



Northern  
Ireland  
Office

Proposals for the  
Juvenile Justice Centre  
(Northern Ireland)  
Rules 2007 and the  
Juvenile Justice Centre  
Order (Supervision) Rules  
(Northern Ireland) 2007

Youth Justice Policy Unit  
Criminal Justice Services Division  
Massey House  
Stoney Road  
BELFAST  
BT4 3SX

December 2006

# CONTENTS

INTRODUCTION .....	1
OVERVIEW OF PROVISIONS .....	2
EQUALITY .....	5
HOW TO RESPOND .....	6
CONFIDENTIALITY .....	7
ANNEX A – LIST OF BODIES TO BE CONSULTED .....	9



**PROPOSAL – JUVENILE JUSTICE CENTRE (NORTHERN IRELAND)  
RULES 2007 AND THE JUVENILE JUSTICE CENTRE ORDER  
(SUPERVISION) RULES (NORTHERN IRELAND) 2007**

**1 INTRODUCTION**

- 1.1 The current juvenile justice centre rules were commenced on 1 April 1999 at a time when following legislative changes the number of children in custody had reduced significantly. Since then, guided by the Criminal Justice Review, the youth justice system has undergone a further programme of major change, in particular the creation of the Youth Justice Agency (replacing the former Juvenile Justice Board), the creation of a single juvenile justice centre in Bangor and the construction of a new purpose built centre on the same site, due for completion by the end of 2006.
- 1.2 These changes have necessitated a review of the current juvenile justice centre rules but have also provided an opportunity to reflect new practice which has developed within the sector in relation to the management of children in custody in the intervening period. In addition it has been decided to take this opportunity to extend the current rules to cover the supervision period which is an integral part of a juvenile justice centre order; although for legal reasons it has proved necessary for this to be in the form of separate rules.
- 1.3 The nature and purpose of such rules is to provide a statutory framework of basic rights and principles, informed by best practice and international guidance, for the management of and discipline in a juvenile justice centre and the regulation of the supervision of a juvenile justice centre order. Full effect is then given to the rules through the development and application of a range of operational standards, policies and procedures.
- 1.4 Throughout the development of the new rules there has been consultation with key stakeholders, service deliverers and the voluntary sector. Consultation with children has been commissioned and will be taken forward as a separate exercise during the consultation period.
- 1.5 The legislative nature of Statutory Rules places constraints on the structure, layout and nature of the language which can be used. Consequently, a child friendly version of the document will be produced. Gender references within Statutory Rules are male but apply equally in law to male and female unless otherwise specified.
- 1.6 The new juvenile justice centre rules will apply to all children received into the Juvenile Justice Centre and the supervision rules to those subject to a period of supervision under a juvenile justice centre order as provided for under Article 39(1) of The Criminal Justice (Children)(Northern Ireland) Order 1998.

- 1.7 We would like to give the opportunity for interested parties and members of the public to view the new rules and offer comment. The full text of the proposed legislation is available on the Northern Ireland Office Website ([www.nio.gov.uk](http://www.nio.gov.uk)).

## **OVERVIEW OF PROVISIONS**

### **2. JUVENILE JUSTICE CENTRE (NORTHERN IRELAND) RULES 2007 (the JJC Rules)**

- 2.1 The purpose of the Juvenile Justice Centre (Northern Ireland) Rules 2007(JJC Rules) is to provide a legislative framework for the future operation of the Juvenile Justice Centre which will provide a safe and secure environment for children placed in custody and deliver the aims of the youth justice system. The JJC Rules set the principles and standards upon which the policies, procedures and practices of the Centre will be based.
- 2.2 The layout of the JJC Rules is broadly similar in format to the 1999 version although some of the groupings and headings have been changed to better reflect the terminology more commonly used within the Centre. This has been further supplemented by the inclusion of sub-headings within the table of contents for ease of reference.

#### **Key changes from the 1999 version include:**

##### **Part I – Preliminary**

- 2.3 Statement of Aims (Rule 4): the JJC Rules for the first time specify the aims of a Juvenile Justice Centre to provide a clear focus for the operation of the Centre. In addition, the principles have been updated to reflect current best practice and some issues contained within this section in the 1999 rules have been embedded within the main body of the document.

##### **Part II – Management**

- 2.4 Role of the director (referred to in the 1999 rules as the manager) Rules 6 and 7: this has been expanded and now provides a specific framework for the discharge of the director's duties and responsibilities through the application of a range of policies and procedures and the establishment, implementation and review of a set of operating standards. Provision has been included for the management of risk, suicide and self harm by children. All references to the Board of Management, which is no longer in existence, have been removed.

- 2.5 Disability and special needs, consultation and participation: Rules 9 & 10 have been added to require the director to make provision for children with disability and special needs and to provide a legal imperative for consultation with and participation by the children in the centre in relation to matters which concern them.
- 2.6 Information to children: the requirements in relation to the provision of information to children have been expanded and include a specific reference to children who are not fluent in English (Rule 11 (6)) and for parents (Rule 12).
- 2.7 Visits and inspection (Rule 13): these have been revised to take account of the dissolution of the Juvenile Justice Board. The responsibilities of the Agency and Chief Executive are not incorporated within the JJC Rules as they are not legal entities but will be dealt with administratively.

### **Part III–Care for Children**

- 2.8 The initial interview and assessment provisions have been substantially extended to require a centre to routinely undertake a minimum of four assessments, two of which, risk and health, must take place within 24 hours of arrival in the centre (Rule 15).
- 2.9 A new section on privileges (Rule 20) has now been included to provide a statutory basis for the operation within the centre of a system of privileges and incentives to assist in the development of a positive and purposeful environment to further the personal social and educational development of the children.
- 2.10 Child protection, Untried Children and Girls; the JJC Rules (Nos. 24, 25 and 26) for the first time require the director to have child protection policies in place and to make additional provision as necessary and appropriate for untried children and girls.

### **Part IV– Healthcare**

- 2.11 This section has been significantly expanded to ensure a comprehensive approach to healthcare, including both preventative and remedial. Specific provisions have also been included to cover mental health issues, notifications of incidents, illness or death (Rules 30 and 31) and pregnancy, confinement and babies (Rule 32). Moreover, Rule 67 requires the director to put in place policies for the management of risk, suicide and self harm and to publish, annually, a range of data, to include the number of incidents of self harm and suicide.

### **Part V– Communications**

- 2.12 Communications: new provisions have been included in Rules 33 to 40 which broaden the forms of communications to include letters, phone calls and an expanded section on legal correspondence.

## **Part VI – Learning and Development**

- 2.13 Education, programmes and activities: this section (Rules 43 to 46) has been extended and renamed to reflect its broader based focus, the inclusion of programmes and other developmental activities and the linkage with social care.

