliminary Provisions

Article

1. Citation.

2. Commencement.

3. Definitions.

PART II

Application for Registration

4. Application for Registration.

PART III

Standards in Residential Centres

5. Care practices and operational policies.

6. Person in charge.

7. Staffing.

8. Accommodation.

9. Access arrangements.

10. Health care.

11. Religion.

12. Provision of food and cooking facilities.

13. Fire precautions.

14. Safety precautions.

15. Insurance.

16. Notification of significant events.

17. Records.

PART IV

Inspection of Premises and Enforcement of Regulations

18. Inspection.

19. Enforcement.

SCHEDULE

APPLICATION FORM FOR REGISTRATION OF A CHILDREN'S RESIDENTIAL CENTRE

S.I. No. 397 of 1996.

CHILD CARE (STANDARDS IN CHILDREN'S RESIDENTIAL CENTRES)
REGULATIONS, 1996.

In exercise of the powers conferred on the Minister for Health by sections 61, 63 and 68 of the Child Care Act, 1991 (No. 17 of 1991), which said powers are delegated to me by the Health (Delegation of Ministerial Functions) Order, 1995 (S.I. No. 130 of 1995), I, AUSTIN CURRIE, Minister of State at the Department of Health, hereby make the following Regulations:—

Part I Preliminary Provisions

1 Citation

1. These Regulations may be cited as the Child Care (Standards in Children's Residential Centres) Regulations, 1996.

2 Commencement

2. These Regulations shall come into operation on the 31st day of December, 1996.

3 Definitions

3. In these Regulations —

"designated person" means a person authorised by the chief executive officer or the deputy chief executive officer of a health board to carry out functions under these regulations;

"children's residential centre" means any home or other institution for the residential care of children in the care of health boards or other children who are not receiving adequate care and protection excluding—

(a) an institution managed by or on behalf of a Minister of the Government or a health board,

(b) an institution in which a majority of the children being maintained are being treated for acute illnesses,

(c) an institution for the care and maintenance of physically or mentally handicapped children,

(d) a mental institution within the meaning of the Mental Treatment Acts, 1945 to 1966,

(e) an institution which is a "certified school" within the meaning of Part IV of the Children Act, 1908, functions in relation to which stand vested in the Minister for Education;

"centre" means a children's residential centre;

"medical practitioner" means a person registered in the general register of medical practitioners established under section 26 of the Medical Practitioners Act, 1978 (No. 4 of 1978);

"person in charge", in relation to a registered children's residential centre, means the person whose name is entered in the register as the person in charge of the centre;

"register" means a register of children's residential centres established under section 61 of the Child Care Act, 1991 and, in relation to a particular health board, means the register established by that board and cognate words shall be construed accordingly;

"registered proprietor", in relation to a registered children's residential centre, means the person whose name is entered in the register as the person carrying on the centre;

"relevant health board" means a health board within whose functional area a children's residential centre is located.

Part II Application for Registration

4 ..

4. An application for registration pursuant to Part VIII of the Child Care Act, 1991 shall be in the form set out in the Schedule to these Regulations, or in a form to the like effect.

Part III Standards in Residential Centres

5 Care Practices
and Operational
Policies

5. The registered proprietor and person in charge of a centre shall satisfy the relevant health board that appropriate and suitable care practices and operational policies are in place, having regard to the number of children residing in the centre and the nature of their needs.

6 Person in
Charge

6. (1) There shall be a person in charge of a centre.

(2) The registered proprietor shall notify the health board in writing if the person in charge on the date of registration ceases to be the person in charge during the period of registration and shall notify the health board in writing of the name of the new person in charge, within one month of the appointment.

7 Staffing

7. The registered proprietor and person in charge of a centre shall satisfy the relevant health board that the number, qualifications, experience and availability of members of the staff of the centre are adequate having regard to the number of children residing in the centre and the nature of their needs.

8 Accommodation

8. The registered proprietor and person in charge of a centre shall satisfy the relevant health board that adequate and suitable accommodation is provided, having regard to the number of children residing in the centre and the nature of their needs and, in particular, that —

(a) adequate and suitable furniture, bedding and furnishings are provided,

(b) a sufficient number of lavatories, wash basins, baths and showers, supplied with hot and cold running water, and which ensure privacy as far as is practicable, are provided,

(c) adequate laundering facilities are provided,

(d) the premises are adequately lit, heated and ventilated,

(e) the premises are clean, appropriately decorated and maintained in good structural condition, and

(f) adequate recreational facilities are provided.

9 Access

Arrangements

9. The registered proprietor and person in charge of a centre shall satisfy the relevant health board that appropriate arrangements are in place to facilitate reasonable access to children residing in the centre by parents, relatives, friends, or any other persons who, in the opinion of the person in charge of a centre, have a *bona fide* interest in the children.

