


<p>EXPLANATORY NOTE to the</p> <p><b>Welfare of Children (Children’s Residential Home) Regulations</b></p>	<p>Prepared by the Attorney General on 14.08.2017</p>	
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1. These Explanatory Notes relate to the Welfare of Children (Children’s Residential Home) Regulations, 2017 and have been prepared to assist the reader of these Regulations and to help inform debate on it. They do not form part of the Regulations and have not been endorsed by a legislative committee, Executive Council or Legislative Council.
2. The Notes explain what each part of the Regulations will mean in practice; provide background information on the development of policy; and provide additional information on how the Regulations will affect existing legislation in this area.
3. These Notes might be best read alongside the Regulations. They are not, and are not intended to be, a comprehensive description of the Regulations. So where a Regulation or part of a Regulation does not seem to require any explanation or comment, none is given.

### **Purpose of the Regulations**

4. These Regulations are made in exercise of the powers conferred on Governor in Council under s35 and s166 of the Welfare of Children Ordinance 2008 (“the Ordinance”). Section 35<sup>1</sup> of the Ordinance gives power to the Governor in Council to make Regulations about the exercise of the functions of the Safeguarding Directorate (the “Department”). Section 166<sup>2</sup> gives the Governor in Council general powers to make regulations for carrying the WOCO into effect.

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<sup>1</sup> Regulations

35(1) The Governor in Council may make regulations with respect to—  
(a) the exercise of the Department’s functions under this Ordinance; and  
(b) the activities of voluntary organisations, official foster parents and others under arrangements made by the Department with them for the provision of services specified in section 30(3).

(2) Regulations under this section may in particular prescribe—  
(a) the notice to be given to any child and to other persons of action taken or intended to be taken by the Department or anybody or person referred to in subsection (1)(b) with respect to the child;  
(b) the procedure to be followed in connection with any such action;  
(c) the records of any such action to be maintained by the Department or such a body or person.

<sup>2</sup> Regulations

166. (1) The Governor in Council may make regulations generally for carrying this Ordinance into effect.

5. The Regulations prescribe procedures for the placement of children in a Children’s Residential Home<sup>3</sup> (“CRH”) that is managed by the department (in other words the Safeguarding Directorate), in particular to the management and conduct of staff employed to care for the child whilst living at the establishment, and provisions to ensure that standards of quality are maintained by way of departmental reviews.
6. Please note at the moment WOCO deals only with Children’s Home that are managed by individuals. Part IX of WOCO deals with that but there is no legislation prescribing the procedures and standards that should apply to a Children’s Home that is managed by the Government. This is the gap that these Regulations seek to fill.

### **Policy/Background.**

7. These Regulations are in line with Recommendations of the Wass Report, and are a further step in safeguarding Children in St Helena by prescribing for standards of care to be achieved by the department in relation to children in their care.

### **Regulation 1**

This is the short title and is self-explanatory.

### **Regulation 2**

This is the interpretation and defines the meaning of the listed words when used in the Regulations.

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(2) Without prejudice to the generality of subsection (1) or any other provision of this Ordinance, regulations under subsection (1) may make provision in respect of—

- (a) the welfare of children cared for in a children’s home or by the Department or a person registered or certified under this Ordinance;
- (b) the qualifications or training of persons registered or certified under this Ordinance or eligible to be appointed as official foster parents or to visit a child;
- (c) the maximum number of children who may be looked after by a person registered or certified under this Ordinance;
- (d) the number of persons required to assist a person registered or certified under this Ordinance;
- (e) the maintenance, safety and suitability of children’s homes and other premises where children are looked after or cared for by persons registered or certified under this Ordinance and of any equipment thereon;
- (f) the keeping of records at children’s homes or by persons registered or certified under this Ordinance;
- (g) the provision of information to the Department;
- (h) the impositions of penalties for contravening or failing to comply with any regulation;
- (i) the keeping of a register of sex offenders on the island; and
- (j) such other matters as may be necessary or expedient for the effective administration of this Ordinance.

<sup>3</sup> There is currently only one CRH that was formerly known as the “Family Centre”, the Safeguarding Directorate has decided that “Family Centre” is not an accurate descriptor, and has chosen to refer to the facility as Children’s Residential Home.

### **Regulation 3**

This regulation states that the Regulations apply to facilities run by the Government in contrast to privately run facilities which are covered by Part IX of WOCO.