## **Part VII – Security and Safety**

- 2.14 Single Separation: references within the 1999 rules to restriction of association and temporary confinement have been removed in their entirety. They have been replaced by a reference to “single separation” (Rule 52) to be used as part of an overall strategy to prevent or defuse serious incidents and to take place in a child’s own bedroom unless it is unreasonable to do so.
- 2.15 The rule (No 54) relating to alcohol, tobacco and drugs has been amended to reflect government policy and current practice within the Juvenile Justice Centre.

## **Part VIII – Premises**

- 2.16 This is a new section (Rule 56 – 58), which brings together issues such as accommodation, cleanliness of the centre and Health and Safety.

## **Parts IX and X– Management and Staffing**

- 2.17 A major change within these sections is the inclusion within the additional duties relating to the director, of specific duties in relation to the medical care of children with regard to the management of risk, suicide and self-harm.
- 2.18 A new and final Part XI has been added dealing with breaches of the JJC Rules.

## **General**

- 2.19 There is greater emphasis throughout the JJC Rules on involvement and participation of the child, family and other agencies, and in particular those responsible for a child’s period of supervision under a juvenile justice centre order. The aim is to provide a joined up and inclusive approach to the delivery of such orders, to achieve the best outcomes for the children.
- 2.20 References to obligations under statutory provisions such as the Protection of Children and Vulnerable Adults legislation (POCVA) and the Special Education and Disability Order (SEND0) have not been included as they are already covered by existing legislation.

- 2.21 It is important to emphasise that many of the revisions have already been implemented and the Centre is already delivering services in accordance with those laid down within the new JJC Rules.

### **3. THE JUVENILE JUSTICE CENTRE ORDER (SUPERVISION) RULES (NORTHERN IRELAND) 2007**

- 3.1 These Rules have been written to provide the principles and standards for the provision of supervision under a juvenile justice centre order to provide clarity of focus and ensure a joined up seamless approach with the custodial element of the order.
- 3.2 The Rules provide a statement of purpose and supporting principles to ensure that supervision is carried out in accordance with relevant human rights principles, and equality considerations. They also specify the functions of the designated officer responsible for supervising a child during the period of supervision, many of which centre on issues of effective communication.
- 3.3 In common with the JJC Rules, there is an emphasis on involvement and participation by the child, family and other agencies, and in particular those responsible for the child's period in custody. The aim is to provide a joined up and inclusive approach to the delivery of a juvenile justice centre order, to assist in the successful integration of the child.
- 3.4 As it has not been feasible for legal reasons for these provisions to form part of the revised JJC Rules, they have been produced in a format similar to that used for comparable orders.

### **4. EQUALITY**

- 4.1 Under Section 75 of the Northern Ireland Act 1998, public authorities are required to have due regard to the need to promote equality of opportunity between:
- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
  - men and women generally;
  - persons with a disability and persons without; and
  - persons with dependants and persons without.
- 4.2 In addition to this obligation public authorities are required to have regard to the desirability of promoting good relations between persons of different religious belief,

political opinion or racial group. These obligations are designed to ensure that equality and good relations considerations are made central to policy development and have the potential to make a real difference to the lives of the people most likely to be affected, by consulting with and taking into account how policy development may impact on them.

- 4.3 The Northern Ireland Office is fully committed to promoting equality of opportunity and good community relations in all its policies.
- 4.4 An initial screening exercise of this policy has been conducted in line with the Equality Commission's guide to the Statutory Duties and has concluded that there are no differential impacts. By moving beyond the 1999 rules and aligning with best practice and international guidance it is felt that the new JJC Rules and the Supervision Rules will more fully promote equality of opportunity. However, if you have any concerns that the proposals if implemented would have an adverse effect it would be helpful if these, together with any supporting evidence, could be provided in your response.

## **5. CONSULTATION PROCESS**

- 5.1 This consultation is being conducted in accordance with the Code of Practice on Written Consultation issued by the Cabinet Office.

## **NEXT STEPS**

### **6. HOW TO RESPOND**

- 6.1 We have sought, in developing the JJC Rules, to deliver on the principle aims of the Youth Justice System and to achieve an appropriate balance between the care of the child and the safe and secure operation of the centre. Against this backdrop we would welcome your comments on the new and enhanced provisions contained within the new rules.

### **7. DURATION OF CONSULTATION**

- 7.1 The consultation will run for a period of 12 weeks from 8 December 2006. All responses to the consultation should be submitted for receipt by NIO on or before 2 March 2007. Comments are welcome by post or e-mail. A text-phone facility is also available. All responses will be acknowledged on receipt.
- 7.2 A list of those being formally consulted is at Annex A but we would be glad to be informed of anyone else who should also be consulted.

7.3 All queries and responses to this document should be made to:-

**The YJPU Consultation Co-ordinator**  
**Youth Justice Policy Unit**  
**Northern Ireland Office**  
**Massey House**  
**Stoney Road**  
**Belfast**  
**BT4 3SX**  
**Tel 028 90527373**  
**Fax 028 90523652**  
**E-mail: [yjpu@nio.x.gsi.gov.uk](mailto:yjpu@nio.x.gsi.gov.uk)**  
**Text Phone - 02890 527668**

## **8. CONFIDENTIALITY**

- 8.1 Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
- 8.2 If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
- 8.3 The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties
- 8.4 An electronic version of this consultation document is available on the NIO website ([www.nio.gov.uk](http://www.nio.gov.uk)). Copies of the document in other formats, to accommodate particular needs, can be made available on request. If there is any alternative format which may assist your participation please let us know and we do our best to assist you.

8.5 If you have concerns about the consultation process, you should contact the Northern Ireland Offices's consultation co-ordinator, whose contact details are provided below:

Miss Donna Knowles  
Central Management Unit  
Northern Ireland Office  
Stormont House  
Stormont Estate  
BELFAST  
BT4 3SH  
E-mail: [donna.knowles@nio.x.gsi.gov.uk](mailto:donna.knowles@nio.x.gsi.gov.uk)  
Telephone 02890527015

**LIST OF BODIES CONSULTED**

The Office of the Lord Chief Justice of Northern Ireland  
The Council of Her Majesty's County Court Judges in Northern Ireland  
The Northern Ireland Resident Magistrates Association  
Lay Magistrates Association  
The Northern Ireland Juvenile Courts Association  
The Office of the Director of Public Prosecutions  
The Crown Solicitor's Office  
The Northern Ireland Court Service  
The General Council of the Bar of Northern Ireland  
The Law Society of Northern Ireland  
Children's Law Centre  
Queen's University Law School  
University of Ulster Law School  
The Probation Board for Northern Ireland  
The Northern Ireland Prison Service  
Northern Ireland Westminster MPs  
Northern Ireland political parties  
Northern Ireland Government Departments  
All Health Boards and Social Services Trusts  
Education and Library Boards  
The Northern Ireland Human Rights Commission  
The Equality Commission  
The Northern Ireland Commissioner for Children and Young People  
The Northern Ireland Council for Ethnic Minorities (NICEM)  
The Northern Ireland Association for the Care and Resettlement of Offenders  
The Extern Organisation  
Victim Support (Northern Ireland)  
Northern Ireland Community Relations Council  
The Health and Safety Executive  
Royal College of GPs  
The Northern Ireland Royal College of Nurses  
Royal College of Psychiatrists  
The Northern Ireland Association for Mental Health  
Department of General Practitioners  
The Samaritans  
Alcohol Awareness for Youth  
Mental Health Commission  
Praxis Mental Health  
Nexus  
Simon Community

