

Seychelles

Children Act

## Children's Care Homes (Minimum Standards of Care) Regulations, 2022

Statutory Instrument 89 of 2022

Legislation as at 26 August 2022

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Children’s Care Homes (Minimum Standards of Care) Regulations, 2022

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# Seychelles

## Children Act

### Children's Care Homes (Minimum Standards of Care) Regulations, 2022 Statutory Instrument 89 of 2022

Assented to on 22 August 2022

Commenced on 26 August 2022

*[This is the version of this document from 26 August 2022.]*

In exercise of the powers conferred by section 107 (o) of the Children Act, the Minister responsible for children affairs, makes the following regulations—

#### 1. Citation

These Regulations may be cited as the Children's Care Homes (Minimum Standards of Care) Regulations, 2022.

#### 2. Interpretation

In these Regulations—

"**Act**" means the Children Act, 1982, ([Cap. 28](#));

"**child**" means a person under 18 years of age and includes a young person;

"**Director**" means Director as defined under section 2 of the Act;

"**home**" means a children's care home for the long-term care of children who are orphaned or abandoned, or taken into care by the Director under Part III or Part VII of the Act;

"**home manager**" means the person having the overall responsibility of staffs and the management of a particular home;

"**Monitoring and Compliance Unit**" means the unit or section within the Social Services Division, under the purview of the Director, assigned with the monitoring of the standards and inspection of the homes to ensure proper implementation of and adherence to the standards in the homes;

"**staff**" means any staff being employed in a Home who has the responsibility to provide care to the children and other support services, such as recreational, educational and sporting activities;

"**social services**" means the Division responsible for children affairs in the Ministry or department responsible for children affairs;

"**social worker**" means social worker as defined under section 2 of the Social Worker's Council Act ([Cap. 226](#));

"**young person**" means a young person as defined under section 2 of the Act.

#### 3. Minimum standards of care in homes

The stipulations provided in the Schedule to these Regulations are standards adopted nationally on homes which shall apply to all homes recognised under the Act.

#### **4. Monitoring and inspection of the standards**

- (1) The Director shall have the responsibility to monitor the implementation and maintenance of the standards and inspect the homes to ensure adherence to the standards.
- (2) In exercising the responsibility under subregulation (1) the Director shall cause each home to be inspected in accordance with the Inspection Framework under regulation 5(1).

#### **5. Monitoring and Inspection Framework**

- (1) The Director shall devise a Framework constituting a set of principles applicable to the monitoring and inspections of the standards.
- (2) The Framework under subregulation (1) may be subjected to revision.
- (3) The Director shall publish the Framework and any revised Framework in such manner as he or she considers appropriate.

#### **6. Violations of the standards**

- (1) Where on inspection it is determined that a home is not in compliance with a standard or standards, the inspector shall report the violations to the home manager in writing and shall make reasonable attempt to discuss each violation.
- (2) Upon completion of the inspection, the designated officer shall issue the home manager with a notice stipulating the time frame within which the corrective measures for any violation shall be completed.
- (3) Notwithstanding subregulation (2) where the violation relates to an imminent threat or harm to the children, the Director in consultation with the Monitoring and Compliance Unit shall take all legal action necessary to immediately close the home until such time as the imminent threat to the health and safety of the children is corrected.
- (4) Where the violation is of direct harm to a child, the Director in consultation with the Monitoring and Compliance Unit shall refer the specific case to the Police for appropriate action.