### **Regulation 4(1)**

This regulation requires that the Safeguarding Directorate should make long term care plans to promote the welfare of a child that is going to be accommodated at the CRH. The care plan must be completed immediately prior to the child being placed, so that all interested persons are aware of the department's objectives and can consult on the plan and amend if necessary before formal implementation.

### **Regulation 4(2)**

This Regulation requires that in the event that the arrangement cannot be done before admission of the child into the CRH, then such arrangements must be made as soon as possible after the child's admission.

One reason why the arrangements may not have been made before the admission is in circumstances where there is an emergency and the department has to act without delay in the interests of the child's safety where they might be at risk of harm in their immediate environment.

### **Regulation 4(3)**

This Regulation requires the Safeguarding Directorate to find out the wishes and feelings of the child in respect of any long term arrangements.

### **Regulation 4(4)**

This Regulation requires that where a child is admitted in the CRH voluntarily (not as a result of any court proceedings) then the department must liaise with the person who has parental responsibility for the child or person assuming the role as carer for the child in making arrangements for the child's long term care. Any arrangements must be made with the child's best interests in mind and ideally they must be made prior to the child being accommodated. Where this is not possible, then within a reasonable time thereafter.

### **Regulation 4(5)**

Self-evident.

### **Regulation 5(1)**

This Regulation lists the factors that the Safeguarding Directorate must take into account when considering placing a child in the CRH. Regulation 5(1)(a) specifically provides for the arrangements in respect of a child who is already in the department's care by virtue of a court order. Before making long-term care plans for a child subject to a care order, the

department must undertake a risk assessment to see whether initial risks that may have resulted in the placement are still present or have been sufficiently reduced, and whether the care order should be discharged. In all other circumstances and in so far as is reasonably practicable, in making arrangements for the child's placement in the CRH, the department should have regard to the child's health – physical, emotional and mental health and their medical history, whether the CRH can manage and meet the child's needs, child's educational needs and the promotion of education, continuity and achievement.

### **Regulation 5(2)**

This Regulation further regulates the provisions in Regulation 4 for placing children in the CRH. It establishes clear guidelines for both the child and employees of the department who work at the CRH, and outlines the key responsibilities of the department, the child and their parents (or persons assuming this role) in meeting the best interests of the child; such as: ensuring the child maintains familial relationships and friendships through regulated contact sessions, which are balanced by safeguards against persons considered *risky* or unsuitable. Arrangements that provide for certainty and are of a progressive nature to provide for rehabilitation of the child into the community. This regulation requires the department to adopt a proactive approach.

### *Notification of Arrangements*

### **Regulation 6(1)**

This Regulation places a duty on the department in so far as is practicable, and provided that it is in the interests of the child's welfare, to immediately notify the following persons of the department's plans to place the child in the CRH: any person who is caring for the child, any person in whose favour care order has been granted, and any persons as listed under section 44 of the principal Ordinance (i.e. parents; guardians, persons in whose favour a residence order in force before the care order came into force.)

### **Regulation 6(2)**

Provides that where it is not possible for the department to give prior notification of the child's placement they must do so no later than 10 working days from the date of placement.

### **Regulation 6(3)**

On giving notice under Regulation 6(1) the department is also required to send such persons a copy of the arrangements for the child's placement in the CRH, with particular regard to the child's education, continuance of the religious affiliations, means of accommodating any disability the child may have.

### **Regulation 6(4)**

In addition to the requirements in Regulation 6(3) the department must send copies of any reports or assessments pertaining to the child to the relevant person notified in Reg 6(1), this can be done prior or subsequent to the child's placement in the CRH .

### *Health Care and Assessment*

#### **Regulation 7(1)**

This Regulation requires the department to ensure that a medical examination is carried out on the child's physical state of health within 14 days of the child's placement. The examination shall only be conducted by a qualified medical practitioner or a nurse. Following the physical assessment of the child by the practitioner, the practitioner must compile a report of the assessment. The report should also include an assessment of the child's emotional and mental health, previous medical histories, future health needs and whether there is a need for future mental health services. Once the report is written the department must implement the findings of the assessment into the child's long-term care plan.