Save the Children  
Children in Northern Ireland  
NSPCC  
NCH  
Barnardos  
Include Youth  
Youth Council  
The Northern Ireland Youth Forum  
YMCA  
Travellers Movement  
Belfast Travellers Support Group  
Youth Justice Agency  
Criminal Justice Inspectorate  
Social Services Inspectorate  
VOYPIC  
Childline  
Opportunity Youth  
Disability Action  
Challenge for Youth  
Young Offenders Centre  
Lakewood  
Contact Youth  
Children's Express  
Duke of Edinburgh Award Scheme  
The Princes Trust  
Social Care Council  
Prison Chaplains Association  
Coalition on Sexual Orientation  
Trades Unions – NIPSA, UNISON, NASUWT  
Board of Social Witness  
Northern Ireland Housing Executive  
Committee on the Administration of Justice  
PSNI  
Policing Board

---

**STATUTORY RULES OF NORTHERN IRELAND**

---

**2007 No.**

**CRIMINAL PROCEDURE**

**The Juvenile Justice Centre Order (Supervision) Rules (Northern Ireland) 2007**

*Made*..... 2007

*Coming into operation*..... 2007

*To be laid before Parliament*

The Secretary of State, in exercise of the powers conferred upon him by Article 40(4) of the Criminal Justice (Children) (Northern Ireland) Order 1998(a), and of every other power enabling him in that behalf, hereby makes the following rules:

*Citation and commencement*

1. These rules may be cited as the Juvenile Justice Centre Order (Supervision) Rules (Northern Ireland) 2007 and shall come into operation on -----2007.

*Statement of purpose*

2. (1) Consistent with the aims of the youth justice system, the purpose of supervision is to protect the public by preventing offending and reintegrating the child into the community.
- (2) The purpose will be achieved by having regard to the following principles:
  - (a) children and their families shall be treated fairly, equitably and with dignity and respect and children and their families shall be encouraged and enabled to contribute to decisions which affect them;
  - (b) the promotion of equality between persons of different religious belief, political opinion, racial group, age, marital status, sexual orientation, between male and female generally, between persons with a disability and persons without; between persons with dependants and persons without.

---

(a) S.I. 1998/1504 (N.I. 9)

(3) A child friendly and accessible copy of these rules shall be given to each child at the commencement of his period of supervision and to the parent of such a child.

#### *Interpretation*

3. “Order” means the Criminal Justice (Children) (Northern Ireland) Order 1998;  
“Child” means an offender under Article 40 of the Order [c/f definition in draft JJC Rules]  
“Designated officer” means the person responsible for supervision under Article 40(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998;  
“Family” means parents, extended family and adults with a proven interest in the child’s welfare;  
“Parent” includes the guardian or authority who has for the time being responsibility for the care of a child

#### *Functions of designated officers*

4. In preparing for and supervising a child during the period of supervision under a juvenile justice centre order, the designated officer shall:-
- (1) take all reasonable steps to ensure that a child subject to supervision under a juvenile justice centre order is aware of:
    - (a) the period of supervision;
    - (b) the person under whose supervision he will be; and
    - (c) the effect of the order and of the requirements imposed by it;
  - (2) give the child and his parents or guardian, a notice specifying:
    - (a) details of any requirements with which he must comply; and
    - (b) any alteration to the matters mentioned in sub-paragraph 4 (1);
  - (3) take all reasonable steps to ensure that the child understands the consequences which may follow under Article 41(1) of the Order if he fails to comply with the requirements under Article 40(2) or (3) of the Order;
  - (4) work with those responsible for a child’s period in custody and other agencies, in the development and delivery of a plan to achieve the best outcome for the child consistent with the purpose of supervision;
  - (5) meet with the child regularly to discuss and monitor progress with the plan;
  - (6) give the child instructions as to how to fulfil the terms of the order;

- (7) take all reasonable steps to involve the child's parent or guardian and ensure as far as practicable that other community support to assist in the successful integration of the child is maintained;
- (8) ensure detailed records are kept of contact with the child and the activities undertaken and that those records may be accessed by the child and his parent or guardian;
- (9) keep in touch with any person running any programme in which the child is to take part and review with him the child's progress;
- (10) give the child instructions from time to time as to the cessation or suspension of any particular activity in the plan where that is in the interest of the successful reintegration of the child into his family and community;
- (11) explain information in a way which takes account of the age and understanding of the child and where a child is not fluent in English reasonable steps shall be taken to provide the services of an interpreter;
- (12) take reasonable steps to ensure that procedures are in place to enable a child with special needs to comply with the terms of the supervision.
- (13) bring any proceedings for dealing with the child for breach of supervision requirements under Article 40(2) and (3) of the Order; and
- (14) comply with any requirements specified by the Secretary of State from time to time and operate to standards approved by him;

*Certain responsibilities of the child*

**5.** The child must:

- (1) keep in touch with the designated officer in accordance with such instructions as he may be given by that officer; and
- (2) give notice to him of any change of address and contact details.

*Payment of expenses*

- 6.** The designated officer may pay reasonable expenses incurred as a result of this supervision.

*Complaints and Child Protection*

7. (1) Complaints shall be dealt with in accordance with procedures approved by the Secretary of State.
- (2) Particular attention shall be paid to ensure that the child is aware of and understands the procedure for making a complaint.
- (3) A child and his parent shall be provided with a written copy of those procedures which shall be provided in a suitable format.
- (4) The designated officer shall provide such statistical or other information as the Secretary of State may direct which shall include the number of complaints.
- (5) Child protection concerns shall be dealt with in accordance with procedures approved by the Secretary of State.

