

CAYMAN ISLANDS



Supplement No. 17 published with Extraordinary
Gazette No. 125 dated 13th December, 2012.

THE CHILDREN LAW, 2003

THE VOLUNTARY HOMES REGULATIONS, 2012

THE VOLUNTARY HOMES REGULATIONS, 2012

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

1. Citation
2. Definitions
3. Application of Regulations

PART II

CONDUCT OF VOLUNTARY HOMES

4. Statement of purpose and function of voluntary homes
5. Staffing of voluntary homes
6. Accommodation for individual child's needs
7. Provision of adequate conveniences
8. Control and discipline
9. Storage of medicinal products
10. Employment and education of older children
11. Religious observance
12. Food provided for child and cooking facilities
13. Purchase of clothes
14. Fire precautions

PART III

ADMINISTRATION OF VOLUNTARY HOMES

15. Confidential records in relation to children in voluntary homes
16. Access by guardians ad litem to records
17. Other records with respect to children in voluntary homes
18. Availability of Regulations
19. Notification of significant events
20. Absence of a child without authority
21. Absence of the person in charge
22. Accountability and visiting on behalf of responsible authority

PART IV

REGISTRATION OF VOLUNTARY HOMES

23. Application for registration of voluntary homes

- 24. Change of person in charge
- 25. Disqualification from operating a voluntary home

PART V

VISITS BY THE DEPARTMENT

- 26. Circumstances necessitating a visit by the Department
- 27. Further visits
- 28. Requirements for visits

PART VI

NOTIFICATION OF PARTICULARS

- 29. Notification of particulars with respect to voluntary homes

SCHEDULES

SCHEDULE 1- Statement to be kept relating to voluntary homes

SCHEDULE 2- Information to be included in confidential records concerning children in voluntary homes

SCHEDULE 3- Information to be included in other confidential records concerning children in voluntary homes

SCHEDULE 4- Particulars to accompany applications for registration of voluntary homes

SCHEDULE 5- Particulars of change of identity of proposed person in charge of a voluntary home

SCHEDULE 6- Particulars relating to voluntary homes

CAYMAN ISLANDS

THE CHILDREN LAW, 2003

THE VOLUNTARY HOMES REGULATIONS, 2012

The Governor in Cabinet, in exercise of the powers conferred by section 61(3)(e) and 63(3) of, and paragraphs 7 and 8 of Schedule 5 to, the Children Law, 2003, hereby makes the following Regulations-

PART I

PRELIMINARY

1. These Regulations may be cited as the Voluntary Homes Regulations, 2012. Citation

2. In these Regulations- Definitions

“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 a voluntary home;

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

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

“responsible authority” means the voluntary organisation which is carrying on the voluntary home; and

“voluntary home” has the meaning given by section 61(3) of the Law, and the expression “home” shall be construed accordingly.

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;
- (b) is a foster parent with whom the child has been placed by the Department; or
- (c) 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 “voluntary home” in section 61(3) of the Law.

PART II

CONDUCT OF VOLUNTARY HOMES

Statement of purpose and function of voluntary 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 voluntary 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 voluntary homes

5. (1) The responsible authority shall ensure that the number of staff in a voluntary home and their experience and qualifications are adequate to ensure that the welfare of the children in the voluntary 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 home.

Accommodation for individual child's needs

6. (1) The responsible authority shall ensure that, insofar as is it is practicable, each child in a voluntary 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.
7. (1) The responsible authority shall ensure that the home is provided with wash basins, hot and cold water, showers and toilets. Provision of adequate conveniences
- (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 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 voluntary 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.
8. (1) The responsible authority of a voluntary home shall only apply those disciplinary measures within the home as are approved by the Department. Control and discipline
- (2) The following acts shall not be practised in a voluntary 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 the 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 voluntary 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 name of 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 member of staff of the voluntary home acting on instructions received from, a registered nurse or registered medical practitioner, or by 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.

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.

Employment and education of older children

11. The responsible authority shall enable each child accommodated in a voluntary 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.

Religious observance

12. (1) The responsible authority shall ensure that a child accommodated in a voluntary home is provided with food which is properly prepared, nutritious and provided in adequate quantities to meet the needs of the child.

Food provided for child and cooking facilities

(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.

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.

Purchase of clothes

(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.

14. (1) The responsible authority shall ensure, before any child is accommodated in a voluntary home and whenever there is a change in particulars during the period that the child is accommodated, that the Chief Fire Officer is notified in writing of the following particulars-

Fire precautions

- (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 VOLUNTARY HOMES

Confidential records in relation to children in voluntary homes

15. (1) The responsible authority shall arrange for the keeping in each voluntary 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.

16. The responsible authority shall, if requested, provide a guardian ad litem of a child with- Access by guardians ad litem to records

- (a) access to all the records relating to the child in accordance with these Regulations; and
- (b) copies of the records.

