

THE CHILDREN'S COMMUNITY RESIDENCES
(REHABILITATION CENTRES) REGULATIONS, 2018

Arrangement of Regulations

PART I

PRELIMINARY

Regulation

1. Citation
2. Interpretation
3. Application

PART II

STAFF

4. Training for staff

PART III

THE PREMISES

5. Maintenance of premises
6. Perimeter of Rehabilitation Centre
7. Amenities for residents
8. General amenities
9. Amenities for disabled residents
10. Handling of food
11. Restriction of residents from the kitchen area
12. Amenities for programmes
13. Facilities for visitors to a Rehabilitation Centre

PART IV

ADMISSION OF RESIDENTS

14. Admission and orientation of residents
15. Individual care plans

PART V

WELFARE OF RESIDENTS

16. Welfare of resident
17. Behaviour Management Policy and protection policy for residents

PART VI

VISITS AND LEAVE FOR RESIDENTS

18. Visits and leave for residents

PART VII

COMMUNICATION

19. Communication with the family, others and the outside world

PART VIII

COMPLAINTS

20. Complaints handling system

PART IX

SAFETY AND SECURITY

21. Safety and security policy
22. Security risk assessments
23. Surveillance
24. Evacuation plan

PART X

RECORDS

25. Records to be kept

PART XI

CONFIDENTIALITY

26. Confidential records

PART XII

NOTICES TO THE AUTHORITY

27. Notices to the Authority

LEGAL NOTICE NO. 87

REPUBLIC OF TRINIDAD AND TOBAGO

THE CHILDREN'S COMMUNITY RESIDENCES, FOSTER CARE AND
NURSERIES ACT, CHAP. 46:04

REGULATIONS

MADE BY THE CHILDREN'S AUTHORITY OF TRINIDAD AND TOBAGO WITH
THE APPROVAL OF THE MINISTER UNDER SECTION 53 OF THE
CHILDREN'S COMMUNITY RESIDENCES, FOSTER CARE AND NURSERIES
ACT, CHAP. 46:04 AND SUBJECT TO AFFIRMATIVE RESOLUTION OF
PARLIAMENT

THE CHILDREN'S COMMUNITY RESIDENCES
(REHABILITATION CENTRES) REGULATIONS, 2018

PART I

PRELIMINARY

1. These Regulations may be cited as the Children's Community Residences (Rehabilitation Centres) Regulations, 2018. Citation

2. In these Regulations—

Interpretation

“child” has the meaning assigned to it under section 3 of the Children Act;

Chap. 46:01

“Commissioner” means a person holding or acting in the office of the Commissioner of Prisons established under the Prison Service Act;

“office” has the meaning assigned to it under section 2 of the Prison Service Act;

Chap. 13:02

“officer” means an officer holding an office as specified in the Second Schedule of the Prison Service Act and who has been assigned to the Rehabilitation Centre;

“resident” means a person who has been committed, remanded or transferred to a Rehabilitation Centre;

“Residents' Handbook” means the Residents' Handbook referred to in regulation 14(3)(b), (4) and (5);

“responsibility” includes custody, charge, care and control;

“staff” includes the officers assigned to the Rehabilitation Centre.

3. These Regulations shall apply to Rehabilitation Centres.

Application

PART II

STAFF

Training for staff 4. (1) The Superintendent and staff at the Rehabilitation Centre shall be provided with relevant and continuous training with respect to the care and management of residents.

(2) The Superintendent shall maintain a record of all training made available to staff.

PART III

THE PREMISES

Maintenance of premises 5. (1) A Rehabilitation Centre shall be—

- (a) adequately lit;
- (b) adequately ventilated;
- (c) suitably furnished;
- (d) kept in good structural repair, externally and internally;
- (e) kept clean and well maintained;
- (f) kept in a good and habitable condition; and
- (g) furnished with adequate laundry facilities, and equipment.

(2) A Rehabilitation Centre shall have—

- (a) a potable water supply with tank storage that is sufficient, functioning and clean;
- (b) sufficient storage facilities;
- (c) adequate arrangements for the disposal of garbage; and
- (d) proper arrangements for the maintenance of all equipment, furniture and amenities used in the Rehabilitation Centre.

Perimeter of Rehabilitation Centre 6. The perimeter of a Rehabilitation Centre shall be secure, regularly inspected and maintained, and a log shall be kept of the inspections and maintenance.