Northern Ireland Office

2007

One of Her Majesty's Principal  
Secretaries of State

EXPLANATORY NOTE

*(This note is not part of the rules)*

---

# Statutory Rules of Northern Ireland

---

2007 No.

## CRIMINAL JUSTICE

### Juvenile Justice Centre Rules (Northern Ireland) 2007

*Made* 2007  
*Coming into operation* 2007

#### ARRANGEMENT OF RULES

##### PART I PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Revocation
4. Statement of aims
5. Application of rules during an emergency

##### PART II Management

6. Role of director
7. Standards
8. Authority for detention
9. Disability and special needs
10. Consultation and participation
11. Information to children
12. Information to parents
13. Visits and inspections
14. Monitoring visits

##### PART III CARE OF CHILDREN

15. Initial interview and assessment
16. Food
17. Clothing
18. Personal property
19. Privileges
20. Personal hygiene

21. Exercise and recreation
22. Religious observance
23. Supervision
24. Child protection
25. Untried children
26. Girls

#### PART IV HEALTHCARE

27. Health
28. Duties of healthcare officer
29. Medical examination
30. Mental health and other conditions
31. Notification of incidents, illness or death
32. Pregnancy

#### PART V COMMUNICATIONS

33. Communications
34. Family and other relationships
35. Letters
36. Telephone calls
37. Visits
38. Restrictions on communications
39. Legal advisers
40. Correspondence in connection with legal matters
41. Police interviews
42. Complaints and representation

#### PART VI LEARNING AND DEVELOPMENT

43. Education, programmes and activities
44. Education and vocational training
45. Resource centre
46. Re-integration into the community

#### PART VII SECURITY AND SAFETY

47. Maintenance of good order and discipline
48. Search
49. Record and photograph
50. Management of difficult behaviour
51. Physical restraint
52. Single separation
53. Prohibited articles

- 54. Alcohol, tobacco and drugs
- 55. Control of persons and vehicles

PART XIII  
PREMISES

- 56. Accommodation
- 57. Cleanliness of a centre
- 58. Health and safety

PART IX  
MANAGEMENT AND STAFFING

- 59. Order and discipline
- 60. General duties of members of staff
- 61. Gratuities
- 62. Contracts
- 63. Communications with the media

PART X  
ADDITIONAL RULES RELATING TO THE DIRECTOR

- 64. Status of the director
- 65. Delegation by the director
- 66. Powers and duties relating to members of staff
- 67. Duties in relation to the medical care of children
- 68. Other duties of the director

PART XI  
BREACH OF THE RULES

- 69. Breach of rules

The Secretary of State makes the following Rules in exercise of the powers conferred by Article 52(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998.

**Part I**

## **Preliminary**

### *Citation and commencement*

1. These rules may be cited as the Juvenile Justice Centre Rules (Northern Ireland) 2007 and shall come into operation on X xxxxxx 2007.

### *Interpretation*

2. In these rules the following expressions have the meanings hereby assigned to them:—

“centre” means a juvenile justice centre provided under Article 51 of the Order;

“Chief Constable” has the same meaning as in the Police (Northern Ireland) Act 2000;

“food” includes drink;

“director “ has the same meaning as manager as in the Criminal Justice(Children)(Northern Ireland) Order 1998

“doctor” means a registered medical practitioner who provides primary services;

“healthcare officer”, in relation to the centre, means the members of the medical and nursing professions employed in a centre;

“inspector” means any authorised person exercising his powers under Article 55 of the Order;

“legal adviser means, in relation to a child, the child’s counsel or solicitor and includes an accredited clerk acting on behalf of a solicitor;

“the Order” means the Criminal Justice (Children) (Northern Ireland) Order 1998;

“parent” includes the guardian or authority who has for the time being responsibility for the care of a child;

“police officer” has the same meaning as in the Police (Northern Ireland) Act 2000;

“school” includes other educational alternatives.

*Revocation*

- 3.** The Juvenile Justice Centre Rules (Northern Ireland) 1999 are revoked.

*Statement of aims*

- 4.** (1) The aims of a centre are to:-
- (a) accommodate children ordered to be detained therein in a safe and secure environment; and
  - (b) protect the public by preventing offending by children and re-integrating children into the community.
- (2) These aims will be achieved having regard to the following principles:-
- (a) children shall be held in a safe, secure and caring environment which promotes their health, well-being and best interests;
  - (b) a centre shall provide a positive and purposeful environment offering high standards of education and programmes to support learning, challenge offending behaviour and promote active citizenship;
  - (c) children and their families shall be treated fairly, equitably and with dignity and respect and children and their families shall be encouraged and enabled to contribute to decisions which affect them;
  - (d) a centre shall work to develop and maintain links with the family, school and other sources of support to assist reintegration into the community;
  - (e) children shall retain all rights and entitlements except those limited as a consequence of their detention in a centre;
  - (f) a centre shall work in partnership with other statutory or voluntary agencies and, in particular, those responsible for the child's supervision under a juvenile justice centre order;

(g) a centre shall have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status, sexual orientation, between male and female generally, between persons with a disability and persons without; and between persons with dependants and persons without.

(3) These principles, taken together, are intended as a guide to the interpretation and application of the rules.

(4) A copy of these rules shall be made available and accessible to each child committed to a centre on remand or detained in a centre under a juvenile justice centre order and to the parent of such a child.

(5) A child friendly version of these rules shall be included as part of the information provided under rule 11.

(6) A statement of the aims in this rule and how they are to be achieved shall be prepared and displayed in a centre and shall be made available on request.

#### *Application of these rules during an emergency*

- 5.** Where there is an emergency affecting the safe and secure operation of a centre the Secretary of State may direct that these rules shall only have effect to the extent consistent with action taken with regard to that emergency.

## **Part II**

### **Management**

#### *Role of the director*

- 6.** The director of a centre discharges his duties and responsibilities under the Order by:
- (a) the implementation of these rules through the application of a range of policies and procedures which set out how the centre will be run; and

(b) the efficient running of the centre consistent with the safety and well-being of children, staff and other people visiting or working there.

### *Standards*

- 7.** The director shall, subject to the approval of the Secretary of State, establish, implement and keep under review a set of operating standards which comply with current statutory provisions and is published bi-annually. The operating standards shall include all of the following:
- (a) care of children;
  - (b) education and activities;
  - (c) programmes for tackling offending;
  - (d) healthcare;
  - (e) security and safety;
  - (f) management and staffing;
  - (g) involvement with families; and
  - (h) partnership working with agencies.

### *Authority for detention*

- 8.** A child shall not be received into a centre without a valid order of committal, warrant or certificate authorising his detention in a centre. The details of such order warrant or certificate and any subsequent direction of the court shall be immediately entered in the register kept for this purpose.

### *Disability and special needs*

- 9.** The director shall ensure that procedures are in place to enable a child with special needs to be given such individual support, aids and equipment as he may require as a result of any particular health needs or disability he may have.

### *Consultation and participation*

- 10.** In giving effect to these rules the director shall ensure that the children are encouraged and enabled to express their views on matters that concern them and the services they receive and that due weight is given to such views in accordance with the age and maturity of the child.

### *Information to children*

- 11.** (1) A centre shall provide timely and relevant information regarding the operation of the centre to children received into the centre.
- (2) Each child shall be provided as soon as practicable after his reception into a centre with sufficient information to enable him to understand-
- (a) the requirements of the centre and the facilities and programmes available;
  - (b) the provisions of these Rules;
  - (c) the proper methods of seeking further information and making contact with his parent, relatives, a legal adviser or an independent representative; and all such matters which are necessary to enable the child to fully understand his rights and obligations while in the centre.
- (3) Particular attention shall be paid to ensuring that the child is aware of and understands the procedure for making a complaint.
- (4) Information provided under this rule shall be made available in writing and in accessible formats for a child to consult in his own time.
- (5) The director shall explain the information provided in a way which takes account of the age and understanding of the child.
- (6) Where a child is not fluent in English reasonable steps shall be taken to provide the services of an interpreter, in particular during medical examinations and disciplinary proceedings.