#### **Regulation 7(2)**

This Regulation places a responsibility on the department to ensure that the child has access to all aspect of the health service during the times of their placement (e.g GP, dental health, access to medicines, psychological and psychiatric health services and that their level of health is maintained. The department's duty to ensure the health of the child is provided for in further detail in Regulations 23 and 24.

#### **Regulation 7(3)**

There is no requirement for a medical examination to be conducted on a child where an all-encompassing examination has been carried out within three months prior to the child placement.

#### **Regulation 7(4)**

A medical examination as prescribed for in Regulation 7(1) must not be carried out where a child of sufficient understanding refuses consent to the examination.

### *Child's Placement Plan*

#### **Regulation (8)(1)**

This Regulation provides for the information that is to be included by the department in the child's placement plan. Such a plan should have regard to the day to day living and care arrangements, details of how the department will ensure the child's welfare is promoted and safeguarded, access to health care, education and contract arrangements. The plan

must be provided before the child is placed in the CRH but where this is not possible must be provided within a reasonable timeframe thereafter.

### **Regulation 8(2)**

The placement plan must be kept as a “live document” in that the department must review and update it in accordance with any changes or developments of the child.

### **Regulation 8(3)**

The department is required to take into account the child’s views when compiling or reviewing the plan, provided the child is of a capable age and of sufficient understanding.

## *Establishment of Records*

### **Regulation 9**

This Regulation details the information that the department must record and keep in relation to a child who is in the care of the department. Information to be established and recorded is listed in Regulation 9(1)(a) to (l) and includes: the arrangements made by the department in terms of the child’s long-term care needs and future wellbeing, documents pertaining to any review of the child’s case, any other documents held by the department concerning the welfare of the child, contact arrangements, information regarding risk of abuse or any notifiable disabilities, the child’s cultural and religious background, dietary requirements, arrangements for the child’s accommodation on the child ceasing to be in accommodated in the CRH.

## *Retention and Confidentiality of Records*

### **Regulation 10(1)**

This Regulation provides for the retention of any records that the department is required to establish in relation to the child under regulation 9. The Department is required by law to keep such records until the child concerned reaches their 75th birthday. This is in line with the UK requirements in respect of social services file retention. The reason is that a child who is now placed in the CRH, may wish to have access to the records about her 20 or 30 years from now when she is an adult.

### **Regulation 10(2)**

This Regulation prescribes the ways in which the department may retain records i.e. written originals, copies of written originals or electronic form provided that they remain accessible at a future date.

### **Regulation 10(3)**

This Regulation places a duty on the department to ensure the security of the information they retain and that it is stored in a manner that is consistent with confidentiality procedures. This duty is subject to the requirements of any Ordinance that permits disclosure of these documents or an order of the court.

### PART III

### MANAGEMENT OF CHILDREN'S RESIDENTIAL HOME

#### *Statement of Purpose and Children's Guide*

#### **Regulation 11(1)**

This Regulation requires the department to write a statement that defines the aims and objectives of the department in relation to the welfare of the children that are accommodated at the CRH. This statement sets the standard of care which a child and their parents can reasonably expect the department to deliver during the time of placement. The statement shall also include information in respect of safeguarding children living at the CRH, information of the department employee's working at the CRH such as qualifications /reporting lines, the matters that the department will take into account in ensuring the child's physical, emotional and educational needs are met and developed (please see reg 11(1)(a)-(z)) . The department must ensure that the CRH is a stimulating and positive environment that is conducive to development and achievement. The statement provides transparency to all interested person as to the level of care they can expect the department to provide, it also holds a means by which the department may be held to account for any performance that fall below this standard.

#### **Regulation 11(2)**

This Regulation requires that a copy of the statement required in Reg 11(1) is made available to employees of the department who work at the CRH, the child that is accommodated there and the child's parents/ guardians. This ensures that all interested parties have a clear understanding of the terms on which a child is accommodated and their responsibilities in facilitating such arrangements. It is also a means by which all interested persons may assess whether the activities at the CRH are in line with this statement and if not lodge a formal complaint. The complaints procedure is discussed further in Reg 27.

#### **Regulation 11(3)**

This Regulation provides for the department to produce a CRH guide and prescribes for the documents which the guide is to include, including a complaints procedure, which is further outlined in Reg 27.

#### **Regulation 11(4)**

This Regulation requires the department to produce a guide to the Children's Residential Home, referred to in these Regs as the "children's guide". The children's guide must be accessible to all users, having particular regard so that the language used is appropriate to the age and understanding of the Children at the CRH.

