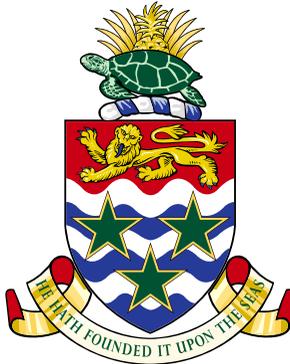


CAYMAN ISLANDS



Children Law, 2003

REGISTERED CHILDREN'S HOMES REGULATIONS, 2012

(SL 75 of 2012)

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CAYMAN ISLANDS**Children Law, 2003****REGISTERED CHILDREN'S HOMES
REGULATIONS, 2012****(SL 75 of 2012)**

The Governor in Cabinet, in exercise of the powers conferred by section 64(3)(b) of, and paragraph 1(4)(a), (5), (6) and 10 of Schedule 6 to, the Children Law, 2003, hereby makes the following Regulations —

PART I - PRELIMINARY**Citation**

1. These Regulations may be cited as the Registered Children's Homes Regulations, 2012.

Definitions

2. In these Regulations —

“**children's home**” means a registered children's home which provides, or usually provides, or is intended to provide care and accommodation wholly or mainly for more than three children at any one time, and the expression “**home**” shall be construed accordingly;

“**Law**” means the *Children Law, 2003*;

“**medicinal product**” means any substance, article or device (including any instrument, apparatus or appliance) which is manufactured, sold, supplied or imported for use wholly or mainly in either or both of the following ways —

- (a) use by being administered to one or more human beings for a medicinal purpose;
- (b) use as an ingredient in the preparation of a substance, article or device which is being administered to one or more human beings for a medicinal purpose;

“**person in charge**” means the person appointed by the responsible authority as the person in charge of the management of the registered children’s home;

“**registered medical practitioner**” means a person registered under the *Health Practice Law (2005 Revision)*;

“**registered nurse**” means a person registered under the *Health Practice Law (2005 Revision)*; and

“**responsible authority**” means the person carrying on or intending to carry on the registered children’s home.

Application of Regulations

3. (1) These Regulations shall not apply to premises used only to accommodate children for the purpose of a holiday for periods of less than twenty-eight days at a time in the case of any one child.
- (2) Subject to section 64(11) and Schedule 7 to the Law, any home in which a child is cared for and accommodated by a person who —
- (a) is an approved department foster parent in relation to the child; or
 - (b) fosters the child privately,
- is, so far as the provision of care and accommodation for that child is concerned, exempt from the definition of a “children’s home” in section 64(3) of the Law.

PART II - CONDUCT OF CHILDREN’S HOMES

Statement of purpose and function of children’s homes

4. (1) The responsible authority shall, within three months of the coming into force of these Regulations, compile, maintain and keep up to date, a written statement of the particulars mentioned in Part I of Schedule 1 relating to a children’s home.
- (2) The statement referred to in paragraph (1) shall be made available for inspection by the persons referred to in Part II of Schedule 1, in addition to any other person who has a right under the Law to inspect this statement.



Staffing of children's homes

5. (1) The responsible authority shall ensure that the number of staff in a children's home and their experience and qualifications are adequate to ensure that the welfare of the children in the home is safeguarded and promoted at all times.
- (2) The responsible authority shall ensure that the particulars specified in Part I of Schedule 1 are brought to the notice of all staff in the children's home.

Accommodation for individual children's needs

6. (1) The responsible authority shall ensure that, insofar as it is practicable, each child in a children's home is provided with an area within the home which is suitable for his needs.
- (2) The area referred to in paragraph (1) shall be equipped with —
- (a) all the appropriate furnishings that would make the home habitable; and
 - (b) facilities that meet the needs of a child who is suffering from a physical or mental disability.