17. (1) The responsible authority shall keep in each voluntary home the records specified in Schedule 3 and shall ensure that the details of the records are kept current. Other records with respect to voluntary homes

(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.

18. The responsible authority shall keep a copy of these Regulations in the voluntary home and make it available to- Availability of Regulations

- (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.

19. (1) The responsible authority shall, insofar as it is practicable, immediately give notification of any of the events mentioned in paragraph (2) to- Notification of significant events

- (a) the parents of any child concerned;
- (b) the Department;
- (c) any person who has parental responsibility for a child in the home;
- (d) any other person who has undertaken to meet any fees or expenses incurred in accommodating any child concerned at the home; and
- (e) 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;

- (2002 Revision)
- (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 voluntary 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 to all staff members in the home.

Absence of the person in charge

21. (1) Subject to paragraph (2), a person in charge of a voluntary 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 voluntary 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 voluntary 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.

22. (1) If the responsible authority of a voluntary 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.

Accountability and visiting on behalf of responsible authority

(2) If the responsible authority of a voluntary 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 VOLUNTARY HOMES

23. An application for registration under paragraph 1 of Schedule 5 to the Law shall be-

Application for registration of voluntary homes

- (a) made in writing to the Governor in Cabinet; and
- (b) accompanied by the particulars specified in Schedule 4.

24. The responsible authority shall give at least one month's prior notice in writing to the Governor in Cabinet of any change of the person in charge of or carrying on a voluntary home or of the premises used by such home and the notice shall contain the particulars mentioned in Schedule 5.

Change of person in charge

25. A voluntary organisation is disqualified from providing a voluntary home for children if any of the following provisions of this regulation apply to it-

Disqualification from operating a voluntary home

- (a) the following orders have been made at any time with respect to a child so as to remove the child from the voluntary home-
 - (i) an order under section 33(1)(b) of the Law; or
 - (ii) any interim order under section 40 of the Law;
- (b) an order has been made at any time, for the purposes of removing a child who was being kept, or was about to be received, by the voluntary home, under the Adoption of Children Law (2003 Revision);
- (c) a member of the voluntary organisation has been convicted of an offence within the period of five years immediately preceding a proposal to establish a voluntary home;

(2003 Revision)

- (1998 Revision)
- (d) a member of the voluntary organisation is excluded from the application of the Rehabilitation of Offenders Law (1998 Revision);
 - (e) a member of the voluntary organisation is a person who carried on, or was otherwise concerned with the management of, or had any financial interest in, a voluntary home which was removed from the register under paragraph 1(4) of Schedule 5 to the Law; or
 - (f) a member of the voluntary organisation is a person who carried on or was otherwise concerned with the management of or had financial interest in a registered children's home and that home was removed from the register under paragraph 4 of Schedule 6 to the Law.

PART V

VISITS BY THE DEPARTMENT

Circumstances
necessitating a visit by
the Department

26. (1) The Department shall arrange for one of its officers to visit every child who is accommodated in a registered voluntary 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 voluntary home is in the best interest of the child.

Further visits

27. (1) After a first visit has been made under regulation 26, 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 26(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.

28. (1) The Department shall ensure that, in the course of visits to which regulations 26 and 27 refer, its officer-

Requirements for visits

- (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 of the originals, 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 26 or 27.

PART VI

NOTIFICATION OF PARTICULARS

29. The particulars set out in Schedule 6 are hereby prescribed as the particulars with respect to a voluntary home for the purpose of-

Notification of particulars with respect to voluntary homes

- (a) paragraph 6(1) of Schedule 5 to the Law; and
- (b) paragraph 6(2) and (3) of Schedule 5 to the Law.

SCHEDULE 1

(Regulations 4 and 5(2))

STATEMENT TO BE KEPT RELATING TO VOLUNTARY HOMES

PART I

Particulars to be included in statement

1. The purpose for which the voluntary home is established and the objectives to be attained with regard to children accommodated in the home.
2. The name and address of the person in charge of the voluntary 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 voluntary home.
6. The number of staff employed in the voluntary home.
7. The qualification and experience of the persons in charge of the voluntary home, including all staff members.
8. The facilities and services to be provided within the voluntary 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 continuing staff training and development.
18. The organisational structure of the home.
19. The ratio of children accommodated to staff employed.

20. The arrangements for dealing with reviews of the case of every child pursuant to section 28 of the Law.

PART II

Persons to whom statement is to be made available for inspection

1. The person in charge of the voluntary home.
2. The staff of the voluntary home.
3. The children accommodated in the voluntary home.
4. The parent of any child accommodated in the voluntary home.
5. Any person who is not a parent of a child accommodated in the voluntary 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 VOLUNTARY 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 voluntary 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 the child.
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; or
 - (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 voluntary home ceases.