### **Schedule (Regulation 3)**

#### **Minimum standards of care in homes**

##### **1. The child's wishes and feelings**

- (a) Children's views, wishes and feelings shall be taken into consideration acted upon in the day-to-day running of a home and important decisions or changes in the child's life, unless they are contrary to their interests;
- (b) Children shall be made to understand how their views have been taken into account, and where significant wishes or concerns are not acted upon, they shall be helped to understand why;
- (c) All children shall be encouraged to communicate their views on all aspects of their care and support;
- (d) Children shall have access to independent advice and support from adults whom they can contact directly and in private about problems or concerns, which is appropriate to their age and understanding;
- (e) Children shall be encouraged to take up issues in the most appropriate way with support and without fear that it will result in any adverse consequences;

- (f) Children shall receive prompt feedback on any concerns or complaints raised and are kept informed of progress;
  - (g) The views, wishes and feelings of children and those significant to them shall be taken into account in monitoring members of staff and in developing the home.
- 2. Promoting a positive identity and potential through individualised care**
- (a) Children shall receive personalised care that promotes all aspects of their individual identity and each shall be treated as an individual rather than as a member of a group;
  - (b) Staff shall support the children's social and emotional development and enable the children to develop emotional resilience and self-esteem;
  - (c) Staff shall meet the children's individual needs as set out in the child's care plan, taking into account where appropriate their relationship with the wider group of children;
  - (d) Children shall be allowed to exercise choice in the food that they eat and are able to prepare their own meals and snacks, within the limits that a reasonable parent would set;
  - (e) Children shall be allowed to exercise choice and independence in the clothes and personal belongings that they buy and have their needs met, within the limits that a reasonable parent would set;
  - (f) Children shall be encouraged to develop skills and emotional resilience that will prepare them for independent living;
  - (g) Children shall receive a personal allowance appropriate to their age and understanding that is consistent with their care plan.
- 3. Promoting positive behaviour and relationships**
- (a) The home shall endeavour to meet expectations of all children and staff;
  - (b) There shall be an environment and culture to promote models and support positive behaviour that all staff understand and implement;
  - (c) The home shall keep a clear written policy on managing behaviour, such as supporting positive behaviour, de-escalation of conflicts, discipline, control and restraint, which all staff may understand and apply at all times;
  - (d) All staff shall endeavour to understand, share and implement the home's ethos, philosophy and approach to caring for children;
  - (e) Children shall be trained to develop and practice skills to build and maintain positive relationships, be assertive and resolve conflicts positively;
  - (f) Children shall be encouraged to take responsibility for their behaviour, in a way that is appropriate to their age and abilities;
  - (g) Each home shall meet the children's emotional and behavioural needs;
  - (h) Sanctions and rewards for behaviour shall be clear, reasonable and fair and easy to understand by all staff and the children;
  - (i) Staff shall be trained to understand and manage their own feelings and responses to the emotions and behaviours presented by the children, and understand how past experiences and present emotions are communicated through behaviour;
  - (j) Staff shall be supported to manage their responses and feelings arising from working with children, particularly where the children display challenging behaviour or have difficult emotional issues, and staff shall be trained to understand how children's previous experiences can manifest in challenging behaviour;

- (k) Children do not identify bullying as a problem at the home, however staff and children shall be informed that bullying is unacceptable and the staff working in the home shall be made aware of their role in helping to prevent and counter bullying by any adult or child living or working in the home;
- (l) Staff in the home shall be trained to recognise and deal with any indications or incidents of bullying, to act proactively and intervene positively, engaging with those who bully as well as those who are bullied;
- (m) Physical restraint shall be exercised only in exceptional circumstances, to prevent injury to any person including the child who is being restrained, or to prevent serious damage to the property of any person including the child who is being restrained;
- (n) Restraint shall not be used as a punishment, nor to force compliance with instructions where significant harm or serious damage to property are not otherwise likely, however, use of restraint is set out in the home's behaviour management policy;
- (o) Where children's homes opt to use restraint, staff shall be trained periodically in the use of physical restraint techniques that are appropriate and not excessive, and only use the home's agreed techniques and all children and staff shall be given an opportunity to discuss incidents of restraint they have been involved in, witnessed or been affected by, with a relevant adult;
- (p) Where any sanctions, disciplinary measures or restraint are used, children shall be encouraged to have their views recorded in the records kept by the home;
- (q) Each home shall carry out searches of a child, their room or their possessions in accordance with the home's guidelines in the matter;
- (r) Each home shall regularly review incidents of challenging behaviour, examine trends or issues emerging from this, to enable staff to reflect and learn to inform future practice;
- (s) The home shall ensure minimum involvement of police in dealing with challenging behaviour of children and shall avoid criminalising children in any way.