Provision of adequate conveniences

7. (1) The responsible authority shall ensure that the home is provided with wash basins, hot and cold water, showers and toilets.
- (2) The responsible authority shall ensure that all parts of the home are —
- (a) adequately lit and ventilated;
 - (b) kept in good structural repair;
 - (c) kept sanitary; and
 - (d) reasonably decorated and maintained.
- (3) The responsible authority shall provide adequate facilities in the home for a child to meet privately with —
- (a) his parents;
 - (b) any person who has parental responsibility for him;
 - (c) his relatives or friends;
 - (d) his attorney-at-law;
 - (e) his guardian *ad litem*;
 - (f) any independent person appointed for the child pursuant to the Representation Procedure (Children) Regulations, 2012;
 - (g) any visitor appointed for the child in accordance with paragraph 14(7) of Schedule 2 to the Law; and
 - (h) any person authorised in accordance with section 80(2) of the Law to conduct an inspection of the children's home.

- (4) The responsible authority shall provide the children with adequate laundry facilities and other grooming conveniences.
- (5) The responsible authority shall provide adequate private telephone facilities for the use of the children in the home in accordance with the policies of the home.

Control and discipline

8. (1) The responsible authority of a children's home shall only apply disciplinary measures within the home that are approved by the Department.
- (2) The following acts shall not be practised in a children's home —
 - (a) corporal punishment;
 - (b) any deprivation of food or drink;
 - (c) any restriction on visits to or by any child unless it is in the best interest of the child;
 - (d) any restriction on or delay in communications by telephone or post with —
 - (i) his parents, unless it is in the best interest of the child;
 - (ii) any person who has parental responsibility for him, unless it is in the best interest of the child;
 - (iii) his relatives or friends, unless it is in the best interest of the child;
 - (iv) his attorney-at-law;
 - (v) his guardian *ad litem*;
 - (vi) any independent person appointed for the child pursuant to Representation Procedure (Children) Regulations, 2012;
 - (vii) any visitor appointed for the child in accordance with paragraph 14(7) of Schedule 2 to the Law; or
 - (viii) any social worker assigned to the child by the Department;
 - (e) any requirement that a child wear inappropriate clothes;
 - (f) the deprivation of any form of health care or medication;
 - (g) the intentional deprivation of sleep; and
 - (h) any intimate physical examination of a child by any person other than a registered medical practitioner.
- (3) Where disciplinary action has been taken against a child in a children's home, the responsible authority shall, within twenty-four hours of the action, record or cause to be recorded in writing full particulars of the disciplinary action taken.
- (4) The particulars referred to in paragraph (3) shall include —



- (a) the date on which the action was taken;
- (b) the reasons for the action;
- (c) the name of the child against whom the action was taken; and
- (d) the person who enforced the action.

Storage of medicinal products

- 9.** (1) Subject to paragraph (3), the responsible authority shall store or cause to be stored in a secure place any medicinal product which is kept in the home so as to prevent any child accommodated in the home from having access to it otherwise than under the supervision of a member of staff of the home.
- (2) Subject to paragraph (3), all medicinal products shall be administered by a registered nurse or registered medical practitioner or by a member of staff of the children's home acting on instructions received from the registered nurse or registered medical practitioner.
- (3) Paragraphs (1) and (2) shall not apply to a medicinal product which —
- (a) is stored by the child for whom it is provided in such a way that others are denied access to it; and
 - (b) may safely be self-administered by that child.

Employment and education of older children

- 10.** The responsible authority shall assist with the making of arrangements for a child to pursue tertiary education, advanced training or gainful employment, where that child has attained the age where the responsible authority is no longer required to provide compulsory full-time education.

Religious observance

- 11.** The responsible authority shall enable each child accommodated in a children's home, insofar as it is practicable, to attend the services of, to receive instruction in, and to observe any requirement of the religious persuasion to which he belongs.

Food provided for child and cooking facilities

- 12.** (1) The responsible authority shall ensure that a child accommodated in a children's home is provided with food which is properly prepared, nutritious and provided in adequate quantities to meet the needs of the child.
- (2) The responsible authority shall, insofar as it is practicable, ensure that any special dietary need of a child accommodated in the home is satisfied.
- (3) The responsible authority shall provide within a home —
- (a) suitable and sufficient catering equipment, crockery and cutlery;
 - (b) proper facilities for the refrigeration and storage of food; and

- (c) insofar as it is practicable, adequate facilities to allow children the option to prepare their own food.