SCHEDULE 3

(Regulation 17(1))

INFORMATION TO BE INCLUDED IN OTHER CONFIDENTIAL RECORDS CONCERNING CHILDREN IN VOLUNTARY HOMES

1. A record showing-
 - (a) the date on which each child was first accommodated in the voluntary home;
 - (b) the date on which each child ceased to be accommodated in the voluntary home;
 - (c) where each child came from before he commenced occupancy of the voluntary home;
 - (d) the new accommodation of each child who has ceased to be accommodated in the voluntary home;
 - (e) the identity of the person, authority or organisation responsible for the child being placed in the voluntary home; and
 - (f) which, if any, child accommodated in the voluntary 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 voluntary home;

- (ii) works at the home; or
- (iii) is intended, by the responsible authority, to work at the home.

3. A record of all persons resident at the voluntary 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 voluntary home.
10. A record of menus.
11. A record of every disciplinary measure imposed, giving the information required by regulation 8.
12. Records of duty rosters.
13. A daily log of events occurring in the home, including the names of visitors of any child accommodated in the home.

SCHEDULE 4

(Regulation 23(b))

**PARTICULARS TO ACCOMPANY APPLICATIONS FOR
REGISTRATION OF VOLUNTARY HOMES**

1. The name of the voluntary organisation making the application.
2. The address and telephone number of the registered office or principal office of the voluntary organisation.
3. The names and addresses of the chairman and secretary of, or any other person responsible for the management of the organisation, their dates of birth and, if the Governor in Cabinet has requested, their qualifications and experience in running a home.
4. The name, address and telephone number of premises in respect of which registration is sought.
5. The name and address of any other home in respect of which the voluntary organisation has or at any time had a financial interest, and details of that interest.
6. A description of the premises and the area in which the premises are situated and details of any comments made by the health officer or environmental health officer for the area.
7. Particulars of the accommodation provided for residents in the home and for the employees and volunteers at the home.
8. The date on which the home was established or is to be established.
9. Particulars of any other business which is or will be carried on in or from the same premises as the home.
10. The name, sex, date of birth of the person in charge or intended to be in charge of the home and whether or not he resides or is to reside in the home, together with-
 - (a) the name and address of each person by whom he is or has been employed in the past ten years;

- (b) the names and addresses of two persons, in addition to those referred to in sub-paragraph (a) who are willing and able to give a reference as to his suitability to be in charge of a home; and
 - (c) particulars of his health and an undertaking to provide a report by a registered medical practitioner where the Department considers it necessary.
11. The number and sex of every person working or whom it is proposed should work in the home with particulars of-
- (a) whether they are or will be resident;
 - (b) whether they are full-time or part-time, and, if part-time the number of hours for which they are or will be employed;
 - (c) the positions they hold or will hold; and
 - (d) any relevant qualifications.
12. Particulars of the equipment, facilities and services provided or to be provided in the home, and any special arrangements or services for any particular category of children.
13. The arrangements for the storage and administration of medicinal products.
14. The arrangements for medical and dental examinations and treatment.
15. The scale of charges payable in respect of residents.
16. The arrangements for the education of the children and what contact there is with the education department.
17. The arrangements for continuing staff training and development.
18. The organisational structure of the home.
19. The ratio of children accommodated to staff employed.
20. Particulars of any children in residence, including their name, sex, date of birth, and details of who was responsible for their placement in the home.
21. Particulars of any prospectus or advertisement relating to the home.
22. The particulars set out in Part I of Schedule 1.

SCHEDULE 5

(Regulation 24)

**PARTICULARS OF CHANGE OF IDENTITY OF PROPOSED PERSON
IN CHARGE OF A VOLUNTARY 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 voluntary 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 voluntary 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.

SCHEDULE 6

(Regulation 29)

PARTICULARS RELATING TO VOLUNTARY HOMES

1. The name, address and telephone number of the home.
2. The name and date of birth of the person in charge of the home.
3. The name, address and telephone number of the organisation or person carrying on the home.
4. The name and address of the chairman and secretary.

5. The maximum number of children who can be accommodated at one time in the home.
6. The criteria, if any, for admission to the home.
7. The religious persuasion or persuasions, if any, in which the home undertakes to bring up the children.
8. The weekly charge made in respect of each child accommodated in the home.
9. The date when the home was or is to be inspected by the environmental department, public health authority or fire department.
10. The details and number of staff employed by the voluntary organisation by reference to care staff, ancillary staff, full-time and part-time, and including volunteers who work in the home.
11. The number of children accommodated in the home at the time the particulars were sent, giving-
 - (a) the total number;
 - (b) the number receiving full-time education or vocational training at the home;
 - (c) the number receiving full-time education or vocational training outside the home;
 - (d) the number who are in full-time employment outside the home,

and giving the number by reference to sex and age bands of one to four, five to nine, ten to fifteen, and sixteen years of age and over.

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.