#### 4. Promoting good health and wellbeing

- (a) Children's physical, emotional and social development needs shall be promoted;
- (b) Children shall be trained to understand their health needs, maintain a healthy lifestyle and to make informed decisions about their own health;
- (c) Children shall be encouraged to participate in a range of positive activities that contribute to their physical and emotional health;
- (d) Children shall have prompt access to doctors and other health professionals, including specialist services, when they need those services;
- (e) Children's health shall be promoted in accordance with their care plan, and staff are clear about what responsibilities and decisions are delegated to them, and where consent for medical treatment needs to be obtained;
- (f) Children's wishes and feelings shall be sought and taken into account in their health care, according to their understanding, and staff advocate on behalf of children;
- (g) Sufficient training on health, hygiene issues and First Aid, with particular emphasis on health promotion shall be given to the staff of homes;
- (h) Necessary guidance and training shall be given to staff for providing appropriate care in looking after children with complex health needs;
- (i) The home shall maintain good links with health agencies, including specialist services, such as mental health services and reproductive health services;



- (j) Staff involved in delivering therapeutic interventions shall have appropriate training and expertise and access to regular supervision;
- (k) Specific therapies need to be used—
  - (i) where there is a clear and widely accepted theoretical or evidence base underpinning its effectiveness; and
  - (ii) with the existing written consent of the child's responsible authority (e.g. social services) or a person with parental responsibility, and of the child concerned where the child is of sufficient understanding about the specific therapies administered to it;
- (l) Each child's wishes and feelings shall be sought and taken into account in their health care;
- (m) Medicines kept in the home shall be stored safely and accessible only by those for whom they are intended;
- (n) Prescribed medication shall be given only to the child for whom it was prescribed, and in accordance with the prescription, and children who are able and wish to keep and take their own medication may be permitted to do so under the supervision of a staff;
- (o) There shall be a written record of all medication, treatment and First Aid given to children during their placement;
- (p) The home shall have physical adaptations or equipment needed to provide appropriate care for children.

#### 5. **Children missing from care homes**

- (a) The care and support provided to children shall be sufficient to minimise any risk and prevent the chances of children going missing and reduces the risk of harm in any case a child goes missing;
- (b) Staff working within the home shall be aware and conversant to implement the home's policy in relation to children going missing and their role and responsibility in implementing that policy;
- (c) Staff shall be made aware of the current legislation and government guidance on the measures they can take to prevent a child leaving without permission;
- (d) Staff shall actively search for children who are missing, including working with police where appropriate;
- (e) If a child is missing from a home and his/her whereabouts are not known, the home's procedures set out for the purposes shall be compatible with protocols and procedures maintained and managed by the police for the area where the home is located;
- (f) Children shall be helped to understand the dangers and risks of leaving the home without permission and they shall be made aware of where they can access help if they consider running away.

#### 6. **Safeguarding children**

- (a) The homes shall promote children's safety and welfare in the homes and children shall be protected from abuse and other forms of significant harm;
- (b) Staff shall actively promote the welfare of children living in the home;
- (c) Staff shall keep positive relationships with children in the home, generate a culture of openness and trust and shall be aware of, and alert to any signs or symptoms that might indicate that a child is at risk of harm;
- (d) Staff shall encourage children to take appropriate risks as a normal part of growing up and they shall be helped to understand how to keep themselves safe, including outside the home and when using the internet or social media;

- (e) The home shall implement a proportionate approach to any risk assessment;
- (f) Staff shall be trained in appropriate safe-care practices, including skills to care for children who have been abused and in the case of providers who offer placements to disabled children, specific training shall be given on issues affecting disabled children;
- (g) The home manager and staff shall work effectively in partnership with other agencies who are concerned with child protection like social services, schools, hospitals and the police;
- (h) Unchecked visitors shall adequately chaperoned when on the home's premises;
- (i) Visitation procedures of homes as mandated by social services shall be strictly adhered to;
- (j) Staff shall take all reasonable steps to ensure that children are not treated as a 'commodity' in the vetting and matching process for adoption, and that all adoption policies and procedures set by social services shall be strictly adhered to.