Purchase of clothes

- 13.** (1) The responsible authority shall, insofar as it is practicable, enable each child accommodated in the home to purchase clothes according to his needs.
- (2) The responsible authority shall, insofar as it is practicable, purchase clothes to meet the needs of a child, where that child, his parent or guardian is unable to purchase the clothes.

Fire precautions

- 14.** (1) The responsible authority shall ensure, before any child is accommodated in a children's home and whenever there is a change in particulars during the period that child is accommodated, that the Chief Fire Officer is notified in writing of the following particulars —
- (a) the location of the home;
- (b) the number of children accommodated or to be accommodated in the home;
- (c) the age range of the children accommodated or to be accommodated in the home; and
- (d) whether any child accommodated or to be accommodated in the home suffers from a physical or mental disability.
- (2) The responsible authority shall ensure that, in respect of the home, adequate —
- (a) precautions are taken against the risk of fire;
- (b) means of escape in the event of fire are provided;
- (c) arrangements are made for detecting, containing and extinguishing a fire;
- (d) arrangements are made for warning of an outbreak of a fire and for evacuation in the event of a fire; and
- (e) fire fighting equipment is available.
- (3) The responsible authority shall ensure that arrangements are made to familiarise the staff working and children accommodated in the home with the procedure to be followed in the event of a fire.
- (4) The arrangements referred to in paragraph (3) shall include the evacuation procedure from the home, techniques of resuscitation and life saving methods.
- (5) The responsible authority shall establish a reporting system to ensure that reports on any outbreak of fire requiring an evacuation of children accommodated in the home is forwarded to it immediately.



PART III - ADMINISTRATION OF CHILDREN'S HOMES

Confidential records in relation to children in children's homes

15. (1) The responsible authority shall arrange for the keeping in each children's home of a record, in permanent form, on each child accommodated and which shall insofar as it is practicable include the information specified in Schedule 2.
- (2) The responsible authority shall keep the record mentioned in paragraph (1) securely and shall treat it as confidential subject only to —
- (a) any provision under or by virtue of any Law under which access may be obtained or given to records and information concerning a child; or
 - (b) any court order, in respect of access to records and information concerning a child.
- (3) The responsible authority shall retain the records mentioned in paragraph (1) for at least seventy-five years from the date of birth of the child to whom they relate or if the child dies before attaining the age of eighteen, for a period of fifteen years from the date of his death.

Access by guardians *ad litem* to records

16. The responsible authority shall, if requested, provide a guardian *ad litem* of a child with —
- (a) access to all the records relating to the child in accordance with these Regulations; and
 - (b) copies of the records.

Other records with respect to children in children's home

17. (1) The responsible authority shall keep in each children's home the records specified in Schedule 3 and shall ensure that the details are kept current.
- (2) The records referred to in paragraph (1) shall be retained for at least fifteen years, except for records of menus which shall be kept only for one year.

Availability of Regulations

18. The responsible authority shall keep a copy of these Regulations in the children's home and make it available to —
- (a) all staff;
 - (b) every child accommodated in the home;
 - (c) the parents or guardians of any child accommodated in the home; and
 - (d) any person with parental responsibility for a child accommodated in the home.

Notification of significant events

19. (1) The responsible authority shall, insofar as it is practicable, immediately give notification of any of the events mentioned in paragraph (2) to —
- (a) (i) the parents of any child concerned;
 - (ii) the Department;
 - (iii) any person who has parental responsibility for a child in the home;
 - (iv) any other person who has undertaken to meet any fees or expenses incurred in accommodating any child concerned at the home; and
- (b) in respect of the event mentioned in paragraph (2)(c), a police officer.
- (2) The events referred to in paragraph (1) are —
- (a) the death of a child accommodated at the home;
 - (b) any conduct on the part of a member of staff of the home which, in the opinion of the Department is not, or as the case may be, would not, be appropriate for a person employed in work involving children;
 - (c) the suffering of serious harm by a child accommodated at the home;
 - (d) any serious accident involving a child accommodated at the home;
 - (e) any serious illness of a child accommodated at the home; and
 - (f) the outbreak in the home of any notifiable infectious disease to which the *Public Health Law (2002 Revision)* or regulations made under that Law applies.
- (3) Any notification given with respect to the death of a child shall contain all available details as to the circumstances.

