

EXPLANATORY MEMORANDUM TO
The Foster Placement (Children) (Amendment) Regulations (Northern Ireland)
2012 No. 229

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Health Social Services and Public Safety to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

- 1.2 The Statutory Rule is made under the Children (Northern Ireland) Order 1995 and is subject to the negative resolution procedure.

2. Purpose

- 2.1 The Foster Placement (Children) (Amendment) Regulations (Northern Ireland) 2012(the amending regulations) will amend the Foster Placement (Children) Regulations (Northern Ireland) 1996 (the Foster Placement Regulations) for the purpose of extending the timescale to assess a person with whom a child can be placed in an emergency situation from 6 weeks to 12 weeks. The amendment to the 1996 Regulations is required to support publication by the Department of kinship care standards.

3. Background

- 3.1 Under Regulation 11 of the Foster Placement (Children) Regulations (Northern Ireland) 1996, as currently drafted, in circumstances where children can be placed with a relative or friend in an emergency, there is a requirement for the carers to be assessed and approved within six weeks. This 6 week time limit has been shown to be unrealistic and is not reflective of actual practice. For example, the assessment requires Enhanced Criminal Record Disclosure Checks (EDCs) to be undertaken. At one point in 2008, EDCs were taking on average 14 weeks to complete. While this is no longer the case, it demonstrates the impossibility of completing an assessment within 6 weeks.

3.2 The amending Regulations will extend the period that is required to assess a person with whom a child can be placed in an emergency from 6 weeks to 12 weeks. The purpose of the change is to set a more realistic timescale for the completion of the initial assessment of a potential carer. In addition to undertaking Enhanced Criminal Record Checks, the initial assessment requires an assessment of the suitability of the home where the child is being cared for, requires medical reports to be obtained and references to be taken up. In the view of the department, the proposed amendment does not in any way dilute the existing safeguards for looked after children being cared for by family or friends. In that time frame, existing legislation requires a looked-after child review to be undertaken within 2 weeks and the placement will be monitored closely by the child's social worker and kinship social worker while the assessment is ongoing.

4. Consultation

4.1 Public consultation on the amendment to the 1996 Regulations formed part of a wider consultation on draft Standards for Kinship Foster Carers in Northern Ireland, which ran from 12 April 2010 to 31 July 2010. Most groups were supportive of the proposed change as it allowed them a more reasonable time to complete all that is entailed in the assessment including making all the necessary EDC s.

5. Equality Impact

5.1 Consideration has been given to compliance with section 75 of the NI Act 1998. There are no negative equality impacts on any of the section 75 groupings.

6. Regulatory Impact

6.1 No adverse impact on business, charities, social economy or voluntary bodies. The latter have welcomed the proposed amendment to the 1996 Regulations.

7. Financial Implications

7.1 None

8. EU Implications

8.1 None

9. Section 24 of the Northern Ireland Act 1998

9.1 These Regulations do not breach section 24 of the Northern Ireland Act 1998, as they are not incompatible with any of the Convention rights or community law, and they do not discriminate against a person on the grounds of religious belief or political opinion. Nor do these Regulations modify or amend any of the enactments stated in section 7 of the Northern Ireland Act 1998.

10. Parity or Replicatory Measure

10.1 The proposed measure is unique to Northern Ireland.

11. Additional Information

11.1 None