
First published in the *Government Gazette*, Electronic Edition, on 19th July 2011 at 5:00 pm.

No. S 414

CHILDREN AND YOUNG PERSONS ACT
(CHAPTER 38)

CHILDREN AND YOUNG PERSONS
(LICENSING OF HOMES)
REGULATIONS 2011

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In exercise of the powers conferred by section 52Q of the Children and Young Persons Act, the MG (NS) Chan Chun Sing, Minister of State, charged with the responsibility of the Minister for Community Development, Youth and Sports, hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Children and Young Persons (Licensing of Homes) Regulations 2011 and shall come into operation on 20th July 2011.

Definitions

2. In these Regulations, unless the context otherwise requires —

“Head” or “Head of Home” means any individual appointed by the licensee to be in charge of and to oversee the management and administration of a home, and includes any person appointed by the licensee to exercise the duties of the Head of Home in his absence;

“home” means a home for children and young persons licensed under section 52B(3) of the Act;

“licensee”, in relation to a home, means the person who has been issued a licence in respect of that home;

“medical practitioner” means a registered medical practitioner under the Medical Registration Act (Cap. 174) who has in force a practising certificate issued under that Act;

“nurse” means a person who is an “enrolled nurse” or a “registered nurse” as defined in section 2 of the Nurses and Midwives Act (Cap. 209);

“resident” means any child or young person residing in a home;

“staff” means any person employed by the licensee of a home to work in the home and includes a Head of the Home.

PART II

LICENSING OF CHILDREN’S HOMES

Application for licence

3. Every application under section 52B(1) of the Act for a licence or for the renewal of a licence shall —

(a) be made to the Director in such form and manner as the Director may require; and

(b) be accompanied by —

(i) such information and documents as the Director may require; and

(ii) the fee specified in regulation 5.

Issue of licence

4.—(1) Every licence issued by the Director shall be in such form as the Director may determine.

(2) Where a licence has expired, it may be renewed for a period of 2 years or such shorter period as the Director thinks fit in any particular case, commencing on the day following the date of expiry of the previous licence.

Fee for licence

5. The fee payable for the issuance or renewal of a licence shall be \$24.

Notification of change of licensee’s address, etc.

6.—(1) The licensee shall notify the Director in writing of any change of his business or residential address or any other particulars specified in its licence within 28 days after such change.

(2) Where the licensee is a body corporate, any officer of the licensee holding a managerial or an executive position shall also notify the Director of any change in composition of the members of the board of directors or committee or board of trustees or other governing body of the body corporate within 14 days after the date of such change.

(3) The licensee shall notify the Director as soon as practicable, if the licensee or, where the licensee is a body corporate, any member of the board of directors or committee or board of trustees or other governing body of the body corporate, is convicted of any offence which is registrable under the First Schedule of the Registration of Criminals Act (Cap. 268).

(4) The Director may, by way of endorsement on the licence or by re-issuing the licence, make any amendments to the licence which is necessary as a result of any change of particulars referred to in paragraph (1) or any change in composition of the members of a body corporate referred to in paragraph (2).

Standards of Care

7.—(1) The Director may, from time to time, issue, amend and vary a document to be known as the Standards of Care which sets out the objectives and guidelines for the management and administration of a home and the care of residents of a home.

(2) Every licensee of a home shall use his or its best endeavours to comply with the provisions of the Standards of Care in respect of the home.

(3) Any failure by the licensee in complying with the provisions of the Standards of Care may be taken into account by the Director in determining whether —

- (a) the licensee's licence may be renewed and if so, the period for which the licence shall be renewed; and
- (b) whether the licensee's licence should be suspended or revoked.

PART III
RECORDS AND REPORTS

Records

8.—(1) Every licensee of a home shall ensure that up-to-date records are maintained in respect of the home and that those records shall be made available for inspection by the Director at all times.