Absence of a child without authority

20. (1) The responsible authority shall stipulate and cause to be recorded in writing the procedure to be followed when any child accommodated in a children's home leaves the facility without permission.
- (2) The responsible authority shall ensure that the procedure mentioned in paragraph (1) is brought to the attention of the children accommodated in the home and all staff members in the home.

Absence of the person in charge

21. (1) Subject to paragraph (2), a person in charge of a registered children's home who proposes to be absent from the home for a continuous period of four weeks or more shall give written notice of that intention to the Department and the responsible authority at least four weeks before commencement of his absence.
- (2) The Department may accept a shorter notice, where the circumstances make it impracticable to provide the period of notice mentioned in paragraph (1).



- (3) Where paragraph (1) applies, the person in charge of a registered children's home shall inform the Department and the responsible authority at least seven days before the beginning of the absence of —
 - (a) its occurrence and anticipated duration;
 - (b) the reason for it;
 - (c) the number of children accommodated in the home when the information is given;
 - (d) the arrangements which have been made for the supervision of the home; and
 - (e) the name, address and qualifications of the person who will be in charge of the home.
- (4) The responsible authority shall notify the Department within seven days of the return of the person in charge or the appointment of some other person in his place.
- (5) If, in the case of a registered children's home, the person in charge is also the responsible authority, anything required to be done by or to the responsible authority shall be done by or to, as the case may require, the person for the time being in charge of the home.

Accountability and visiting on behalf of responsible authority

- 22.** (1) If the responsible authority of a registered children's home is an individual but is not the person in charge of the home, that responsible authority shall visit the home once a month, or cause some other person to do so on his behalf and to report to him in writing on the management of the home.
- (2) If the responsible authority of a registered children's home is a body of persons, whether incorporated or not, the directors, or other persons responsible for the conduct of the body, shall cause one of their number to visit the home once a month and to report to them in writing on the management of the home.

PART IV - REGISTRATION OF CHILDREN'S HOMES

Application for registration of children's homes

- 23.** (1) An application to register a children's home under paragraph 1 of Schedule 6 to the Law shall be made in writing to the Department.
- (2) An application to register a children's home shall be accompanied by the particulars specified in —
- (a) Part I of Schedule 4 where the applicant is a natural person;

- (b) Part II of Schedule 4 where the applicant is a body corporate or unincorporated; or
- (c) Part III of Schedule 4 in all cases.

Limits on number of children accommodated

- 24.** The Department may limit the number of children to be accommodated in a registered children's home to such number as it may specify by means of a condition imposed under paragraph 2 of Schedule 6 to the Law.

Annual review of registration

- 25.** In connection with an annual review of registration under paragraph 3 of Schedule 6 to the Law, the person carrying on the registered children's home shall notify the Department of any changes which there may have been since the previous review, or the original application where there has been no review, in any of the particulars furnished under regulation 23(2).

Inspection of registered children's homes

- 26.** (1) Where an application has been made for the registration of a children's home, the Department shall cause it to be inspected before deciding whether or not to approve the application.
- (2) The Department shall cause the home to be inspected within the period of one month ending upon the anniversary of the registration of a registered children's home.
- (3) The Department shall cause the home to be inspected on at least one other occasion in any year.
- (4) The Department may notify the person in charge of the home of its intention to conduct the inspection required by paragraph (2), but shall not do so with regard to any inspection pursuant to paragraph (3).
- (5) The Department shall consider the report of any inspection of the home conducted in accordance with this regulation when determining whether or not the registration of the home shall be renewed or cancelled.

Cancellation of registration

- 27.** An application under paragraph 4(1) of Schedule 6 to the Law shall be made in writing and shall include particulars of the —
- (a) date on which the responsible authority wishes the cancellation of the registration of the home to take effect, being a date no earlier than one month after the date on which the application is made; and
 - (b) action which the responsible authority intends should be taken with regard to alternative accommodation for any child then accommodated in the home.