**7. Promoting educational achievement and leisure activities**

- (a) Children, including pre-school and older children, shall have a home which promotes a learning environment and supports their development;
- (b) Children shall have access to a range of educational resources to support their learning, and be provided with opportunities beyond the school day to engage in activities which promote learning;
- (c) Children shall be supported to attend school or alternative institutions regularly;
- (d) Children shall be helped by staff to achieve their educational or training goals, such as providing support, facilities and opportunities as needed and staff shall work with a child's education provider to maximise each child's achievement and to minimise any under achievement;
- (e) Each home shall be working in a way to fully promote and value children's education;
- (f) The home shall maintain regular contact with each child's school, and other education settings, with staff attending all parents' meetings as appropriate in line with the care plan and staff shall advocate for the child where it is appropriate and required;
- (g) Staff shall engage and work with schools, other organisations, and social services to support children's education, help to overcome any problems the child may be experiencing in their educational setting, and shall have up-to-date information about each child's educational progress and school attendance record;
- (h) Children who have been suspended or excluded from school shall have access to appropriate education and training, so that they are supported and enabled to resume full-time education;
- (i) Children shall be encouraged to develop their emotional, intellectual, social, creative and physical skills through the accessible and stimulating environment created by the home, and shall be supported to take part in school-based and out-of-school activities;
- (j) Children shall be encouraged to pursue individual interests and hobbies, to take part in a range of activities, including leisure activities and trips;
- (k) Staff shall be trained to understand what is in the child's care plan and shall have clarity about decisions they can make about the day-to-day arrangements for the child, such as education, leisure activities, overnight stays, holidays, and personal issues such as haircuts;
- (l) Staff shall be supported to make reasonable and appropriate decisions within the authority delegated to them, without having to seek consent unnecessarily;
- (m) Children shall be encouraged to take part in age-appropriate peer activities as agreed by the home's staff in a way similar to how a reasonable parent might reach agreement with their children, taking into account the framework of the care plan, decision making and assessment of risk to the child;

- (n) Children shall be encouraged and enabled to make and sustain friendships with children outside the home, which may involve friends visiting the home.
- 8. Promoting and supporting contact**
- (a) Children shall be supported and encouraged to maintain and develop family contacts and friendships, subject to any limitations or provisions set out in their care plan or any court order, and appropriate forms of contact shall be promoted and facilitated for each child, including where appropriate; visits to the child in the home, visits by the child to relatives or friends, meetings with relatives or friends, letters, exchange of photographs and electronic forms of contact;
- (b) Staff shall have appropriate training, supervision and support if they are required to supervise and facilitate contact;
- (c) Emergency restrictions on contact shall be made to protect the child from significant risk to their safety or welfare;
- (d) Ongoing restriction on communication by the child shall be agreed by the child's social worker, and the child's wishes and feelings shall be taken into account;
- (e) The home shall provide feedback to social services on any significant reactions a child has to contact arrangements or visits with any person;
- (f) Staff shall be trained to understand what decisions about contact are delegated to them, in line with the child's care plan, and to make such decisions in the best interests of the child.
- 9. Providing a suitable physical environment for the child**
- (a) Each home shall be situated in a location that supports its aims and objectives and the proposed models of care for children and young people such as children being able to access external services, recreational activities and to maintain and develop relationships with family and friends;
- (b) The home's location and design shall be conducive to promote children's health, safety and wellbeing, and to avoid factors such as excessive isolation and areas that present significant risks to children;
- (c) The home shall provide a comfortable and homely environment and shall be well maintained and decorated;
- (d) Physical restrictions on normal movement within or from the home shall not be imposed unless it is necessary to safeguard children and promote their welfare and development;
- (e) Staff preparation and training shall cover health and safety issues and staff shall be provided with written guidelines on their health and safety responsibilities and where homes offer placements for disabled children, the accommodation provided shall be suitable to the particular needs of the disabled children living in the home, which may include suitable aids, adaptations and other suitable equipment;
- (f) Risk assessments of the whole children's home environment shall be carried out, to identify any potential sources of harm to the children and the same shall be recorded in writing and regularly reviewed;
- (g) There shall be clear emergency evacuation procedures that all staff and children are familiar with and have practiced to enable them know what to do in an emergency;
- (h) Bedrooms shall not be shared unless each child freely agrees to the arrangement, and are not shared by children of different genders, or children of significantly different ages (other than siblings where this is appropriate) and the choice of whether a child has to be provided with a separate room or share, is made only after careful consideration of all available facts, including the risk of bullying or abuse;
- (i) A request by a child to change bedrooms shall be given urgent consideration and agreed to, if feasible;