(2) The records required to be maintained in respect of a home under paragraph (1) shall include —

- (a) a register of admissions and discharges, in which shall be recorded particulars relating to —
 - (i) the admission and discharge of every resident to and from the home; and
 - (ii) the release on licence of any resident from the home under section 76(2) of the Act and the revocation of any such licence;
- (b) a residents' property book, in which shall be recorded particulars of all the personal effects of every resident of the home which are handed to the Head of the home for safe-keeping upon the admission of the resident, and a brief account of the manner in which all such personal effects are disposed of by the Head upon the discharge of the resident;
- (c) a case record of every resident of the home;
- (d) a discipline book, in which shall be recorded particulars of every disciplinary action taken against any resident of the home;
- (e) a daily register of the presence or absence of each resident of the home;
- (f) a log book, in which shall be recorded every event of importance connected with the management of the home;
- (g) a Review Board book, in which the names of the members of the Review Board shall be entered and in which the members of the Review Board may make comments concerning a home when they conduct visits to that home; and

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- (h) such other records as the Director may, from time to time, direct to be kept in respect of that home.
- (3) The records required to be maintained in respect of a home under paragraph (1) shall —
- (a) be available for inspection by any member of the Review Board or any of its committees at all times and shall be signed by him upon inspection; and
- (b) be placed before the Review Board or any of its committees at any meeting thereof if the Review Board or the committee so requires.

Licensee to inquire into complaint of abuse of resident

9.—(1) Upon the receipt of a complaint of abuse of any resident of a home, the licensee of the home must report the complaint to the Director as soon as possible.

(2) The licensee of a home shall inquire into the complaint of abuse of any resident of the home and report the initial findings to the Director 3 days after the date of the receipt of the complaint.

Notification of death, illness or accident or abscondence

10.—(1) Where a resident of a home dies or is seriously injured at any time when he has not been discharged as a resident of the home, the Head of that home shall, as soon as possible, report the death or serious injury to the police, the Director and the parent or guardian of the resident.

(2) Where it becomes necessary for a resident of a home to be admitted to a hospital for medical treatment, the Head of that home shall, as soon as possible, inform the Director and the parent or guardian of the resident.

(3) A Head of Home shall ensure that no surgical treatment is carried out on any resident of the home without the prior consent of the resident's parent or guardian, unless a medical practitioner certifies in writing that any delay in obtaining such consent would cause the resident unnecessary suffering or endanger the resident's life or health.

(4) Where a resident of a home has been absent without authority from the home for more than 24 hours, the Head of that home shall, as soon as possible, report the absence to the police, the Director and the parent or guardian of the resident.

(5) Where a resident escapes from a home or from the custody of a member of the staff thereof, the Head of that home shall immediately make a report of the escape to the police, the Director and the parent or guardian of the resident.

PART IV

SAFETY

First-aid facilities

11.—(1) Every licensee of a home shall ensure that the home has a first-aid kit for emergency treatment that is kept in an accessible and safe place in the home.

(2) The licensee of a home shall make arrangements for training in first-aid for every staff of the home who is not a nurse.

(3) The licensee of a home shall ensure that there is, at all times present on site at the home, at least one member of the staff of the home who is trained in first-aid.

Fire precautions

12.—(1) Every licensee of a home shall ensure that —

- (a) there is a fire emergency plan for the home;
- (b) the written procedure for the evacuation of the premises in the event of a fire emergency is displayed conspicuously on a notice board on the premises at all times;
- (c) fire drills by residents and staff of the home are conducted at least once every 3 months;
- (d) a written record is maintained of all such fire drills;
- (e) any apparatus or firefighting equipment recommended by the Commissioner of Civil Defence is installed in the home, regularly inspected, maintained and ready for use;

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- (f) the staff of the home are conversant with the method of using such equipment; and
 - (g) all exits from the home as well as all passageways and staircases are clear of obstructions at all times.

(2) In this regulation, “Commissioner of Civil Defence” means the Commissioner of Civil Defence appointed under section 6 of the Civil Defence Act (Cap. 42).

PART V

MANAGEMENT OF RESIDENTS

Personal effects of resident

13.—(1) The personal effects of a resident shall, upon his admission to a home, be taken from him by the Head of the home and, subject to paragraph (2), the Head shall cause such personal effects to be handed over to the parent or guardian of the resident as soon as possible or otherwise returned to the resident upon his discharge from the home.