**Regulation 11(5)**

This Regulation requires the department to supply each child accommodated at the CRH with a copy of the children's guide on admission to the CRH.

**Regulation 11(6)**

This Regulation requires the department to ensure that the duties of the CRH are carried out in accordance with their statement of purpose, subject to the requirements of Reg 11(7).

**Regulation 11(7)**

This Regulation requires the department to ensure that the statement of purpose or the department's manner in giving effect to the objectives of the statement is consistent with the provisions of these Regulations. This regulation provides for strict adherence to laws and policy. There is no defence available to the department in the event these Regulations are contravened.

**Regulation 11(8)**

This Regulation requires records held by the department in relation to an accommodated child to be kept as "live" documents, which will enable the department to actively monitor the child's development, identify needs and to take effective steps in addressing such needs.

*Manager*

Appointment of Manager

**Regulation 12(1)**

This Regulation confers a power on the department to appoint a manager of the CRH.

**Regulation 12(2)**

A person may only be appointed manager under Reg 12(1) if they are fit for this purpose. The requirements which the department are required to take into account when assessing a person's fitness for the role is outlined in 12(3).

**Regulation 12(3)**

This Regulation assists the department with the type of information that should be obtained from applicants, in order to assess whether a person is fit to be a manager of a CRH. This Regulation requires the department to take into account: professional qualifications and experience; undertake clear vetting and identification checks (including a criminal record of all countries in which the applicant has previously worked), references from previous



employee, full employment record and for the applicant to account for gaps in employment history.

#### *Training Requirements of Manager*

##### **Regulation 13(1)**

This Regulation provides the standard by which the manager of the CRH is expected to perform their duties.

##### **Regulation 13(2)**

This Regulation requires the manager to undertake the relevant training to ensure they have the necessary qualifications and experience to manage the CRH.

##### **Regulation 14(1)**

This Regulation places an absolute duty on the CRH manager to immediately notify the department of any criminal convictions whether in St Helena or elsewhere, so that the department may take proactive risk management. This provision is an additional safety net in the event that such convictions are not disclosed or identified at the relevant stages and prior to appointment. A failure of the Manager to notify the department amounts to gross misconduct for which the manager may be dismissed from employment.

#### *Conduct of Children's Residential Home*

##### *Promotion of Welfare*

##### **Regulation 15**

This Regulation requires the department to conduct the CRH in a manner that is consistent with promoting the wellbeing and positive development of the children placed at the CRH.

##### *Food provided for Children*

##### **Regulation 16**

This Regulation prescribes for the department to provide food and drink for the child whilst at the CRH. Such meals are to be of a sufficient quantity, wholesome and nutritious and sufficiently varied. The child shall have access to fresh drinking water at all times, and the department shall be conscious of and take into account any special dietary needs, religious/cultural beliefs and provide appropriate meals to ensure these needs are met and respected.

### *Provision of Clothing, Pocket Money and Personal Necessities*

#### **Regulation 17(1)**

This Regulation requires the department to ensure the reasonable clothing; footwear and personal necessities of the child are met.

#### **Regulation 17(2)**

The department are to allocate "pocket money" to each child as appropriate to their age and understanding, for occasional personal expenses.

### *Contact and Access to Communications*

#### **Regulation 18(1)**

This Regulation places a requirement on the department to promote contact between the child and their parents, relatives and friends in accordance with the child's placement plan. The department must ensure that suitable arrangements are made at the CRH to accommodate this contact including measures that give effect to the child's entitlement to privacy.

#### **Regulation 18(2)**

This Regulation provides a list of persons that the child is allowed contact with, as provided for in Reg 18(1), this Regulation allows the child to have contact with persons who are not necessarily provided for in the placements plan, for example their legal representative or the persons Listed under schedule 2 para 3 of the Welfare of Children Ordinance.

#### **Regulation 18(3)**

This Regulation provides for the child to have access to other forms of communication such as a telephone or their personal mobile phones, a means of receiving postal mail, and if such facilities are available access to electronic communications (for instance email). This is subject to sub Regs (5) and (7).

#### **Regulation 18(4)**

The department is required to provide the necessary aids or equipment for disabled children that are accommodated so that there are able to communicate effectively with others.