- (j) Bedrooms shall not be shared between children and staff.
- 10. Preparation for placement**
- (a) Each home shall have (and implement) clear procedures for introducing children to the home, the staff and the other children living there, which shall also cover emergency and immediate placements and enable the children to understand what to expect from living in the home;
- (b) The children's home only provides admission to children whose assessed needs can reasonably be met;
- (c) Unless an emergency placement makes it impossible, children shall be given information before arrival about the home and any other information they need or reasonably request about the placement, in a format appropriate to their age and understanding which shall include photographs, where appropriate and wherever possible, children shall be able to visit the home prior to a placement decision being made, and children shall be permitted to bring their favourite possessions into the home;
- (d) The home shall not operate in a way which increases the risk of separation of siblings;
- (e) Every child shall remain in the home until moving on is in their best interests (considering their wishes and feelings), unless this is impracticable or is against the welfare of others;
- (f) A review shall be made in consultation before a child is moved to another placement, except in an emergency where social services would be informed and involved;
- (g) Where children are leaving the home, they shall be helped to understand the reasons why they are leaving and shall be supported during the transition to their new placement, independent living or to their parental home.
- 11. Promoting independence and moves to adulthood and leaving care**
- (a) Children shall be encouraged and supported to—
- (i) establish positive and appropriate social relationships;
- (ii) develop positive attitudes and self-esteem;
- (iii) prepare for the world of work and further or higher education;
- (iv) prepare for moving into their own accommodation;
- (v) develop practical skills, including shopping, buying, cooking and keeping food, washing clothes, personal selfcare and understanding and taking responsibility for personal healthcare;
- (vi) develop financial capability, knowledge and skills;
- (vii) know about entitlements to financial and other support after leaving care, including benefits and support from social care services;
- (b) The home shall contribute to a regular process of review and works collaboratively with the young person's social worker in implementing the child's care plan;
- (c) Social services and the home shall jointly discuss the progress of the child's readiness to move to any future accommodation where they would expect to take on greater responsibility and personal independence.
- 12. Statement of purpose and children's guide**
- (a) The home shall have a clear statement of purpose which is made available to and understood by the staff and children and reflected in the policies, procedures and guidance, and shall be made available to social services, parents or persons with parental responsibility;

- (b) The aims and objectives of the statement of purpose shall be child-focused and show how the service (educational, health, safety etc.) will meet outcomes (wellbeing) for children;
- (c) Subject to the child's age and understanding, the home shall ensure that the child receives the children's guide at the time of placement and that the contents of the children's guide is explained to the child in a way that is legible;
- (d) The guide shall include a summary of what the home sets out to do for the children, and how they can find out their rights;
- (e) Where a child requires it, the guide shall be available through suitable alternative methods of communication such as sign language, pictures, tape recording, and translation into another language.