### *Information to parents*

- 12.** The director shall provide timely and relevant information to the parent of a child received into custody throughout the child's stay and on a child's transfer or discharge.

### *Visits and inspections*

**13.** (1) The director shall facilitate an inspection of a centre by a person authorised by the Secretary of State under Article 55 of the Order or by any person having statutory authority to carry out an inspection

(2) Anyone conducting an inspection under this rule or accompanying him in accordance with paragraph (1) above may for that purpose:-

- (a) enter any part of the premises of a centre;
- (b) conduct an interview with any person; and
- (c) examine records relating to the centre subject to any issues of medical confidentiality which may require consent.

(3) A person who has been authorised to conduct an inspection under this rule shall report in writing to the Secretary of State and the report shall be published in such manner as the Secretary of State may direct.

#### *Monitoring visits*

**14.** A centre shall be visited at least once a month by a person approved by the Secretary of State. The person carrying out the visit may:

- (a) interview staff working in the centre and any other relevant person;
- (b) inspect the premises;
- (c) examine relevant centre records; and
- (d) submit a written report to the Secretary of State and the director.

### **Part III**

## **Care of Children**

### *Initial interview and assessments*

- 15.** (1) The director shall interview a child at the time of reception and in any case within 24 hours and shall ensure that any relevant matters or concerns are noted and dealt with.
- (2) Subject to the period of detention of a child a range of assessments shall be undertaken and plans prepared which shall include:
- (a) a risk assessment within 24 hours;
  - (b) an initial health assessment by the health care director within 24 hours and an assessment by a doctor within 7 days;
  - (c) an education assessment; and
  - (d) an assessment of need.
- (3) Such assessments and plans shall be kept under review on a timely basis.

### *Food*

- 16.** (1) The director shall ensure that children have access to fresh drinking water at all times and are provided with food which:
- (a) is served in adequate quantities and at normal meal times;
  - (b) is properly prepared and presented, wholesome, palatable and nutritious;
  - (c) satisfies the standards of dietetics, hygiene, health and, as far as possible, religious and cultural requirements;
  - (d) is suitable for their age and needs and meets their reasonable preferences; and
  - (e) is sufficiently varied.
- (2) The director shall ensure that the condition, quality and quantity of food and the conditions under which it is

prepared and cooked are inspected frequently and that reported shortcomings are rectified as soon as possible.

### *Clothing*

- 17.** (1) The director shall ensure that a child is adequately clothed
- (2) Subject to the following provisions of this rule, a child shall be permitted to wear his own clothes at all times.
- (3) The director may refuse permission for a child to wear his own clothes if he considers that they are unsuitable but if he does so he shall inform the child of the reason for his decision.
- (4) The centre shall provide clothes which are adequate for the climate and health of the child-
- (a) if a child is not able, or does not wish, to provide his own clothes;
- (b) if the director has refused permission for a child to wear his own clothes under paragraph (2); or
- (c) if the clothes provided by the child are unsuitable for the purposes of participation in an activity.
- (5) A child shall be permitted to wear his own clothes when leaving the centre for any purpose.
- (6) All clothing shall be kept in a clean and proper condition and arrangements shall be made for items to be changed as often as necessary for the maintenance of good health and hygiene

### *Personal property*

- 18.** (1) A child shall be permitted to retain personal property in accordance with the directions of the director.
- (2) The director, subject to such conditions as he may reasonably impose, shall be responsible for the safekeeping

of any personal property which a child is not allowed to retain for his own use in the centre and shall make arrangements for the recording and handling of such property or items sent to a child or otherwise received at a centre

(3) Any money which a child has at a centre shall be paid into an account under the control of the director and the child shall be credited with the amount in the books of the centre.

(4) All lawful personal property and money held by the centre shall be returned to the child or parent on discharge.

#### *Privileges*

- 19.** A centre shall have in place a system of privileges and incentives appropriate to the children's age, character and assessed risk.

#### *Personal hygiene*

- 20.** A child shall be required to maintain an acceptable standard of personal hygiene and shall be provided with an appropriate range of toiletries necessary for his health and cleanliness, which shall be replaced as necessary.

#### *Exercise and recreation*

- 21.** (1) The director shall ensure that recreational activities are provided which include access to open air and that each child is encouraged to participate commensurate with his age, physical abilities and reasonable preferences.
- (2) Where necessary, special arrangements shall be made, in consultation with a healthcare officer, for remedial physical education or (and) therapy to be provided.
- (3) Where such facilities cannot be provided within a centre, the director may, with the approval of the Secretary of State, grant permission for a child to attend facilities outside the centre.

#### *Religious observance*

- 22.** (1) A child shall be supported in his right to observe the requirements of his religious and spiritual life. Religious observance shall be provided in a format and with a frequency which takes account of the reasonable preferences of the children for whom it is being provided. The right of a child not to participate shall be respected.
- (2) The Secretary of State may approve such chaplains as he considers necessary to provide for the spiritual and religious needs of children in the centre.
- (3) A chaplain shall have reasonable access to make pastoral visits to a child at the child's request.

### *Supervision*

- 23.** (1) A child may be supervised by members of staff of either gender and to the extent and in the manner necessary to ensure the safety and well-being of children, staff and other people visiting or working there.
- (2) In circumstances in which privacy would be expected a child shall be supervised by a member of staff of the same gender.
- (3) A child may be placed in any location in the centre at the discretion of the director taking into account the assessed risk or any other factor which he may consider relevant.

### *Child protection*

- 24.** (1) A centre shall have in place policies approved by the Secretary of State, for the protection of the child from significant harm because of abuse or neglect.
- (2) The director shall also have in place a policy on public interest disclosure ("whistle-blowing") approved by the Secretary of State.

### *Untried children*

- 25.** The director shall, subject to any directions of the Secretary of State, make such provision as is necessary and appropriate for untried children in order to recognise their untried status.

*Girls*

- 26.** (1) The director shall, subject to any directions by the Secretary of State, make such provisions or arrangements as are considered necessary and appropriate to meet the needs and reasonable preferences of girls which may include the provision of separate accommodation within a centre.
- (2) The director may vary the regime to meet the needs of girls.

**Part IV**

**Healthcare**

*Health*

- 27.** (1) Each child shall receive appropriate medical care, both preventative and remedial, including dental, ophthalmological and mental healthcare, as well as pharmaceutical products and special diets as medically indicated. All such medical care shall, where possible, complement and incorporate as far as practicable the continuing services from a child's own locality and the services of the community in which the centre is located, in order to prevent stigmatization of the child and to promote self-respect and reintegration into the community.
- (2) Guidance, support and advice on healthcare and personal care issues shall be provided for each child appropriate to his needs and wishes.
- (3) Those who wish to counteract any addiction shall be provided with appropriate assistance.