#### **Regulation 18(5)**

This Regulation allows the department to restrict, prevent, or place conditions on the child's contact arrangements with any of the persons in Reg 18(1) and may limit or prohibit the child's access to communication as prescribed for under Reg 18(3) if the department is satisfied that such measures are necessary in terms of the child's wellbeing and safeguarding.

**Regulation 18(6)**

This Regulation allows to impose the measures in Reg 18(5) if imposed as an emergency and notifying the placing authority within 24 hours of this happening.

**Regulation 18(7)**

The provisions of Regulation 18 are subject to any court order that may regulate contact arrangements for a child whilst at the CRH and subject to the provisions of any other Ordinance.

*Arrangements for the Protection of Children.***Regulation 19(1)**

This Regulation deals with the department's policy for abuse, it requires the department to have in place a written policy to safeguard children from abuse or neglect in the CRH, and a procedure for handling such allegations.

**Regulation 19(2)**

This Regulation provides the procedure for the abuse and neglect policy prescribed for in Reg 18(1). It details the steps and escalation process for dealing with actual abuse or allegations of abuse. The provisions of 19(2)(a) to (f) are steps that the department is required to implement and follow but does not exclude the department from implementing additional steps they deem necessary.

**Regulation 19(3)**

This Regulation requires the department to implement an anti-bullying policy in the CRH with a procedure for dealing with allegations of bullying, a similar policy is prescribed for in dealing with children who are absent from the CRH without permission.

*Behaviour Management, Discipline and Restraint.***Regulation 20(1)**

This Regulation prohibits the department from using excessive or unreasonable forms of discipline, control or restraint, or any measures that are contrary to Reg 20 (5).

**Regulation 20(2)**

This Regulation requires the department to prepare and implement a policy setting out the measures of control, restraint and discipline that are authorised in the CRH, similarly the department is required to acknowledge appropriate behaviour and reward the same.

**Regulation 20(3)**

This Regulation requires the department to keep the policy up-to-date so that the forms of restraint and discipline are kept in line with acceptable practice and standards.

**Regulation 20(4)**

This Regulation requires the department to make a record within 24 hours of restraint or discipline being exercised at the CRH. This provides a system by which the forms of discipline/restraint used can be monitored, to see that it is reasonable and complies with these Regulations. This also provides a means of safeguarding the child from abuse or practices that are abusive.

**Regulation 20(5)**

This Regulation details the forms of discipline or restraint that the department is prohibited from exercising. The department must not undertake any form of discipline that amounts to physical or emotional abuse, that deprives a child of their fundamental rights and freedoms, or implement measures that seek to discriminate against a child or undertake forms of "blanket punishment" that collectively punishes a group for the actions of a few. This Regulation does not prevent the department from undertaking any measure of restraint that is prescribed by a medical practitioner, or any steps that are necessary to prevent personal injury or damage to property.

**Regulation 20(7)**

This Regulation requires the manager of the CRH to hold a debriefing meeting within 24 hours, but no more than 48 hours, after a measure of discipline or restraint have been exercised. In the event the manager is conflicted the meeting is to be chaired by the department.

*Education, Employment and Leisure Activity.*

**Regulation 21 (1)**

This Regulation requires the department to encourage and promote the child's education and educational needs by providing an environment within the CRH that is conducive to achieving this; including establishing effective communications with the school the child attends.

**Regulation 21(2)**

This Regulation ensures that the child is encouraged to participate in the leisure activities that are age appropriate and suitable for their development. This promotes the child's all round wellbeing and provides appropriate balance against the child's academic requirements.

**Regulation 21(3)**

Where a child has completed full time compulsory education and no longer attends school, the department is responsible for implementing the arrangements set out in the child's placement plan with regards as to whether the child will undertake further education, find employment or a training programme. The department must assist the child in facilitating these options.

#### *Religious Observance*

##### **Regulation 22**

This Regulation requires the department to ensure the child's religious needs are met by enabling the child to attend and receive instruction from their religious persuasion. The department should also cater for any dietary requirements that a child may have as a result of the child's religion.

#### *Health Needs of Children*

##### **Regulation 23(1)**

This Regulation requires the department to ensure the child has access to health care treatments and services i.e. medical, dental and psychological and psychiatric, and is provided with the appropriate aids if the child has a disability. The department is also required to ensure that at least one member of staff working on each shift at the CHR is suitably trained in first aid.