10 Health Care

10. The registered proprietor and person in charge of a centre shall satisfy the relevant health board that adequate arrangements are in place for access by children being maintained in the centre to general practitioner services and for their referral to medical, psychological, dental, ophthalmic or other specialist services as required.

11 Religion

11. The registered proprietor and person in charge of a centre shall satisfy the relevant health board that appropriate arrangements are in place to enable children residing in the centre, in so far as is reasonably practicable, to practice their religion.

12 Provision of food and cooking facilities

12. (1) The registered proprietor and person in charge of a centre shall satisfy the relevant health board that children residing in the centre are provided with food in quantities adequate for their needs which is properly prepared, wholesome and nutritious, involves an element of choice and takes account of any special dietary requirements.

(2) For the purpose of this article the registered proprietor and person in charge of a centre shall satisfy the relevant health board that: —

(a) suitable and sufficient catering equipment, crockery and cutlery are provided,

(b) there are proper facilities for the refrigeration and storage of food, and

(c) a high standard of hygiene is maintained in relation to the storage and preparation of food and the disposal of domestic refuse.

13 Fire

Precautions

13. (1) A registered proprietor and person in charge of a centre shall furnish to the relevant health board written confirmation from a chartered engineer or a properly and suitably qualified architect with experience in fire safety design and management that all statutory requirements relating to fire safety and building control have been complied with and that —

(a) adequate precautions have been taken by the centre against the risk of fire, including the provision of adequate means of escape in the event of fire,

(b) that adequate arrangements are in place for detecting, containing and extinguishing fires, and for the maintenance of fire fighting equipment, and

(c) all reasonable measures have been taken by the centre to ensure that materials contained in bedding and the internal furnishings of the centre have adequate fire retardancy properties and have low levels of toxicity in the event of a fire.

(2) A registered proprietor and person in charge of a centre shall notify the relevant health board where any structural alterations to a centre have been carried out and, if so requested, shall furnish the relevant health board with a new written confirmation and the provisions of sub-article (1) of this article shall apply with any necessary modifications.

(3) A registered proprietor and person in charge of a centre shall ensure that adequate arrangements are in place, by means of fire drills and practices, to ensure that the staff, and so far as is practicable, the children, know the evacuation and other procedures to be followed in the event of a fire.

14 Safety

Precautions

14. (1) A registered proprietor and person in charge of a centre shall satisfy the relevant health board that adequate arrangements exist to guard against the risk of injury occurring on the premises, particularly with regard to stairways, electrical and gas appliances and fittings, windows and doors, glazing and the storage of medicines, cleaning and other material.

(2) A registered proprietor and person in charge of a centre shall satisfy the relevant health board that adequate arrangements are in place for the reporting and recording of accidents and injuries affecting children being maintained in the centre.

(3) The provisions of this article are without prejudice to the provisions of the Health, Safety and Welfare at Work Act, 1989.

15 Insurance

15. A registered proprietor and person in charge of a centre shall satisfy the relevant health board that there is adequate insurance against accidents or injury to children being maintained in the centre.

16 Notification of Significant Events

16. A registered proprietor and person in charge of a centre shall satisfy the relevant health board that procedures are in place for the prompt notification by the centre to the relevant health board of any significant event occurring in relation to a child being maintained in the centre.

17 Records

17. A registered proprietor and person in charge of a centre shall satisfy the relevant health board that appropriate records are kept by the centre in relation to children being maintained in the centre.

Part IV Inspection of Premises and Enforcement of Regulations

18 Inspection

18. (1) The registered proprietor and any member of staff of a centre shall:-

(a) permit designated persons to enter and inspect the centre and shall afford the said persons such facilities and information as they require for that purpose, and

(b) subject to sub-article (2) of this article, permit designated persons to examine records kept by the centre and to obtain copies of any such records or of extracts therefrom.

(2) Nothing in sub-article (1) of this article authorises any person other than a designated person who is a medical practitioner to inspect any medical record relating to a child in a centre.

19 Enforcement

19. These regulations shall be enforced and executed by each health board in respect of each children's residential centre in its functional area.