### 13. Suitability to work with children

- (a) All people working in or for the home shall be interviewed as part of the selection process and the references relating to them shall be checked to assess suitability before admitting them to take on responsibilities;
- (b) The home manager shall demonstrate, including from written and electronic records, that the home consistently follows good recruitment practices, and all applicable current statutory requirements and guidance, in staff recruitment which includes any police checks undertaken on prospective staff members, and ensure that all personnel responsible for recruitment and selection of staff are trained in, understand and operate those good practices;
- (c) The home shall keep the records of the recruitment and vetting checks which have been carried out on those working, including as volunteers for the home which includes—
  - (i) identity checks;
  - (ii) police checks;
  - (iii) checks to confirm qualifications which are a requirement and those that are considered by the home to be relevant; and
  - (iv) at least two references, preferably one from the current employer if working and, where possible, a statement from each referee as to their opinion of the person's suitability to work with children;
- (d) The records shall show the date on which each check was completed and who carried out the check and the Police check information shall be kept in secure conditions and be destroyed by secure means as soon as it is no longer needed;
- (e) The home manager's system for recruiting staff and others shall include an effective system for reaching decisions as to who is to be appointed, as well as the circumstances in which an application should be refused in the light of any criminal convictions or other concerns about suitability that are declared or discovered through the recruitment process;
- (f) Staff members and others, subject to the above checks, shall not normally start work at the home until all the checks required are completed;
- (g) Where practicable, children shall be involved in the recruitment of staff in the home;
- (h) Where a person is suspected to be a threat to the wellbeing of children by a home or by social services, he or she shall not be considered suitable to work in the homes, and the home manager shall keep and demonstrate evidence of such cases, and notify social services when relevant.

### 14. The child's right to privacy

- (a) Children's privacy and confidentiality shall be appropriately protected;

- (b) The homes shall recognise and respect a child's privacy, and foster an environment where children have the space and time to think, feel, act and do in a manner that is private and meaningful to them, where appropriate;
  - (c) The homes and social services shall provide staff training that explores a child's right to privacy, and fosters working environments where children are encouraged to have appropriate and private moments where they do not feel as if their space is being invaded;
  - (d) The homes shall ensure that all staff members and service users comply with media policies regarding the display of children's faces on television, social media, news publications and other media outlets.
15. **Sufficient staffing of the home**
- (a) The overall number, competence and deployment of staff, both as a staff group and on individual shifts, shall meet the individual needs of all the children residing in the home;
  - (b) Adequate staffing ratios of one staff member to three children shall be maintained for children aged 0-12 years;
  - (c) Adequate staffing ratios of one staff member to five children shall be maintained for children and young people aged 12-17 years;
  - (d) Where a child presents complex additional needs, a staffing ratio of one staff member to that one specific child shall be maintained and shall be supported by a detailed individual risk assessment for the child;
  - (e) Records of staff working in the home shall demonstrate the staffing level;
  - (f) Contingency plans shall be put in place in the event of a shortfall in staffing levels;
  - (g) There shall be clear arrangements for staff to depute or substitute in the case of absence of the home manager and that staff who is deputed to act as the home manager shall have sufficient level of relevant supervisory experience;
  - (h) Staff members who are placed in charge of the home and other staff at particular times (e.g. as leaders of staff shifts) shall have substantial relevant experience of working in the home and have successfully completed their induction and probationary periods;
  - (i) Staff rotas shall have time scheduled to ensure handovers at appropriate schedules including the planning for spending time with individual children;
  - (j) The home manager shall keep records of staff disciplinary procedure and the procedure shall separate staff disciplinary processes from child protection enquiries and criminal proceedings, and be known made to staff;
  - (k) The home manager shall make every effort to achieve continuity of staffing so that children's attachments are not overly disrupted;
  - (l) Where only one member of staff is on duty at any time, a risk assessment shall be carried out and recorded in writing, identifying any likely risks to children, staff and members of the public;
  - (m) The staff group who are in day-to-day contact with children shall include staff of both genders whenever possible and staffing arrangements shall take into consideration children's ethnic and cultural backgrounds, and any disabilities they may have;
  - (n) The home shall have sufficient arrangements in place to ensure that night time supervision of rooms, communal areas and the site is undertaken, where necessary;
  - (o) All care staff shall be of at least 21 years old, and staff who are given sole responsibility for children or a management role shall at least be 25 years old and no person shall be allowed to work in a home unless they are at least four years older than the oldest child accommodated in that home;
  - (p) Staff and residents shall be informed of the persons who are sleeping in the home every night.