Amenities for residents 7. (1) Each resident shall be provided with—

- (a) his own bed;
- (b) proper and safe storage for personal possessions; and
- (c) access to a place for study.

(2) Where bunk beds are provided, such beds shall be outfitted with safety railings and ladders, where necessary.

8. A Rehabilitation Centre shall have—

General
amenities

- (a) adequate toilets and bathing facilities which—
 - (i) are fitted with sinks, toilets, showers and appropriate fixtures; and
 - (ii) have a regular and clean water supply;
- (b) adequate living and dining areas that are outfitted with—
 - (i) adequate seating accommodation;
 - (ii) furniture suitable to the range of ages of all residents; and
 - (iii) clean and sturdy furniture;
- (c) child-friendly recreational materials and facilities that—
 - (i) are suitable for the developmental capacity and range of residents;
 - (ii) allow for physical exercise and mental stimulation; and
 - (iii) allow for group activities as well as individual occupation; and
- (d) a space in which therapeutic interventions with the residents can take place.

9. A Rehabilitation Centre shall have adequate facilities for the needs of a resident with a physical disability.

Amenities for
disabled
residents

10. (1) The kitchen of a Rehabilitation Centre shall be—

Handling of
food

- (a) provided with—
 - (i) suitable and sufficient kitchen equipment in good working condition;
 - (ii) suitable and sufficient crockery, cutlery and utensils; and
 - (iii) adequate facilities for the preparation and storage of food; and
- (b) cleaned, sanitised and inspected daily.

(2) Food served to a resident shall be properly and safely prepared and handled.

(3) Staff preparing and serving food shall have valid food badges and shall ensure that food is properly and safely prepared and handled.

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| Restriction of residents from the kitchen area | <p>11. A resident shall not have access to the kitchen unless he is—</p> <p style="margin-left: 2em;">(a) certified in writing by a Medical Officer to be fit to perform chores in a kitchen; and</p> <p style="margin-left: 2em;">(b) performing chores under the direct supervision of a member of staff referred to in regulation 10(3).</p> |
| Amenities for programmes | <p>12. A Rehabilitation Centre shall be equipped with tools and materials which are suitable for the academic, vocational and personal development of residents.</p> |
| Facilities for visitors to a Rehabilitation Centre | <p>13. Suitable facilities shall be provided for a resident in order to facilitate contact between the resident and—</p> <p style="margin-left: 2em;">(a) his parent, guardian or the person with responsibility for him, unless precluded by an order of the Court;</p> <p style="margin-left: 2em;">(b) any of his relatives, unless precluded by an order of the Court;</p> <p style="margin-left: 2em;">(c) his Attorney-at-law; and</p> <p style="margin-left: 2em;">(d) such other visitors as the Commissioner thinks fit and who are not otherwise legally restricted.</p> |

PART IV

ADMISSION OF RESIDENTS

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| Admission and orientation of residents | <p>14. (1) There shall be a written procedure for the admission of residents into a Rehabilitation Centre and a Register of Residents shall be kept in accordance with section 22 of the Act.</p> <p style="margin-left: 2em;">(2) There shall be recorded in the Register of Residents with respect to each resident—</p> <p style="margin-left: 4em;">(a) his name, including all known aliases;</p> <p style="margin-left: 4em;">(b) his unique identifier;</p> <p style="margin-left: 4em;">(c) his age;</p> <p style="margin-left: 4em;">(d) his sex;</p> <p style="margin-left: 4em;">(e) his address prior to that of the Rehabilitation Centre;</p> <p style="margin-left: 4em;">(f) the offence for which the resident has been charged or convicted;</p> <p style="margin-left: 4em;">(g) identifying marks or other unusual physical characteristics;</p> <p style="margin-left: 4em;">(h) the names, addresses and contact numbers of the parents, guardians or person with responsibility for the resident, where they can be ascertained; and</p> |
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- (i) the names, addresses and contact numbers of any of his siblings and other close relatives, where they can be ascertained.

(3) There shall be a Residents' Handbook which shall include information with respect to—

- (a) the policies and procedures of a Rehabilitation Centre;
- (b) the rules of conduct;
- (c) sanctions which may be imposed for the violation of rules;
- (d) the disciplinary process at a Rehabilitation Centre; and
- (e) the rights and obligations of a resident while at the Rehabilitation Centre.

(4) The Residents' Handbook shall be in such a simple form as would reasonably enable a resident to understand its content, having regard to the age and understanding of the resident.

