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STATUTORY INSTRUMENTS

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**1995 No. 755**

**The Children (Northern Ireland) Order 1995**

**PART VIII**

**VOLUNTARY HOMES AND VOLUNTARY ORGANISATIONS**

*Voluntary organisations*

**Provision of accommodation for children**

**75.**—(1) A voluntary organisation which provides accommodation for a child shall do so by—

(a) placing him (subject to paragraph (2)) with—

(i) a family;

(ii) a relative of his; or

(iii) any other suitable person,

on such terms as to payment by the organisation and otherwise as the organisation may determine;

(b) maintaining him in a voluntary home;

(c) maintaining him in a home provided under Part VII;

(d) maintaining him in a registered children's home;

(e) maintaining him in a home provided by the Secretary of State, a government department or a prescribed public body; or

(f) making such other arrangements (subject to paragraph (3)) as seem appropriate to the organisation.

(2) The Department may make regulations as to the placing of children with foster parents by voluntary organisations and the regulations may, in particular, make provision similar to the provision that may be made under Article 27(2)(a) (placing of children by an authority).

(3) The Department may make regulations as to the arrangements which may be made under paragraph (1)(f) and the regulations may in particular make provision similar to the provision that may be made under Article 27(2)(f) (other arrangements made by an authority).

(4) The Department may make regulations requiring any voluntary organisation which is providing accommodation for a child—

(a) to review his case; and

(b) to consider any representations (including any complaint) made to the organisation by any prescribed person,

in accordance with the provisions of the regulations.

(5) Regulations under paragraph (4) may in particular make provision similar to the provision that may be made under Article 45 (reviews where child looked after by an authority).

(6) Regulations under paragraphs (2) to (4) may provide that any person who, without reasonable excuse, contravenes a regulation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

### **Duties of voluntary organisations**

**76.**—(1) Where a child is accommodated by or on behalf of a voluntary organisation, the organisation shall—

- (a) safeguard and promote his welfare;
- (b) make such use of the services and facilities available for children cared for by their own parents as appears to the organisation reasonable in his case; and
- (c) advise, assist and befriend him with a view to promoting his welfare when he ceases to be so accommodated.

(2) Before making any decision with respect to any such child the organisation shall, so far as is reasonably practicable, ascertain the wishes and feelings of—

- (a) the child;
- (b) his parents;
- (c) any person who is not a parent of his but who has parental responsibility for him; and
- (d) any other person whose wishes and feelings the organisation considers to be relevant,

regarding the matter to be decided.

(3) In making any such decision the organisation shall give due consideration—

- (a) having regard to the child's age and understanding, to such wishes and feelings of his as the organisation has been able to ascertain;
- (b) to such other wishes and feelings mentioned in paragraph (2) as the organisation has been able to ascertain; and
- (c) to the child's religious persuasion, racial origin and cultural and linguistic background.

(4) Every voluntary organisation shall, at such times and in such form as the Department may direct, transmit to the Department such particulars as the Department may require with respect to children accommodated by or on behalf of the voluntary organisation.

### **Duties of an authority**

**77.**—(1) Every authority shall satisfy itself that any voluntary organisation providing accommodation—

- (a) within the authority's area for any child; or
- (b) outside that area for any child on behalf of the authority,

is satisfactorily safeguarding and promoting the welfare of the children so provided with accommodation.

(2) Every authority shall arrange for children who are accommodated within its area by or on behalf of voluntary organisations to be visited in the interests of their welfare.

(3) The Department may make regulations—

- (a) requiring every child who is accommodated by or on behalf of a voluntary organisation, to be visited by an officer of the authority—
  - (i) in prescribed circumstances; and
  - (ii) on specified occasions or within specified periods; and

- (b) imposing requirements which must be met by any authority, or officer of an authority, carrying out functions under this Article.
- (4) If an authority is not satisfied that the welfare of any child who is accommodated by or on behalf of a voluntary organisation is being satisfactorily safeguarded or promoted, the authority shall—
- (a) unless it considers that it would not be in the best interests of the child, take such steps as are reasonably practicable to secure that the care and accommodation of the child are undertaken by—
    - (i) a parent of his;
    - (ii) any person who is not a parent of his but who has parental responsibility for him; or
    - (iii) a relative of his; and
  - (b) consider the extent to which (if at all) the authority should exercise any of its functions with respect to the child.
- (5) Any person authorised by an authority may for the purpose of enabling the authority to discharge its duties under this Article—
- (a) enter at any reasonable time and inspect any premises in which children are being accommodated as mentioned in paragraph (1) or (2);
  - (b) inspect any children there;
  - (c) require any person to furnish him with such records of a kind required to be kept by regulations made under Article 89 (in whatever form they are held), or allow him to inspect such records, as he may at any time direct.
- (6) Any person exercising the power conferred by paragraph (5) shall, if asked to do so, produce some duly authenticated document showing his authority to do so.
- (7) Any person authorised to exercise the power to inspect records conferred by paragraph (5)—
- (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question; and
  - (b) may require—
    - (i) the person by whom or on whose behalf the computer is or has been so used; or
    - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,to afford him such assistance as he may reasonably require.
- (8) Any person who intentionally obstructs another in the exercise of any power conferred by paragraph (5) or (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.