*Duties of healthcare officer*

- 28.** (1) A healthcare officer shall be informed immediately of any child who appears to be seriously ill and shall ensure that the child is examined by a doctor without delay.

(2) Each child who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties, shall be assessed promptly by a healthcare officer who shall make arrangements for appropriate care to be provided.

(3) A healthcare officer shall inform the director about anything in the centre or the treatment of children detained in the centre which appears to him to require consideration on medical grounds.

(4) A healthcare officer may excuse a child from any activity on medical grounds.

(5) A healthcare officer shall as far as is practicable attend any incident involving physical restraint and shall medically examine a child as soon as possible after such an incident.

(6) A healthcare officer may consult with another member of the medical profession or a member of an associated profession at his discretion.

#### *Medical examination*

**29.** (1) A healthcare officer shall separately examine each child as early as practicable on the day of his reception and the result recorded.

(2) If a child has any form of medicine in his possession on reception it shall be for a healthcare officer to decide on its use, retention or disposal.

(3) If a child is found to have any infectious disease or to be in any condition which may threaten the health and well-being of himself or others, a healthcare officer shall take the necessary action for the child to receive appropriate treatment and report the matter to the director.

#### *Mental health and other conditions*

**30.** (1) A healthcare officer shall report in writing to the director on the case of any child whose health is likely to be injuriously affected by continued detention or any conditions of detention. The director shall send the report

to the Secretary of State without delay together with his own recommendations.

(2) A healthcare officer shall pay attention to a child whose mental health gives cause for concern and, where appropriate, make special arrangements which appear necessary for his wellbeing.

(3) A healthcare officer shall inform the director immediately if he suspects a child to have suicidal intentions, and the director shall take appropriate measures to safeguard the child.

#### *Notification of incidents, illness or death*

**31.** (1) If a child dies, becomes seriously ill, sustains a severe injury or is removed to hospital the director shall take all reasonable steps to inform the child's parent immediately and also any person the child may reasonably have asked should be informed.

(2) If a child dies the director shall immediately inform the coroner having jurisdiction, the police, the Secretary of State, and the person authorised under rule 14 to inspect the centre.

(3) The director shall at the same time carry out a review into the circumstances of the death in order to take any steps necessary to remove potential risk to others.

(4) Information received of the death or serious illness or injury of a relative of a child held in a centre shall be passed to the child without delay. Where the relative is an immediate family member the director shall permit a child detained in the centre under a juvenile justice centre order to visit such a family member or attend the funeral of the deceased unless there are compelling reasons why this should not happen.

#### *Pregnancy, confinement and babies*

**32.** (1) Where a girl is pregnant on committal and her confinement is expected to take place during her period of detention, she shall, if possible, be temporarily removed from the centre to a suitable hospital for the confinement and for any period following delivery which a healthcare officer considers necessary.

(2) The Secretary of State shall be notified of any such impending confinement and may thereupon direct appropriate planning for the discharge of the pregnant girl under such conditions as he thinks fit.

(3) The Secretary of State may, subject to any conditions he thinks fit, permit a girl to have her baby with her in a centre and everything necessary for the baby's maintenance and care shall be provided there.

## **PART V Communications**

- 33.** Children shall be enabled to have contact with the wider world as provided in these rules and, in particular, to have such contact as will assist them in their preparation for their reintegration to the community.

### *Family and other relationships*

- 34.** (1) Special attention shall be paid to the maintenance of the relationship between a child and his family
- (2) A child shall be encouraged and assisted to maintain good relationships with his family and other persons or representatives of agencies outside a centre as may, in the opinion of the director, promote the best interests of the child and his reintegration following release.
- (3) In furtherance of paragraphs (1) and (2) the director may grant permission for a child to leave the centre to visit his parent or family as either part of a planned programme in preparation for discharge, or in other exceptional circumstances, at such time and for such period as he considers appropriate.
- (4) Where any restriction on contact of any kind between a child and his family is considered necessary by the director, the views of the child, family and the agency responsible for supervision after release shall as far as practicable be taken into account.
- (5) In any case where for any reason contact is not maintained between a child and his family the director may arrange for an independent person to visit and befriend and

make representation on behalf of the child as provided for in rule 43.

#### *Letters*

**35.** (1) A child shall be entitled to send and receive letters or other communications subject to such conditions as the director may reasonably impose, the cost of which shall be met by the centre.

(2) Except as provided by these rules every letter or communication to a child shall be opened by the child in the presence of a member of staff.

#### *Telephone calls*

**36.** Subject to such conditions as the director may reasonably impose a child shall be permitted to make one paid daily telephone call and may make and receive additional telephone calls at his own expense.

#### *Visits*

**37.** (1) There shall be established at a centre arrangements, approved by the Secretary of State, for children to receive visits.

(2) Such arrangements shall take account of:

(a) the need to promote contact between a child and his family;

(b) the need to keep to a minimum any disruption of his education and attendance at programmes.

(3) Subject to the provisions of these rules, the director may give such directions as he thinks fit for the supervision of visits to children, either generally or in a particular case, provided that such directions shall be designed to ensure that such supervision is not unnecessarily intrusive.

#### *Restrictions on communications*

**38.** Subject to Rule 41, if the director has reason to believe that written or verbal communication is not consistent with a

child's best interests or may put the good order of the centre at risk, he may delay, examine, interrupt or prevent communication to or from a child and shall communicate his reasons to the child unless he has compelling reasons not to do so.

#### *Legal advisers*

- 39.** (1) The legal adviser to a child in any legal proceedings, civil or criminal, to which the child is a party shall be afforded reasonable facilities for consultation in connection with those proceedings.
- (2) Subject to the provisions of Rule 37 a child's legal adviser may consult with the child in the sight of but not in the hearing of a member of staff.
- (3) A child's legal adviser may, with the director's permission, consult with the child in connection with any other legal business.

#### *Correspondence in connection with legal matters*

- 40.** (1) A child who is party to any legal proceedings may correspond with his legal adviser or any court, national or international, in connection with those proceedings.
- (2) A child may correspond with a solicitor for the purpose of obtaining legal advice concerning any matter in relation to which he is or may become a party to legal proceedings or for the purpose of instructing the solicitor to issue proceedings or to allow him to conduct any legal business.
- (3) A child shall on request be provided with any writing materials necessary for the purpose of paragraph (1) or (2).
- (4) Subject to any directions given in the particular case by the Secretary of State, a registered medical practitioner selected by or on behalf of a child to whom paragraph (1) applies shall be afforded reasonable facilities for examining him in connection with the proceedings and may do so out of hearing but in sight of a member of staff.