(2) Where any item among the personal effects of a resident of a home at the time of his admission to the home is of a perishable or dangerous nature, the Head of the home shall cause the item to be destroyed.

(3) A Head of the home shall cause the particulars of all personal effects taken away from a resident of the home upon the resident’s admission to be recorded in the residents’ personal effects book before keeping them away.

Medical examination

14. The Head of a home shall ensure that every resident shall, as soon as practicable after his admission to a home, be examined by a medical practitioner.

Food and necessities

15.—(1) The Head of a home shall ensure that there is a written menu that is displayed conspicuously in the home and that is made

available at all times for inspection by any officer authorised by the Director.

(2) The Head of a home shall ensure that every resident of the home shall be supplied with adequate food and an adequate variety of food.

(3) The Head of a home shall ensure that every resident of the home shall be provided with adequate sleeping space, clothes, toiletries and such other items as may be necessary for his stay at the home.

Religious observance

16.—(1) As far as is practicable, the Head of a home shall ensure that arrangements are made for every resident of the home to adhere to the observances required by the religion which the resident professes.

(2) The Head of a home shall ensure that ministers of religion shall, wherever possible, be given access to the home for the purpose of visiting or giving religious instruction to residents belonging to their particular faiths.

Rehabilitation programme

17.—(1) The Head of a home shall ensure that the rehabilitation programme for every resident of the home shall, wherever possible, include —

- (a) moral or religious guidance;
- (b) education;
- (c) vocational training;
- (d) work;
- (e) physical training;
- (f) social and recreational activities; and
- (g) individual and group therapy.

(2) In this regulation, “work” means light work, such as a resident of a home making his own bed, cleaning his own dormitory, or assisting in similar light work in the kitchen or about the buildings or grounds of the home.

Home leave

18.—(1) Every resident of a home may from time to time be granted leave by a Head of the home to visit his parent or guardian for such period as that Head may determine.

(2) A resident of a home who has been granted leave under paragraph (1) shall abide by the following conditions during the period of leave granted to him:

- (a) he shall return to the home immediately upon the expiration of the period of leave;
- (b) he shall remain indoors during the time period specified by the Head of the home;
- (c) he shall not visit such other undesirable places as the Head of the home may specify;
- (d) he shall not consume or have in his possession any controlled drug, intoxicating substance, tobacco or alcoholic drink; and
- (e) he shall not behave in a disorderly manner.

Special leave

19.—(1) Subject to paragraph (2), the Head of a home may grant a resident of the home special leave —

- (a) to attend any educational classes or vocational training programmes or to take up any employment, where such educational classes, vocational training programmes or employment is not provided for by the home;
- (b) to travel outside Singapore, if —
 - (i) the consent of the parent or guardian of the resident has been given for such travel; and
 - (ii) where the resident is residing in a home under a statutory order to reside in the home, the Director's approval has been obtained for such travel; or
- (c) for any other special purpose for which the Head of Home thinks fit and proper to grant special leave to the resident.

(2) A resident of a home who has been granted special leave shall abide by the following conditions during the period of special leave:

- (a) he shall leave and return to the home at the times specified by the Head of the home;
- (b) he shall not absent himself from the place of his therapeutic programmes, educational classes, vocational training programmes or employment without reasonable cause;
- (c) he shall not consume or have in his possession, any controlled drug, intoxicating substance, tobacco or alcoholic drink;
- (d) he shall not behave in a disorderly manner; and
- (e) such other conditions as the Head of the home may specify in that particular case.

Writing and receipt of letters

20.—(1) The Head of a home shall ensure that every resident of the home shall be encouraged to write to his parent, guardian, relatives and friends or, if he is unable to write, to dictate his letter to a member of the staff of the home.

(2) Subject to paragraph (3), the Head of a home shall ensure that every resident of the home is allowed to receive letters from his parent, guardian, relatives and friends.

(3) The Head of a home shall not allow any letter to be posted or received by a resident of the home unless the contents thereof have been screened by the Head of Home or a member of the staff authorised by that Head of Home.

Provision to receive visits

21.—(1) Subject to paragraph (3), the Head of a home shall ensure that every resident of the home is allowed to receive visits from his parent or guardian during such hours and at such reasonable intervals as the Head of that home may determine.