(5) Within twenty-four hours of the arrival at a Rehabilitation Centre, each resident shall be—

- (a) informed of the contents of the Residents' Handbook outlined in subregulation (3), in a manner which has regard to the age and understanding of the resident; and
- (b) provided with a copy of the Residents' Handbook.

(6) Where a resident is unable to read, the Superintendent shall ensure that the contents of the Residents' Handbook are read and explained to the resident.

(7) Where a resident does not understand the English language of the Residents' Handbook, an interpreter shall be provided for him.

(8) Upon the entry of a resident into a Rehabilitation Centre—

- (a) a photograph shall be taken of the resident;
- (b) medical and mental health screening of the resident shall be conducted;
- (c) an inventory of the property in the possession of the resident shall be recorded; and
- (d) an assessment of the resident shall be conducted to determine—
 - (i) the level of risk of the resident; and
 - (ii) the rehabilitative intervention that is needed for the resident.

(9) In this regulation, "unique identifier" means the code or number which is assigned to a resident by which the resident can be identified.

Individual
care plans

15. (1) An individual care plan shall be developed for each resident.

(2) Individual care plans shall—

(a) be based on—

- (i) the results of the assessment referred to in regulation 14(8)(d);
- (ii) any order of the Court; and
- (iii) recommendations by the Authority;

(b) include—

- (i) the objectives of the care of the resident;
- (ii) the time frames for achieving the objectives;
- (iii) the persons responsible for assisting the resident in achieving the objectives; and
- (iv) the programmes developed to assist the resident to reintegrate into society;

(c) take into consideration the sex, age group and level of development of the resident; and

(d) be kept under review and revised as necessary.

PART V

WELFARE OF RESIDENTS

Welfare of
resident

16. (1) A resident of a Rehabilitation Centre shall be provided with—

(a) food that is—

- (i) suitable for his dietary needs, health, religious persuasion or cultural background;
- (ii) served in adequate quantities and at appropriate intervals, at least three times every day; and
- (iii) wholesome, nutritious, well prepared and served, and reasonably varied;

(b) sufficient clothing and footwear that are—

- (i) appropriate to his age, sex and religious persuasion; and
- (ii) clean and in good condition;

- (c) educational programmes, including—
 - (i) academic or vocational training which is appropriate and consistent with his individual care plan; and
 - (ii) special education programmes where the resident has literacy, cognitive or learning challenges;
- (d) appropriate medical care, including emergency medical attention; and
- (e) a regular and sufficient supply of suitable personal hygiene products.

(2) Each resident shall be provided with adequate opportunities for physical and other recreational activities suitable to his physical and cognitive abilities.

(3) No resident shall, without the written permission of the Superintendent, be allowed to leave the premises of a Rehabilitation Centre unaccompanied or unsupervised.

(4) Each resident shall be treated fairly and the rules of a Rehabilitation Centre and these Regulations shall be applied equitably.

(5) The best interest of each resident shall be considered at all times in the application of the Act.

17. (1) A Rehabilitation Centre shall have a written Behaviour Management Policy that is communicated to staff, volunteers, visitors and residents of a Rehabilitation Centre in a manner suitable to their age and understanding.

Behaviour
Management
Policy and
protection
policy for
residents

(2) The Behaviour Management Policy referred to in subregulation (1) shall set out—

- (a) the appropriate behaviour to be promoted at the Rehabilitation Centre; and
- (b) the measures of control, discipline and restraint to be used in relation to residents, and shall be reviewed and revised where appropriate and as necessary.

(3) In addition to a Behaviour Management Policy, a Rehabilitation Centre shall have a written policy for the protection of residents which—

- (a) is intended to safeguard residents accommodated in the Children's Home from abuse or neglect; and
- (b) sets out the procedure to be followed in the event of an allegation of abuse or neglect.

PART VI

VISITS AND LEAVE FOR RESIDENTS

Visits and
leave for
residents

18. (1) A resident shall be allowed to have visits in accordance with his care plan, these Regulations and the Child Rehabilitation Centre Regulations, 2017.

(2) The restriction of visits to a resident shall not be used as a method of discipline.

Chap. 13:05 (3) Leave for a resident shall be granted in accordance with the Children Act, and the Child Rehabilitation Centre Act.