Schedule

Application for Registration of a Children's Residential Centre

1. Name and Address of Centre

Name or Title of the
Centre

Address of the Centre

Date (or proposed date)
of establishment

2. Aims, Objectives and Organisational Structure of Centre

Brief Statement of the Main Aims, Objectives and
Organisational Structure of the Centre:- (to include the
age range of residents catered for and the criteria for
admission)

Please attach an example of any brochure or advertisement to be used for the Centre

3(a) Proprietor(s) of Centre

Full Name of
Proprietor(s)

Date of Birth (if
proprietor an
individual)

Full Name of
Proprietor(s)

Date of Birth (if
proprietor an
individual)

Address of
Proprietor(s) (if
other than
above)

3(b)

If the Centre is to be owned on a partnership basis,
please give details of other partners (i.e. full name,
address, date of birth and telephone number)

4. Person in Charge

Particulars of the Person in Charge of the Centre

Full Name and Date of Birth

Private Address and Telephone Number

5. Qualifications and Employment Record of Person in Charge

Details of the Qualifications, Related Experience and Employment Record of the Person in Charge (Please include details of present and past employer which will include the name, address and nature of business together with the dates of employment and details of posts held)

(continue on reverse where necessary)

6. Staffing

A: Resident Staff (full-time)

Position Held	Date Appointed	Qualifications	Weekly Hours	Male	Female
---------------	----------------	----------------	--------------	------	--------

B: Resident Staff (part-time)

Position Held	Date Appointed	Qualifications	Weekly Hours	Male	Female
---------------	----------------	----------------	--------------	------	--------

C: Non-Resident Staff (full-time)

Position Held	Date Appointed	Qualifications	Weekly Hours	Male	Female
---------------	----------------	----------------	--------------	------	--------

D: Non-Resident Staff (part-time)

Position Held	Date Appointed	Qualifications	Weekly Hours	Male	Female
---------------	----------------	----------------	--------------	------	--------

Note: Proprietors and persons in charge should be able to provide the relevant health board with samples of job descriptions contracts and written statements to staff on Health and Safety at Work.

7. Premises

A.

Description of Premises: (Please attach plans of the interior design of property giving details of the dimensions of all rooms intended for residents use, also indicating owners/staff rooms)

A: Type of Property: (e.g. detached/semi-detached/terraced/date of construction)B: Description of Property: (e.g. type of roof/facilities/wiring)

B: Details of Accommodation for use of Residents

Number of	Ground Floor	First Floor	Second Floor
-----------	--------------	-------------	--------------

Bathrooms

Separate

WCs

Showers

Single

Bedrooms

Double

Bedrooms

Other

Bedrooms

Lounge and

Sitting

Dining

Rooms

C: Other Accommodation

Please detail other accommodation (e.g. Office/interview rooms, workshops, sick room, quiet room, utility, guest room)

Please detail any additional out-door facilities (e.g. lawned area, patio, playing field)

8. Education

Please detail arrangements for the education of residents

9. Health and Social Care

What arrangements have been made for health care provision (e.g. G.P., dentist, optician, psychologist, speech therapist)

Please detail arrangements for the administration and handling of medicines

Please detail arrangements to meet the spiritual needs of residents

10. Insurance

Please detail arrangements for insurance cover of the centre (include the name and address of the Insurance Company)

11. Other amenities

Please detail any other amenities provided

12. Meals

Please detail facilities for the provision of meals and special diets (please attach a two week menu plan to cover breakfast, lunch and dinner and indicate when these meals will be served)

13. Fire Precautions

Does the centre have a written confirmation as required by article 13 of the Child Care (Standards in Children's Residential Centres) Regulations, 1996.

Yes

No

Is the procedure to be followed in the event of a fire displayed in a prominent position in the centre?

Yes

No

How frequently are fire drills held in the centre?

Please include confirmation from a chartered engineer or a properly and suitably qualified architect with experience in fire safety design and management that all the requirements of the statutory fire authority have been complied with.

14. Declaration

I, the applicant, hereby declare that the information given by me in this application is correct to the best of my knowledge.

Signature of
applicant:

Date:

Information to be enclosed with application form

1. Please attach an example of any brochure or advertisement to be used for the centre.
2. Please attach plans of the interior design of the centre giving details of the dimensions of all rooms intended for residents use also indicating owners/staff rooms,
3. Please supply the name and address of the G.P./medical officer who will be responsible for the medical examination of residents.
4. Please attach a two week menu plan to cover breakfast, lunch and dinner.
5. Please attach written confirmation from a chartered engineer or a properly and suitably qualified architect with experience in fire safety design and management.

Additional information may be requested in support of application

Proprietors should be able to provide the relevant health board with:

- (i) a copy of the certificate of planning permission for the centre, and
- (ii) samples of job descriptions/contracts of staff and written statements to staff on Health and Safety at Work.

Dated this 18 day of December, 1996

Austin Currie

Minister of State at the Department of Health

EXPLANATORY NOTE

These regulations prescribe various requirements to be complied with by voluntary children's residential centres for the proper conduct of such centres pursuant to Part VIII of the Child Care Act, 1991 . Provision is also made for the inspection of such centres by health boards to ensure the enforcement and execution of these regulations.