#### *Police interviews*

- 41.** A police officer may, on production of an order issued by or on behalf of the Chief Constable, interview any child and an

interview under this rule shall take place in accordance with statutory provisions in force at the time and such other conditions as the director may impose.

### *Complaints and representation*

- 42.** (1) A centre shall have in place a policy for complaints approved by the Secretary of State.
- (2) A child and his parent shall be provided with a written copy of these procedures which shall be provided in a suitable format.
- (3) Arrangements shall be put in place for persons who are independent of the operation of the centre and approved by the Secretary of state, to visit, befriend, and make representation on behalf of a child.

## **PART VI**

### ***Learning and Development***

#### *Education, programmes and activities*

- 43.** (1) A child shall be occupied in and encouraged to develop his potential and skills through education, vocational training, physical education, activities and programmes designed to tackle offending behaviour.
- (2) For the purpose of determining the appropriate activities each child shall be assessed as soon as practicable after the date of his reception into the centre, and a plan shall be prepared in accordance with rule 15(2)(d).
- (3) The preparation and reviewing of such plans shall as far as practicable be undertaken in consultation with:
- (a) the child;

(b) the other statutory or voluntary agencies and in particular, those responsible for the child's supervision under a juvenile justice centre order and

(c) the child's parent

(4) The director shall nominate a member of staff to prepare, supervise and review the care plan of each child and to carry out the consultation referred to in paragraph (3).

**44.** (1) Arrangements shall be made at a centre for the education and vocational training of each child according to his age and his personal needs and ability.

(2) The educational and vocational training provided under this rule shall, so far as practicable, be such as will foster personal responsibility and a child's interests and skills and help to prepare him for his reintegration into the community.

(3) In the case of a child who is of compulsory school age, the curriculum shall be appropriate to his age, aptitude and ability and to any special educational needs he may have, and shall as far as possible satisfy the requirements of Article 4 of the Education Reform (Northern Ireland) Order 1989 so that after release a child may continue his education.

(4) Diplomas or educational certificates gained by a child while in detention shall not indicate that the diploma or certificate has been gained in a centre.

(5) The director with the approval of the Secretary of State may grant permission for a child who has been detained in a centre under a juvenile justice centre order to attend educational, vocational training, employment or other facilities outside the centre in preparation for their reintegration on release.

(6) The director shall make every effort to ensure that a child under a juvenile justice centre order is given an educational, vocational training or employment placement on release.

#### *Resource centre*

**45.** A resource centre shall be provided in a centre and contain a range of instructional and recreational books, media and other items suitable for the learning and development of

children who shall be encouraged and enabled to make full use of the resource centre, under such conditions as the director may determine.

*Re-integration into the community*

**46.** (1) From the beginning of a child's period in a centre consideration shall be given, in consultation with the other statutory or voluntary agencies and in particular, those responsible for his period of supervision under a juvenile justice order, to the child's future and to the help to be given to him in preparation for his reintegration into the community.

(2) Before the end of a child's period under a juvenile justice centre order the director shall give a careful explanation of his liability to supervision after discharge and the requirements with which he must comply.

(3) The plans prepared for a child in accordance with 15(2)(d) shall have regard to the need to help the child in preparation for and after his return to the community and, in the case of a child who will be of compulsory school age at the date of that return, to education in the community or employment.

**PART VII**

**Security and safety**

*Maintenance of good order and discipline*

**47.** Good order and discipline shall be maintained in a centre, but with no more restriction than is required in the interests of safety, security and well ordered community life.

*Search*

**48.** (1) Each child shall be searched on his reception into a centre and subsequently as the director considers necessary.

(2) A search shall be carried out in as seemly a manner as is consistent with discovering anything concealed and shall be conducted by two members of staff of the same gender as the child.

(3) A child shall not be undressed or required to undress, other than to remove a hat, coat or overcoat, for the purpose of a search:

(a) without the authority of the director; and

(b) in the sight of another child or any persons other than the members of staff conducting the search.

(4) Where a child refuses to co-operate with a search, the minimum effort necessary to effect the search may be used subject to the provisions of Rule 53.

(5) A record shall be kept of any search to which paragraph (3) or (4) applies which shall specify:

(a) the name of the child;

(b) the reason for the search;

(c) when the search was carried out;

(d) who authorised the search and who carried it out; and

(e) what, if anything, was found as a result of the search.

#### *Record and photograph*

**49.** (1) A personal record of each child shall be prepared, maintained and preserved in such manner and for such period as the Secretary of State may direct, but no part of the record shall be disclosed to any person not authorised to receive it.

(2) Each child may be photographed on reception or subsequently but no copy of the photograph shall be given to any person not authorised to receive it.

(3) Such photographs shall be taken in a way which does not indicate that they have been taken in a centre

#### *Managing Behaviour*

**50.** The director shall have in place a policy for the management of difficult behaviour.

*Physical restraint*

**51.** (1) Physical restraint shall only be used as a last resort when all other reasonable efforts to defuse and de-escalate a situation have been unsuccessful.

(2) No child shall be physically restrained unless it is to prevent:

- (a) injury to himself or others;
- (b) escape;
- (c) serious damage to property;
- (d) serious disorder; or
- (e) incitement of another child to any of the above.

(3) Only methods approved by the Secretary of State shall be used and by a member of staff who has undergone a course of training which is so approved.

(4) Physical restraint shall not be used as a punishment and where it is used it shall be for the shortest time possible and the child shall be informed both orally and in writing of the reasons for such action.

(5) On each occasion that a child is physically restrained the director shall be informed without delay and a written record completed within 12 hours of the occurrence.

(6) A healthcare officer shall be informed of any incidents of physical restraint without delay and shall as far as practicable be given prior notice to enable him to be present when physical restraint is being used.

*Single separation*

**52.** (1) Single separation shall be used only as part of an overall strategy to prevent or diffuse serious incidents as defined in Article 53(2) (a) to (e).

(2) Single separation shall not be used as a punishment and shall take place in a child's own bedroom unless it is unreasonable to do so.

(3) The policy for the use of single separation shall be subject to the approval of the Secretary of State and shall include time limits on the duration of single separation and on the observation, authorisation and notification requirements and methods of recording.

(4) A child shall not be subject to single separation unless all other appropriate methods of control have been tried without success.

(5) Where single separation is used it shall be for the shortest time possible and the child shall be informed both orally and in writing of the reasons for such action.

#### *Prohibited articles and substances*

**53.** (1) Except with the permission of the director no child shall have in his possession or conceal or deposit anywhere within the centre any article or substance which has been prohibited by the director.

(2) The director shall display prominently a list of prohibited articles and substances.

(3) The director may take reasonable steps to prevent prohibited articles coming into the centre.

(4) Except as directed by the director no person may:

(a) bring, send, throw, or cause to be taken into or out of a centre by post or otherwise; or

(b) deposit in any place with intent that it should come into a child's possession, any prohibited article or substance.

(5) Any prohibited article or substance may be confiscated by the director and shall be dealt with as he thinks fit.