Change of person in charge

- 28.** The responsible authority shall give at least one month's prior notice in writing to the Department of any proposal to change the person in charge of a registered children's home and the notice shall contain the particulars mentioned in Schedule 5.

PART V - VISITS BY THE DEPARTMENT**Circumstances necessitating a visit by the Department**

- 29.** (1) The Department shall arrange for one of its officers to visit every child who is accommodated in a registered children's home in any of the following circumstances and within the periods specified —
- (a) where the responsible authority makes representations to the Department that there are circumstances relating to the child which may require a visit, within fourteen days of receipt of those representations; and
 - (b) when it is informed that the welfare of a child is not safeguarded or promoted, within seven days of being so informed.
- (2) The Department, on receiving a notification under paragraph (1), shall determine whether the accommodation provided by the registered children's home is in the best interest of the child.

Further visits

- 30.** (1) After a first visit has been made under regulation 29, the Department shall arrange for such further visits to the child by one of its officers as appears to it to be necessary, whether in the light of a change of circumstances or not; and shall in any event arrange for the further visits provided for by paragraphs (2) and (3).
- (2) The Department shall, within six months of the first visit, arrange for a further visit by one of its officers where the first visit was made in the circumstances specified in regulation 29(1)(a) and it is satisfied following that first visit that the child's welfare is being safeguarded and promoted.
- (3) Where the Department is not satisfied following the first visit that the child's welfare is being safeguarded and promoted but has decided that the child should continue to reside in the same accommodation, it shall arrange for a further visit by one of its officers within twenty-eight days of the first visit.

Requirements for visits

- 31.** (1) The Department shall ensure that in the course of visits to which regulations 29 and 30 refer, its officer —
- (a) sees the child alone, unless the officer considers it unnecessary;

- (b) reads all relevant case papers and records concerning the child kept by the responsible authority and makes copies, signs and dates them to indicate they have been seen by him; and
 - (c) makes a written report of his visit, a copy of which shall be forwarded to the responsible authority.
- (2) The responsible authority shall provide suitable accommodation for a visit made under regulation 29 or 30.



SCHEDULE 1

(Regulation 4)

STATEMENT TO BE KEPT RELATING TO CHILDREN'S HOMES

PART I

Particulars to be included in statement

1. The purpose for which the children's home is established and the objectives to be attained with regard to children accommodation in the home.
2. The name and address of the person in charge of the children's home.
3. The following details about the children for whom it is intended that accommodation should be provided —
 - (a) age range;
 - (b) sex; and
 - (c) the number of children.
4. Whether a child is selected by reference to criteria other than age or sex and if so, those criteria.
5. The organisational structure of the children's home.
6. The number of staff employed in the children's home.
7. The qualification and experience of the persons in charge of the children's home, including all staff members.
8. The facilities and services to be provided within the children's home.
9. The arrangements made to protect and promote the health of the children.
10. The fire precautions and associated emergency procedures.
11. The arrangements made for religious observance by any child.
12. The arrangements made for contact between a child and his parents, a person who has parental responsibility for the child, relatives or friends.
13. The disciplinary measures in place.
14. The procedure for dealing with any unauthorised absence of a child from the home.
15. The arrangements for dealing with complaints against persons in the home.
16. The arrangements for the education of any child in the home.
17. The arrangements for dealing with reviews under section 28 of the Law of the cases of every child.

PART II*Persons to whom statement is to be made available for inspection*

1. The person in charge of the children's home.
2. The staff of the children's home.
3. The children accommodated in the children's home.
4. The parent of any child accommodated in the children's home.
5. Any person who is not a parent of a child accommodated in the children's home, but who has parental responsibility for such a child.
6. The Department.