**16. Training, development and qualification of staff**

- (a) There shall be a good quality learning and development programme which staff and volunteers are supported to undertake and it shall include induction and in-service training to enhance individual skills and to keep staff up-to-date with professional and legal developments, and the staff shall be equipped with the skills required to meet the needs of the children and purpose of the setting, and training, to keep them up-to-date with professional, legal and practice developments, as well as reflecting the policies and legal obligations of the home;
- (b) The learning and development programme shall be evaluated for effectiveness at least annually and if necessary shall be updated;
- (c) New staff into a home shall be made to undertake an organisational induction, covering core areas of training required to work with residents within 7 working days of starting their employment;
- (d) All social workers and other specialists like medical professionals, educationalists, psychologists, therapists shall be professionally qualified and, where applicable, registered with the appropriate professional bodies and shall be appropriately trained to work with children and their families, and be of a good understanding of child care and policies and purpose of the home.

**17. Staff support and supervision**

- (a) The proprietor of a home shall be fair and competent, and shall follow sound employment practices and provide good support to the staff and volunteers;
- (b) All staff, volunteers and the home manager shall be properly supervised, supported and made aware as to whom they are accountable;
- (c) Staff shall be provided with good support and advice, and supervised regularly by qualified and experienced staff;
- (d) A written or electronic record shall be kept by the home, containing the details of the time, date and length of each supervision held for each member of staff, and shall be signed by the supervisor and the member of staff at the end of the supervision;
- (e) All staff shall have their performance individually and formally appraised at least annually, and the appraisal shall take into account the views of children to whom the service is provided;
- (f) Staff and volunteers shall be provided with easy access to advice needed for providing a comprehensive service to children and young persons.

**18. Handling allegations and suspicions of harm**

- (a) All staff and volunteers shall be informed what they shall do if they receive an allegation, or have suspicions that a person may have—
  - (i) behaved in a way that has, or may have, harmed a child;
  - (ii) possibly committed a criminal offence against or related to a child; or
  - (iii) behaved towards a child in a way that indicates he or she is unsuitable to work with children;
- (b) The home shall ensure that the required action is taken, or has been taken, in any relevant situation of which it is aware;
- (c) The home child protection procedures shall be in line with Government guidance and requirements, including the duty to refer information to statutory bodies and made known to staff, volunteers and children;
- (d) The details of home child protection procedures and how staff will be supported should there be an allegation shall be made available to staff and volunteers and the Manager of the home shall take into account any comments made by the staff on these procedures;

- (e) The home child protection procedures shall be submitted for consideration and comments to the social services or other senior officers responsible for child protection matters in that department, and any conflict between locally agreed procedures and those of other responsible authorities shall be discussed and resolved as far as possible;
- (f) The home shall have a designated person, who shall be a senior manager and responsible for managing allegations, who shall liaise with social services and keep the subject of the allegation informed of progress during and after the investigation;
- (g) All allegations including those which may appear insignificant against persons who work with children shall be reported to the social services by the designated person;
- (h) A clear and comprehensive summary of any allegations made against a particular member of staff, including details of how the allegation was followed up and resolved, the record of any action taken and the decisions reached, shall be kept on the person's confidential file and a copy provided to the person as soon as the investigation is concluded and the information shall be retained in the confidential file, even after the person leaves the home;
- (i) Investigations into allegations or suspicions of harm shall be handled fairly, quickly, and consistently in a way that provides effective protection for the child, and at the same time supports the person against whom allegations are made.