#### *Medicines*

##### **Regulation 24**

This Regulation requires the department to have in place suitable arrangements for recording dosages, handling and safe storage of medicines, so as to prevent any child having unsupervised access to it. This with the exception of medicines that are stored by a child which they self-administer, for example asthmatic pumps and inhalers, in this situation the department is required to ensure the child stores the medicine safely and that only that child has access to it.

#### *Use of Surveillance*

##### **Regulation 25**

This Provision prevents the use of any filming or monitoring equipment in the CRH. In the event that the department is required to use surveillance under any court order for the

protection of a child, and the safeguarding of other children, the department must not breach the child right to privacy and before implementing such equipment should inform the child concerned.

#### *Hazards and Safety*

##### **Regulation 26**

This Regulation requires the CRH to apply and uphold Health and Safety laws and to take appropriate steps to eliminate risks and hazards from the CRH, including ensuring that activities undertaken by the children are not risky or hazardous.

#### *Complaints and Representations*

##### **Regulation 27**

This Regulation requires the department to adopt a complaints procedure policy outlining how complaints received in relation to the CRH will be considered. The policy should be transparent and fair and should deal with conflicts that may be prejudicial to any investigation. The policy should cover the procedures for complaints made by the child, for persons acting on behalf of the child, and the procedural arrangements to be made known to the relevant persons outlined in Reg 27(2)(e). The department must ensure that there is an audit of each stage of the complaint and that the parties concerned are given the opportunity to make representations. A child of the CRH should feel able to make a complaint and should not suffer any repercussions from doing so.

#### *Staffing of the Children's Home*

##### **Regulation 28**

This Regulation requires the department to ensure that at all times the CRH is sufficiently staffed and that there is an appropriate staff to child ratio, so that all the needs of the children accommodated are adequately met. In employing persons on temporary contracts the department must be sensitive to the child's needs for stability and attachment, any employment on these terms should not negatively impact on the continuity of care.

#### *Fitness of Workers*

##### **Regulation 29 (1) and (2)**

These Regulations place a duty on the department to ensure that the people they employ are fit to work in the CRH. This duty must also be observed in terms of persons that are not directly employed by the department, but who may be employed by a third party to work on

the CRH premises e.g. groundsmen, who may also come into contact with the children of the CRH.

### **Regulation 29(3)**

This Regulation describes the circumstances in which a person may be described as not fit to work in or on the CRH premises.

### **Regulation 29(4)**

The department must ensure that before any offer of employment is made to a person, full identification and due diligence checks have been completed, the applicant has provided their complete work history and documentary evidence of qualifications, and that they are able to provide reasonable explanations for any gaps in their employment history. No person must be employed by the department to work in the CRH unless these checks have been made and are satisfactory Reg 29(4)(b).

### **Regulation 29(5)**

This Regulation is a proviso to Reg 29(4)(b). It provides for the circumstances in which a person may be employed at the CRH without the department having all the information required under 29 (4)(b). As long as the department has taken all reasonable steps to obtain the written references from previous employers and information in relation to gaps in employment history, and that criminal and identification checks are satisfactory, the department may employ a person, subject to the outstanding information being supplied at a later stage and that such person are to be appropriately supervised while performing their duties.

### **Regulation 29(6)**

The department must take reasonable steps to ensure that any persons who has to undertake work in the CRH, but are not employees of the department ( i.e. maintenance services, tradesmen electricians plumbers) are appropriately supervised at all times when in the CRH. This is another means of affording appropriate level of safeguard for any child that is accommodated there. This provision does not apply to employees of third parties as prescribed for under Reg.29(2).

## *Employment of Staff*

### **Regulation 30**

This Regulation sets the terms and conditions on which the department must employ staff to work at the CRH. Employees must first undertake a probationary period and only after successful completion they will be confirmed in permanent employment, the department must ensure that all employees are aware of their job roles and responsibilities, that there is a disciplinary procedure in place that covers provisions for investigations and the type of conduct that amounts to gross misconduct. However where there are concerns in terms of

an employee's training and experience, it is the responsibility of the department to ensure that employees are able to carry out the relevant training to achieve the competencies required for the role.

#### *Records*

##### *Other records*

#### **Regulation 31(1)(a)**

This Regulation requires the department to keep updated records in relation to the child accommodated at the CRH, such records should include the child's date of admission to the CRH, the date accommodation ceases, and other personal details such as the child's address prior to and after accommodation.