PART VII

COMMUNICATION

Communication
with the
family, others
and the
outside world

19. (1) Subject to subregulation (4), a resident shall be entitled to communicate in writing, by landline telephone or by means of any other communicative device approved by the Commissioner, once per week with his parent, guardian or the person with responsibility for him—

- (a) save in exceptional circumstances where he may communicate more than once per week with his parent, guardian or the person with responsibility for him;
- (b) unless precluded by an order of the Court; or
- (c) unless precluded by the Commissioner in the interest of—
 - (i) national security;
 - (ii) the safety and security of the staff and residents of the Rehabilitation Centre;
 - (iii) the security of the Rehabilitation Centre; or
 - (iv) the good order of the Rehabilitation Centre.

(2) A resident shall have reasonable access to communicate in writing, by landline telephone or by means of any other communicative device approved by the Commissioner, with—

- (a) any of his relatives, unless precluded by an order of the Court; and
- (b) such other persons as the Court thinks fit and who are not otherwise legally restricted, subject to such restrictions by the Commissioner, as may be necessary for the maintenance of discipline, order and the safety and security of a Rehabilitation Centre.

(3) A resident shall not be denied access to his Attorney-at-law.

(4) Exceptional circumstances referred to in sub-regulation (1) include circumstances in relation to—

- (a) death or serious illness of a near relative;
- (b) business or family affairs of an urgent matter;
- (c) arrangements for obtaining employment or assistance from friends on release; or
- (d) any other compassionate circumstance.

PART VIII

COMPLAINTS

20. (1) There shall be a written internal complaints handling system established and maintained for use in the Rehabilitation Centre and about which residents, staff, volunteers and visitors shall be informed. Complaints handling system

(2) The complaints handling system shall permit residents to lodge complaints directly with, and confidentially to, the Authority, Commissioner or Superintendent.

(3) The complaints handling system must be communicated to the residents in a manner appropriate to their age and understanding.

PART IX

SAFETY AND SECURITY

21. (1) There shall be a safety and security policy at a Rehabilitation Centre to ensure the safety and security of all residents, staff, volunteers and visitors. Safety and security policy

(2) The safety and security policy shall include policies and procedures on the—

- (a) control and use of and access to keys;
- (b) conduct of searches on the housing areas;
- (c) conduct of searches of residents;
- (d) possession, use and disposal of weapons and illegal substances in the Rehabilitation Centre; and
- (e) periodical training of staff in the safety and security policies and procedures of the Rehabilitation Centre.

(3) The requisite fire and public health certificates shall have been obtained for a Rehabilitation Centre.

Security risk
assessments

22. Annual security risk assessments shall be conducted to—
- (a) identify potential security risks;
 - (b) recommend measures to address security risks; and
 - (c) stipulate time frames to implement measures.

Surveillance

23. (1) Dormitories at a Rehabilitation Centre shall be inspected periodically and as frequently as the Commissioner may determine necessary.

(2) There shall be a written policy on—

- (a) the use of audio-digital, video-digital or any electronic or other devices for the purpose of the surveillance of the Rehabilitation Centre; and
- (b) the destruction of the data obtained from the devices referred to in paragraph (a), and such destruction is to be certified by the Commissioner or Superintendent.

(3) Staff shall be trained in the use of the devices referred to in subregulation (2)(a).

(4) Any devices referred to in subregulation (2)(a) shall not be located in any areas where residents may be in a state of undress.

Evacuation
plan
Chap. 88:08

24. (1) There shall be an evacuation plan in accordance with the Occupational Safety and Health Act.

(2) A record shall be made of the number and frequency of evacuation drills.

(3) The records referred to in subregulation (2) shall be available for inspection by the Fire Service Division and the Authority.

PART X

RECORDS

Records to be
kept

25. (1) The Commissioner shall ensure that the following records in relation to the Rehabilitation Centre specified in this regulation are kept and maintained:

- (a) a Register of Residents;
- (b) a journal to record the property belonging to the resident stating—
 - (i) the description and quantity of items;
 - (ii) the arrangements for storage of items; and
 - (iii) the steps taken to determine and implement disposal of items;