(2) The Head of a home may in exceptional cases allow a resident of the home to receive visits from such other persons as the Head of Home thinks necessary or desirable.

(3) The Head of a home may, where the circumstances so warrant, refuse to allow the parent or guardian of a resident of the home to visit the resident, but in every such case the Head of Home shall record the reasons for doing so in the case record of the resident.

PART VI

BEHAVIOUR MANAGEMENT AND DISCIPLINE

Residents to obey orders

22. Every resident of a home shall obey the lawful orders of the staff of the home.

Fair discipline

23. Every member of the staff of a home shall treat every resident of the home fairly and firmly in the enforcement of discipline.

Orders, rules and directions

24. The Head of Home may from time to time issue such orders, rules and directions as may be necessary for the maintenance of the discipline of the residents of the home under his charge.

Punishment for indiscipline

25.—(1) Where the imposition of punishment on any resident of a home is necessary for the maintenance of discipline, the punishment shall be administered according to the discretion of the Head of the home or a member of the staff of the home who is authorised by that Head of Home.

(2) For the purposes of paragraph (1), a Head of a home or a member of the staff of the home authorised by him may impose any one or more of the following forms of punishment (and no other forms) on a resident of the home:

- (a) forfeiture or curtailment of rewards and privileges or deprivation of social activities for a specified period, except that the privileges forfeited shall not include the reception of visits from the resident's parent or guardian;

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- (b) performance of extra duties in and around the buildings or grounds of the home;
 - (c) separation from other residents of the home in accordance with regulation 26;
 - (d) corporal punishment in accordance with regulation 27.
- (3) The Head of a home shall —
- (a) record in the discipline book —
 - (i) the reasons for his decision to impose any punishment on any resident of the home; and
 - (ii) the form of punishment imposed; and
 - (b) inform the resident's parent or guardian as soon as possible of the disciplinary action that has been taken and the punishment that has been imposed on the resident.

Separation from other residents

26.—(1) Where a resident of a home is guilty of serious misconduct, the Head of the home may, in his discretion, separate the resident from the other residents in the home.

(2) Any such punishment under paragraph (1) shall only be imposed on a resident of a home subject to the following conditions:

- (a) no resident below 12 years of age shall be separated from the other residents in the home;
 - (b) the room in which the resident is kept separate from the other residents shall be bright and airy and kept lighted after dark;
 - (c) the resident who is kept separate from the other residents shall be provided with means of communication with a member of the staff of the home; and
 - (d) no resident shall be separated from the other residents in the home for a period exceeding 30 days except with the prior approval of the Director.
- (3) The Head of a home shall record in the discipline book, the reasons for his decision to separate any resident from the other residents in the home, and the period of the separation.

Corporal punishment

27.—(1) The Head and the staff of a home shall make every effort to enforce discipline within the home without resort to corporal punishment.

(2) The Head of a home must be satisfied after an inquiry and before imposing any corporal punishment that the resident of the home is guilty of serious misconduct and the misconduct is of such a nature as to warrant the imposition of corporal punishment.

(3) The Head of a home must seek the approval of the licensee or the management committee of the home before imposing corporal punishment on any resident of the home.

(4) The Head of a home shall record in the discipline book the particulars and evidence of the alleged misconduct of a resident of the home, his findings on the evidence, and the grounds of his decision to impose corporal punishment on the resident.

(5) Corporal punishment shall only be administered by way of caning and subject to the following conditions:

- (a) where corporal punishment is to be administered to a male resident of a home —
 - (i) it shall be administered by the Head of the home, or a member of the staff of the home authorised by the Head in the presence of another member of the staff who shall sign in the punishment book as a witness to the carrying out of the punishment;
 - (ii) the number of strokes inflicted shall not exceed 10;
 - (iii) the strokes may be inflicted on the resident's palm or on his buttocks over his clothes; and
 - (iv) it shall not be administered in the presence of any other resident of the home; and
- (b) where corporal punishment is to be administered to a female resident of a home —
 - (i) it shall be administered by a female member of the staff of the home authorised by the Head of the home in the

presence of another female member of the staff who shall sign in the punishment book as a witness to the carrying out of the punishment;

- (ii) the number of strokes inflicted shall not exceed 10;
- (iii) the strokes shall be inflicted on the resident's palm only; and
- (iv) it shall not be administered in the presence of any other resident of the home.