#### **Regulation 31(1)(b)**

The department is required to keep accurate records of all staff employed there such as their full personal details, qualifications, and the nature of their employment. This Regulation also encompasses the other reporting requirements as detailed throughout these Regulations such as reporting of accidents, administering of medicines, record of all visitors to the CRH. These reporting requirements ensure provide a complete audit of all transactions at the CRH and safeguards both the department and the child in the event the activities at the family centre are called into question.

#### **Regulation 31(2)**

The records under this Regulation must be held by the department for a period of 15 years.

#### *Premises*

##### *Fitness of premises*

#### **Regulation 33(1)**

This Regulation requires that the CRH be in a location, and of a design that is consistent with the objectives of the department's statement of purpose.

#### **Regulation 33(2)**

This Regulation requires that the conditions of the CRH be conducive to Health and Safety, the child's safety, and physical and emotional wellbeing.

#### **Regulation 33 (3)**

This Regulation requires the department to ensure all waste is disposed of appropriately and not be stored in a manner that is contrary to public health requirements.



**Regulation 33(4)**

This Regulation requires the department to make appropriate arrangements for the child's privacy, taking into account the gender balance of the children accommodated, and ensuring that there is sufficient bath and toilet facilities.

**Regulation 33(5)**

The department must ensure that the CRH is properly equipped with regards to cooking utensils and equipment, and that there is sufficient in respect of the number of children accommodated, particularly for children to assist in the preparation of their meals.

**Regulation 33(6)**

The department must ensure that the CRH is properly equipped for laundry purposes.

**Regulation 33(7)**

The department must ensure that the CRH has an allocated space for leisure and recreational activities.

**Regulation 33(8)**

The department must ensure the CRH has appropriate sleeping facilities and that arrangements are in place to ensure the child's right to privacy is protected.

**Regulation 33(9)**

This Regulation states that a child must not share a bed with an adult or any other child, except for a sibling.

**Regulation 33(10)**

The department must provide adequate facilities for their employees whilst working at the CRH. However such arrangements do not include sleeping facilities save for where the same is required in connection with their work.

*Fire Precautions***Regulation 34**

This Regulation requires the department to consult with the fire department in relation to fire precautions and for such preventative measures to be implemented in the CRH. Employees of the department should be trained, and if not, receive training in fire prevention.

*Department Review of Children's Residential Home*

### *Visits by the Department*

#### **Regulation 35(1)**

This Regulation provides for monitoring of the activities within the CRH, by an employee of the department who is not directly involved with the CRH or by one or more members of the Children's Safeguarding Board, to ensure the service provided at the CRH is of the standard that is required.

#### **Regulation 35(2)**

This Regulation relates to the frequency of visits and the activities of the visitor/s.

### *Review of Quality of Care*

#### **Regulation 36(1)**

This Regulation requires the department to implement an effective system that allows for monitoring standards of care and a means by which the services provided by the department at the CRH can be developed and improved.

#### **Regulation 36(2)**

This Regulation prescribes for the matters that are to be monitored; they include ensuring the department's plan for the accommodated child is being adhered to, whether any valuables are handed to staff for safekeeping, illnesses of the child, staff recruitment and conduct, allegations or suspicion of abuse. This system allows the department to be fully aware of the activities within the CRH and where necessary take the appropriate measures to address them and improve the quality of the service.

#### **Regulation 36(3)**

The system must be implemented in consultation with the accommodated child and their parent or guardian.

### *Regulations and Guidance*

#### **Regulation 37**

The Department must ensure that all staff, accommodated children and their parents or guardians have notice of these Regulations. This ensures that all parties are aware of their rights, responsibilities and the delivery of care that is expected. The department must ensure these Regulations are accessible and that a copy is kept at the CRH.

### *Financial Position*

### **Regulation 38(1)**

The Department is to ensure that the CHR continues to be financially viable, and should conduct their operations in a manner that is consistent in complying with this provision.

### **Regulation 38(2)**

This Regulation requires the department to keep adequate accounts; this complies with Public Finance laws and provides accountability for expenditure of public funds.

### **Regulation 38(3)**

This Regulation requires the department to have appropriate insurance in place that covers the CRH and its employees against all of the identified risks.

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