**19. Effective and efficient management and monitoring of home**

- (a) There shall be clear and effective procedures for monitoring and controlling serious incidents, allegations, complaints about the quality of any facilities in the home and shall regularly apply monitoring activities of the home, and the views and concerns, if any, shall be seriously taken into account in improving the efficiency of the activities;
- (b) The manager shall monitor all records kept by the home to ensure compliance with the home's policies, to identify any concerns about specific incidents and their patterns and trends and immediate action shall be taken to address any issues noticed;
- (c) The Manager of the home shall ensure that all staffs work is consistent with the home's policies and procedures;
- (d) Where there is any change in the management personnel either on any given day or temporarily or permanently it shall be communicated in writing to social services at the earliest;
- (e) Where the home's designated persons lead point of contact with social services is not at work for any reason, it shall be notified to social services and the relevant designated member of staff shall be identified to contact in the absence of the designated person;
- (f) Managers and staff shall be clearly appraised about their roles and responsibilities, and the level of delegation and responsibility of the manager and staff, and the lines of accountability, shall be clearly defined;
- (g) Clear arrangements shall be made to ensure appropriate management of the home when the home manager is absent.

**20. Maintaining records**

- (a) The home shall have a written policy that clarifies the purpose, format and content of information to be kept on the registered person's files and information to be kept on the child's files and the staff shall be made aware of the nature of records maintained, and directed to follow the home's policy for the keeping and retention of files, managing confidential information, and access to files, including files removed from the premises, and take action when needed;
- (b) There shall be a system in place to monitor the quality and adequacy of record keeping;
- (c) Children and their parents shall be informed of the nature of records maintained and how to access them;



- (d) Information about individual children shall be kept confidential and shared only with those who have a legitimate need to know the information and, before sharing this information a request shall be approved by social services;
- (e) Information about other children involved in an event shall be kept confidential and be reflected in all records kept, taking note of the events;
- (f) Entries in records shall be legible, clearly expressed, and non-stigmatising and shall distinguish as far as possible between fact, opinion and third party information;
- (g) Information about the child shall be recorded clearly and in a way which will be helpful to the child when the child accesses the files and children shall be encouraged to read their files other than confidential or third party information and to correct errors and add personal statements;
- (h) Staff shall provide support and encourage the children to reflect on and understand their history, according to their age and understanding, and to keep appropriate memorabilia of their time in the home, and the staff shall record and help children to make a record of, subject to their age and understanding, significant life events;
- (i) The home manager shall work with social services to ensure effective sharing of information held in the home's records about the child and copies of the records and documents in relation to children shall be furnished to the social services immediately on receipt of a written or electronic request from social services.

**21. Notification of significant events**

- (a) The home manager shall have a system in place to notify social services within 7 days of the occurrence of a significant event, and there shall be guidelines on what to do, and what actions are to be taken if a notifiable event arises;
- (b) A written record shall be made containing the details of action taken, and the outcome of any action or investigation following a notifiable event;
- (c) The home manager shall notify the responsible authorities of any serious concerns about the emotional or mental health of a child;
- (d) Following such an incident, the home shall contact social services to discuss any further action that may need to be taken.

**22. Care plan and review**

- (a) Children shall be informed of the purpose and content of the care plan and the reasoning behind any decisions taken on the plan;
- (b) Each child's care plan shall be monitored by a specified worker within the home who shall ensure that the requirements of the plan are implemented in the day-to-day care of that child;
- (c) The home shall contribute effectively to review each child's care plan;
- (d) The home shall assist children to put forward their views, wishes and feelings in each review process, and help to ensure that these are fully taken into account;
- (e) The home ensures that if a child is not visited by their social worker at the frequency expected, or within a reasonable time following a request for a visit originated by the child, the matter shall be raised at the child's next review and the home shall communicate it to social services in a timely manner;
- (f) The result of all statutory reviews shall be recorded on the child's file, and individuals responsible for pursuing actions at the home arising from reviews shall be identified.

MADE this 22nd day of August, 2022.

Patricia Francourt

Minister of Employment and Social Affairs