SCHEDULE 2

(Regulation 15(1))

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

1. The child's name and any name by which the child has previously been known other than a name used by the child prior to adoption.
2. The child's sex and date of birth.
3. The child's religious persuasion, if any.
4. A description of the child's racial origin, cultural and linguistic background.
5. The living arrangements of the child before being placed in the children's home.
6. The person under whose authority the child is provided with care and accommodation in the home and any Law which authorises its provision.
7. The name, address, telephone number and the religious persuasion, if any, of —
 - (a) the child's parents; and
 - (b) any person who has parental responsibility for him.
8. The name, address and telephone number of any social worker assigned to the child by the Department.
9. The date and circumstances of any absence of the child from the home.
10. The date and circumstances of any visit to the child whilst in the home by any of the persons referred to in regulation 8(2)(d).
11. A copy of any statement of special educational needs maintained in relation to the child.
12. The name and address of any educational institution attended by the child and of any employer of the child.
13. Every school report received by the child while accommodated in the home.
14. The date and circumstances of any disciplinary measures imposed against the child.
15. Any special dietary or health needs of the child.
16. Arrangements for, including any restrictions on, contact between the child and —
 - (a) his parents; and
 - (b) any person who has parental responsibility for him.
17. The date and result of any review of the child's case.
18. The name and address of the medical practitioner with whom the child is registered.
19. Details of any accident involving the child.

20. Details of any immunisation, illness, allergy or medical examination of the child and of any dental need of the child.
21. Details of any health examination or development test conducted with respect to the child at or in connection with his school.
22. Details of all medicinal products taken by the child while in the home and by whom they were administered, including those which the child is permitted to administer to himself.
23. The date on which —
 - (a) any money or valuables are deposited by or on behalf of a child for safekeeping;
 - (b) such money is withdrawn; and
 - (c) any valuables are returned.
24. The arrangements for accommodation of the child when his accommodation in the children's home ceases.



SCHEDULE 3

(Regulation 17(1))

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

1. A record showing —
 - (a) the date on which each child was first accommodated in the children's home;
 - (b) the date on which a child ceased to be accommodated in the children's home;
 - (c) where each child came from before he commenced occupancy of the children's home;
 - (d) the new accommodation of each child who has ceased to be accommodated in the children's home;
 - (e) the identity of the person, authority or organisation responsible for the child being placed in the children's home; and
 - (f) which, if any, child accommodated in the children's home was being looked after, or in the care of, any other home or facility providing child care.
2. A record showing —
 - (a) the full name;
 - (b) the sex;
 - (c) the date of birth;
 - (d) the qualifications relevant to and experience of work involving children, of every person who —
 - (i) is employed at the children's home;
 - (ii) works at the home; or
 - (iii) is intended, by the responsible authority, to work at the home; or
 - (e) showing whether such persons work at the home full-time or part-time, whether paid or not and, if part-time, the average number of hours worked per week and whether or not they reside at the home or intend to do so.
3. A record of all persons resident at the children's home, other than the persons mentioned in paragraph 2 of this Schedule and the children accommodated in the home.
4. A record of accidents occurring in the home.

5. A record of any medicinal product administered to any child in the home, including the date and circumstances of its administration and by whom it was administered, including medicinal products which the child is permitted to administer to himself.
6. A record of every fire drill or fire alarm test conducted, with details of any deficiency in either the procedure or the equipment concerned, together with details of the steps taken to remedy that deficiency.
7. A record of all money deposited by a child for safekeeping, together with the date on which that money was withdrawn, or the date of its deposit.
8. A record of all valuables deposited by a child and the date of return.
9. Records of all accounts kept in the children's home.
10. A record of menus.
11. A record of every disciplinary measure imposed, giving the information required by regulation 8(4).
12. Records of duty rosters.
13. A daily log of events occurring in the home, including the names of visitors to any child accommodated in the home.



SCHEDULE 4

(Regulation 23(2)(a)(b)(c))

**PARTICULARS TO ACCOMPANY APPLICATIONS FOR
REGISTRATION AS A REGISTERED CHILDREN'S HOME****PART I***Particulars where applicant is a natural person*

1. The name, date of birth, address and telephone number of the applicant.
2. The qualifications and experience held by the applicant which are relevant to his suitability to carry on the children's home.
3. Certificates evidencing the qualifications and training of the applicant and each employee.
4. The names and addresses of any person by whom the applicant is, or has at any time in the preceding ten years been, employed.
5. The names and addresses of two persons of good character in addition to those persons referred to in paragraph 4, who are willing and able to give a reference as to the suitability of the applicant to carry on a children's home.
6. A report, where the Department considers it necessary, by a registered medical practitioner as to the physical and mental health of the applicant.