(6) Corporal punishment shall not be administered to any resident who suffers from any physical or mental disability.

Prohibition of unauthorised forms of corporal punishment

28.—(1) No member of the staff of a home shall subject any resident to any form of unauthorised corporal punishment.

(2) In this regulation, “unauthorised corporal punishment” includes striking, cuffing, shaking or punching a resident, or subjecting him to any other form of physical violence except for that permitted in accordance with regulation 27.

Duty of Head of Home upon return of resident who has failed to return or has escaped from home

29. Where a resident of a home returns to the home after —

- (a) having initially failed to return to the home immediately after the expiry of his home leave or special leave; or
- (b) having escaped from a home,

the Head of the home shall, within 7 days after the return of the resident —

- (i) compute the period during which the resident was at large;
- (ii) issue a certificate stating the period during which the resident was at large;
- (iii) cause a copy of the certificate issued under paragraph (ii) to be furnished and explained to the resident who shall thereafter

acknowledge it and to the parent or guardian of the resident;
and

- (iv) where the resident was admitted to a home pursuant to a statutory order, submit a copy of the certificate to the Youth Court.

[S 644/2014 wef 01/10/2014]

Punishment of resident who has been guilty of failure to return or escaping from home

30. Where a resident of a home has failed to return to the home immediately after his home leave or special leave, or after having escaped from the home, the Head of that home may impose one or both of the following forms of punishment on the resident:

- (a) keep him separated from the other residents for up to a maximum period of 30 days, subject to the conditions in regulation 26 being complied with;
- (b) impose corporal punishment on the resident in accordance with regulation 27.

PART VII

STAFF

Director may prohibit employment of certain staff

31.—(1) The Director may, in his discretion, prohibit any licensee from employing as Head of the home or any other member of the staff of that home, any person who has a conviction record for a registrable crime specified in Part I of the First Schedule to the Registration of Criminals Act (Cap. 268).

(2) The Director may require a licensee of a home to suspend the employment as Head of the home, or of any other member of the staff, of any person who is the subject of a criminal investigation in respect of a registrable crime specified in the First Schedule to the Registration of Criminals Act.

Medical examination of staff

32. The licensee of a home shall ensure that every person who is to be employed as a member of the staff of a home shall undergo a medical examination by a medical practitioner and be certified to be fit for employment in the home before carrying out any duties in the home as a member of the staff of the home.

Staffing of homes

33. The licensee of a home shall ensure that there is at all times, having regard to the size of the home and the needs of the residents in the home, a sufficient number of suitably qualified, competent and experienced persons working as staff at the home.

PART VIII**GENERAL****Additional information may be required by Director**

34.—(1) Without prejudice to the generality of regulation 3(*b*) and section 52I(1) of the Act, the information that the Director may seek from an applicant for a licence or a licensee includes information regarding any previous criminal conviction of the applicant or licensee or, where the licensee is a body corporate, any member of the board of directors or committee or board of trustees or other governing body of the body corporate or any staff of the home.

(2) Nothing in this regulation shall be construed to require an applicant or a licensee to furnish any information in breach of any rule of law relating to the confidentiality of such information.

Licensee's general responsibility

35. Every licensee of a home shall use his or its best endeavours to ensure that every Head of the home and member of the staff of the home complies with such duties and obligations as are imposed on the Head and staff, respectively under these Regulations.

Penalty

36. Any person who contravenes regulation 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 23, 25, 26, 27, 28, 32, 33 or 35 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day or part thereof during which the offence continues after conviction.

Revocation

37. The Children and Young Persons (Approved Schools and Approved Homes) Regulations (Rg 1) are revoked.

Made this 18th day of July 2011.

CHAN HENG KEE
Permanent Secretary,
Ministry of Community Development,
Youth and Sports,
Singapore.

[MCYS 76-06-01 Vol. 45; AG/LLRD/SL/38/2010/3 Vol. 1]