#### *Alcohol, tobacco and drugs*

- 54.** (1) Intoxicating liquor shall not be permitted in any part of the centre.
- (2) No child shall be allowed to smoke or to have tobacco or tobacco products in his possession.
- (3) A child shall not be permitted to have in his possession any drug except under a written order of a healthcare officer specifying the nature and quantity and the name of the child for whose use it is ordered.
- (4) Smoking shall not be permitted in any part of the centre.

*Control of persons and vehicles*

**55.** Subject to Rule 13:

- (1) No person may enter a centre without the permission of the director.
- (2) Any person entering or leaving a centre may be stopped, examined and with his consent searched.
- (3) The director may deny access to the centre to any person who does not consent to being searched and may direct the removal from a centre of any person who does not leave on being required to do so.
- (4) Under this rule a search of a person may include a search of any item in that person's possession or of a vehicle.

**PART VIII**

**Premises**

*Accommodation*

- 56.** (1) Children's bedrooms in a centre shall be of such size and shall be lit, heated, ventilated and furnished in such a manner as is needed to maintain good health and human dignity.
- (2) Bedrooms shall be provided with means by which a child may communicate at any time with a member of staff in a centre.

- (3) Each child shall be provided with a separate bedroom.
- (4) Each child shall be provided with a bed and bedding adequate for warmth, health, safety and comfort, which shall be clean when issued, kept in good order and changed often enough to ensure cleanliness.

#### *Cleanliness of a centre*

- 57.** The director of a centre shall ensure the cleanliness and hygiene of all parts of a centre in which children, members of staff and any others live, work or otherwise have reason to be.

#### *Health and safety*

- 58.** (1) The director shall ensure that all parts of a centre are kept in good structural repair externally and internally and comply with all relevant regulations including fire prevention, health and safety and the Disability Discrimination Act.

(2) In order to ensure such compliance the director shall grant reasonable facilities to approved persons for the inspection of those parts of the centre in which they have a proper interest.

### **PART IX**

#### ***Management and staffing***

##### *Order and discipline*

- 59.** The director and each member of staff at a centre shall encourage good order and discipline in a centre through positive influence and example and promoting mutual respect.

##### *General duties of members of staff*

- 60.** (1) It shall be the duty of every member of staff to conform to these rules and the policies and procedures of a centre, to assist and support the director in their maintenance and to comply with and act upon his lawful direction.
- (2) A member of staff shall respect the privacy of each child in a centre consistent with the nature of the centre and communal living and shall not disclose information concerning a child or his family to anyone not authorised to receive it.
- (3) A member of staff shall perform his duties conscientiously and shall be courteous towards other staff and members of the public.
- (4) A member of staff shall inform the director promptly of any breach of these rules or any abuse or impropriety which comes to his knowledge.
- (5) No member of staff shall take part in any business or pecuniary transaction with or on behalf of a child without the permission of the director.
- (6) Each member of staff at a centre shall safeguard the rights and interests of children in the centre and shall ensure that his conduct is correct and proper at all times.
- (7) A member of staff at a centre shall inform the director, or a healthcare officer, promptly of a child who appears to be unwell, or whose behaviour or attitude indicates, in the opinion of the member of staff, that he may have suicidal intentions or otherwise require further attention or advice.
- (8) A member of staff shall not contact a person whom he knows to have been held in a centre or with a relative or friend of such a person except with the permission of the director.

#### *Gratuities*

- 61.** (1) A member of staff shall not receive any unauthorised fee, gratuity or other consideration in connection with his office.
- (2) If a member of staff is offered a fee, gratuity or any other consideration by any person he will inform the director.

#### *Contracts*

- 62.** Except with the permission of the Secretary of State, a member of staff shall not directly or indirectly have any interest in any contract or tender connected with the centre nor receive a fee, gratuity or other consideration from any contractor, or from any person tendering, or any other person whatever in connection with any such contract or tender.

*Communications with the media*

- 63.** (1) Except with the permission of the Secretary of State, a member of staff shall not directly or indirectly communicate to a representative of the press, television or radio or to any other person matters which he has come to know in the course of his duties.
- (2) A member of staff shall not, without the permission of the Secretary of State, publish any matter or make any public statement relating to the administration of a centre or to any of the children.

**PART X**

**Additional rules relating to the director**

*Status of the director*

- 64.** (1) The director shall be in charge of a centre.
- (2) The director shall be responsible for the safe custody of each child received into a centre until the expiration of the period for which they are ordered to be detained.
- (3) The director shall be responsible for safeguarding the rights of children, for their protection and treatment according to law and for the maintenance of good order and discipline in a centre.
- (4) Subject to any directions of the Secretary of State, the director shall have authority over all members of staff at a centre.
- (5) The director shall ensure the safe custody and proper disposal or use of all monies, equipment and materials in a

centre and shall keep whatever records and accounts are required by direction of the Secretary of State.

*Delegation by the director*

- 65.** Subject to the provisions of Rule 23 and any directions of the Secretary of State, the director may delegate any of his powers and duties under these rules to another member of staff.

*Absence of the director from a centre*

- 66** In the absence of the director, the centre shall be in the charge of a designated member of staff who shall be competent to perform and shall perform any duties required of the director.

*Powers and duties relating to members of staff*

- 66.** (1) The director shall superintend the conduct of all members of staff under his control and shall deal with misconduct and breach of these Rules.
- (2) The director may suspend from duty any member of staff if there is prima facie evidence of misconduct or breach of these rules and shall, without delay, report the matter fully to the Secretary of State and shall carry out any directions given by the Secretary of State.
- (3) The director shall record all his directions relating to the management and discipline of the centre and shall have such directions communicated to appropriate members of staff.
- (4) The director shall keep such records of conduct of members of staff as the Secretary of State may direct.
- (5) The director shall forward without delay any report or complaint which a member of staff wishes to make to the Secretary of State and may add any comments he feels appropriate.
- (6) The director shall ensure that members of staff possess the skills and knowledge required for their roles and responsibilities and receive regular supervision and training.

*Duties in relation to the medical care of children*

**67.** (1) Without prejudice to his other duties under these rules the director shall put in place policies for the management of risk, suicide and self-harm and shall, without delay, draw the attention of a healthcare officer to any child whose physical or mental health appears to require attention.

(2) The director shall satisfy himself that all members of staff who may be in contact with children are aware of the proper procedures for seeking to identify and for dealing with a child who, for whatever reason, may be regarded as a suicide risk, and in consultation with a healthcare officer ensure as far as possible that these procedures operate effectively.

*Other duties of the director*

**68.** The director shall provide such information as the Secretary of State may direct and shall publish annually information which shall include the number of single separations, complaints, child protection referrals, incidents of suicide or self-harm, physical restraints, escapes, assaults and other incidents as specified.

**Part XI**  
***Breach of rules***

**69.** Where staff fail to observe these rules they may be subject to disciplinary proceedings.

Northern Ireland Office