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- (c) a disciplinary log stating—
 - (i) the name of the resident against whom any disciplinary action was taken;
 - (ii) the date and time of the incident;
 - (iii) the names of any persons who were involved in or present to witness the incident;
 - (iv) the name of the person who administered the disciplinary measure;
 - (v) a description of the incident that gave rise to the disciplinary measure;
 - (vi) the type and duration of the disciplinary measure administered at the Rehabilitation Centre; and
 - (vii) any other relevant information;
 - (d) a file detailing any serious incident including security breaches which occurred at a Rehabilitation Centre and any corrective measures taken to rectify the incident;
 - (e) a visitor's log specifying the following details:
 - (i) the name and contact information of the visitor and his relation to the resident visited;
 - (ii) the date of the visit;
 - (iii) the length of the visit;
 - (iv) the purpose of the visit; and
 - (v) any other detail about the visit that the Superintendent may see fit;
 - (f) a daily perimeter inspection log;
 - (g) a dormitory surveillance log specifying the following details:
 - (i) the time the surveillance was conducted;
 - (ii) the name of the officer of the Rehabilitation Centre who conducted the surveillance;
 - (iii) any unusual behaviour or complaints;
 - (iv) any significant event that may involve a resident; and
 - (v) any other relevant information;
 - (h) a complaints log specifying the following details:
 - (i) a description of the complaint including date, time and the persons involved;
 - (ii) the date and time of the complaint;

- (iii) any action taken and by whom; and
- (iv) any other relevant details;
- (i) a search record log specifying the following details:
 - (i) the resident's name;
 - (ii) the type of search;
 - (iii) the reason for the search;
 - (iv) the results of the search;
 - (v) the names of officers of the Rehabilitation Centre conducting the search;
 - (vi) the date of the search; and
 - (vii) the times of the commencement and termination of the search; and
 - (viii) any other relevant information; and
- (j) a log recording announced and unannounced evacuation and fire drills specifying the following details:
 - (i) the date and time of drills;
 - (ii) the time taken for complete muster;
 - (iii) the persons present and challenges observed during the drill; and
 - (iv) the recommendations to address the challenges identified with respect to subparagraph (iii); and
 - (v) any other relevant information.

(2) A record shall be kept of all policies and procedures, and a log shall be kept of the training conducted with staff.

(3) A file shall be kept in respect of each resident with respect to the history of each resident and shall include the following:

- (a) a photograph of the resident;
- (b) a list of the educational institutions and any vocational training attended by the resident prior to admission and during his placement at a Rehabilitation Centre;
- (c) the names, addresses and contact information of persons with whom the resident previously resided;
- (d) a description of the physical appearance of the resident, including distinguishing marks;
- (e) a medical history of the resident;
- (f) any order of the Court that was made in respect of the resident;

- (g) any report made to the police in respect of the resident;
- (h) the resident's individual care plan; and
- (i) any incident in which the resident was involved that necessitated the intervention of any agency of the State.

(4) Where a resident in the care of a Rehabilitation Centre has died, the Commissioner shall ensure that any particulars in relation to the death of the resident are recorded.

(5) All registers, books and records in respect of residents in a Rehabilitation Centre shall be securely stored and kept confidential.

(6) There shall be a destruction policy with respect to any record pertaining to the Rehabilitation Centre.

PART XI

CONFIDENTIALITY

26. (1) Subject to any other written law, all records of residents of a Rehabilitation Centre are confidential. Confidential records

(2) Notwithstanding subregulation (1), information about a resident may be revealed to the Authority or any other person or entity required by law, in order to—

- (a) protect the resident from harm;
- (b) protect others who may be harmed; or
- (c) secure evidence.

PART XII

NOTICES TO THE AUTHORITY

27. (1) The Authority shall immediately be notified of the following Notices to the Authority in writing:

- (a) the admission of a child in accordance with section 54 of the Children Act;
- (b) the absence or absconding of a resident, or that a resident is missing;
- (c) the discharge of a resident;
- (d) a threat or abuse of a resident;
- (e) the death of a resident;
- (f) a serious injury sustained by a resident;
- (g) the escape of a resident from legal custody;

- (h) any incident of a resident contracting an infectious disease;
- (i) the outbreak of any infectious disease at a Rehabilitation Centre;
- (j) any illness or injury of a resident which requires that the resident be hospitalised;
- (k) the outbreak of fire at a Rehabilitation Centre, where that fire results in the relocation of the residents and;
and
- (l) any other serious incident which affects the resident, staff or operation of a Rehabilitation Centre.

Dated this 20th day of February, 2018.

H. BENJAMIN
Chairman
*The Children's Authority of
Trinidad and Tobago*

Approved by the Minister this 5th day of March, 2018.

K. ROWLEY
Prime Minister

Approved by the Senate this 12th day of June, 2018.

B. CAESAR
Clerk of the Senate (Ag.)

Approved by the House of Representatives this 6th day of June, 2018.

J. SAMPSON-MEIGUEL
Clerk of the House