PART II*Particulars where applicant is a corporate or unincorporated body*

1. The address of the registered office or principal place of business of the applicant.
2. The name, date of birth and address of the chairman and secretary of the applicant.
3. The qualifications and experience, held by the person whom the applicant intends to place in charge of the home which are relevant to his suitability to be in charge of the home.
4. Certificates evidencing the qualifications and training of the applicant and each employee.
5. The names and addresses of two persons who are willing and able to give a reference as to the suitability of the person mentioned in paragraph 3.

PART III*Particulars required in all cases*

1. The name, address and telephone number of the premises in respect of which registration is sought.
2. A description of the premises and the area in which they are situated and the particulars of any comments made by the Chief Fire Officer, environmental or public health authorities.
3. A copy of any planning, development or building approval.
4. The name and address of any home within the scope of Parts VI, VII or VIII of the Law, in respect of which the applicant has or at any time had a financial interest, or in the case of a natural person at which he was employed, and details of the interest or employment.
5. The date on which the home was established or is to be established.
6. The name, sex, date of birth and other particulars, including date of employment or of proposed employment of any person employed or proposed to be employed in the children's home as the person in charge, together with details of —
 - (a) his qualifications, insofar as they are relevant to his employment;
 - (b) his previous experience in work involving or related to the care of children; and
 - (c) whether he will be living on the premises.
7. The name, sex, date of birth, and the responsibilities of every person working in the home or whom it is proposed should work in the home.
8. The hours for which it is proposed that any person mentioned in paragraph 6 and 7 should work.
9. The scale of charges payable for the accommodation of the children and other residents in the home.
10. Particulars of the equipment, facilities and services to be provided in the home, if any, and particular needs of children which are intended to be met by means of the equipment, facilities or services.
11. Particulars of the arrangements made or proposed for the education of children in the home, and if education is to be provided on the premises, information on the status of the home as a school under the relevant law regulating the provision of education.
12. Particulars of the accommodation provided for the children in the home and for others resident in the home.
13. The arrangements for continuing staff training and development.



14. The organisational structure of the home.
15. The ratio of children accommodated to staff employed.
16. The arrangements for medical, dental and optical care.
17. The particulars set out in Part I of Schedule 1.
18. Particulars of any prospectus relating to the home.
19. Particulars of any other business which is, or is proposed to be, conducted on the premises of the home.
20. In respect of the applicant and each employee —
 - (i) a police record covering at least the last ten years;
 - (ii) disclosure of any offences for which the applicant or employee has been acquitted, cautioned, or discharged due to insufficient evidence to prosecute or to a technicality; and
 - (iii) disclosure of the refusal of an application to care for a child.

SCHEDULE 5

(Regulation 28)

**PARTICULARS OF CHANGE OF IDENTITY OF PERSON PROPOSED
TO BE IN CHARGE OF A REGISTERED CHILDREN'S HOME**

1. The name, date of birth, address and telephone number of the proposed person.
2. The qualifications and experience held by the proposed person which are relevant to his suitability to carry on the registered children's home.
3. The names and addresses of any person by whom the proposed person is, or has at any time in the preceding ten years been, employed.
4. The names and addresses of two persons, in addition to those referred to in paragraph 3, who are willing and able to give a reference as to the suitability of the proposed person to be in charge of a children's home.
5. A report, where the Department considers it necessary, by a registered medical practitioner as to the physical and mental health of the proposed person in charge.
6. A police record on the proposed person covering the last ten years or such longer period as the Department may determine.

Made in Cabinet on the 28th day of August, 2012.

Kim Bullings
Clerk of the Cabinet.

**Laid in the Legislative Assembly on the 5th day of November, 2012, in accordance
with section 95(2) of the Children Law, 2003.**

Zena Merren-Chin
Clerk of the Legislative Assembly.

