
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 453

CHILDREN

**The Arrangements for Placement of Children
(General) Regulations (Northern Ireland) 1996**

Made - - - - 25th September 1996

Coming into operation 4th November 1996

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 27(2)(a) and (f)(ii) and (5), 28, 73(1) and (2)(d), 75(2) and (3), 89(1) and (2)(g) and 105(1) and (2)(g) of the Children (Northern Ireland) Order 1995(1) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Arrangements for Placement of Children (General) Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

(2) In these Regulations—

“the Order” means the Children (Northern Ireland) Order 1995;

“area authority” means, in relation to a child who is or is to be placed, the authority in whose area the child is or is to be placed, where the child is looked after by a different authority;

“care case” means a case in which the child is in the care of an authority(2);

“guardian ad litem” means a guardian ad litem appointed pursuant to Article 60 of the Order or under rules made under Article 66 of the Adoption (Northern Ireland) Order 1987(3);

“health services” has the meaning assigned to it by Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(4);

“placement”, subject to regulation 13, means—

(a) the provision of accommodation and maintenance by an authority for any child whom it is looking after by any of the means specified in Article 27(2)(a), (b), (c), (d) or (f) of the Order (accommodation and maintenance for children looked after by an authority);

(1) S.I.1995/755 (N.I. 2)

(2) See the definition of “care order” in Article 2(2) of the Children (Northern Ireland) Order 1995 and paragraphs 11, 12 and 30 of Schedule 8 to that Order

(3) S.I. 1987/2203 (N.I. 22); paragraph 166 of Schedule 9 to the Children (Northern Ireland) Order 1995 substituted a new Article 66 with effect from 19th February 1996

(4) S.I. 1972/1265 (N.I. 14)

- (b) the provision of accommodation for a child by a voluntary organisation by any of the means specified in Article 75(1)(a), (b), (c), (d) or (f) of the Order (provision of accommodation for children by voluntary organisations); and
- (c) the provision of accommodation for a child in a registered children's home;

“responsible authority” means—

- (a) in relation to a placement by an authority (including one in which the child is accommodated and maintained in a voluntary home or a registered children's home), the authority which places the child;
- (b) in relation to a placement by a voluntary organisation of a child who is not looked after by an authority, the voluntary organisation which places the child; and
- (c) in relation to a placement in a registered children's home of a child who is neither looked after by an authority nor accommodated in such a home by a voluntary organisation, the person carrying on the home.

(3) Any notice required under these Regulations is to be given in writing and may be sent by ordinary post.

Application of Regulations

2.—(1) Subject to paragraph (2), these Regulations apply to placements—

- (a) by an authority of any child;
- (b) by a voluntary organisation of a child who is not looked after by an authority;
- (c) in a registered children's home of a child who is neither looked after by an authority nor accommodated in such a home by a voluntary organisation, by the person carrying on the home.

(2) These Regulations shall not apply to placements of a child, otherwise than by an authority or voluntary organisation, in a school (as defined in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986(5)).

Making of arrangements

3.—(1) Before they place a child the responsible authority shall, so far as is reasonably practicable, make immediate and long-term arrangements for that placement, and for promoting the welfare of the child who is to be placed.

(2) Where it is not practicable to make those arrangements before the placement, the responsible authority shall make them as soon as is reasonably practicable thereafter.

(3) In the case of a child to whom Article 22(5) of the Order applies (child aged 16 or over agreeing to be provided with accommodation) the arrangements shall, so far as is reasonably practicable, be agreed by the responsible authority with the child before a placement is made and if that is not practicable as soon as is reasonably practicable thereafter.

(4) In any other case in which a child is looked after or accommodated but is not in care, the arrangements shall, so far as is reasonably practicable, be agreed by the responsible authority with—

- (a) a person with parental responsibility for the child; or
- (b) if there is no such person, the person who is caring for the child,

before a placement is made and if that is not practicable, as soon as is reasonably practicable thereafter.

(5) Any arrangements made by the responsible authority under this regulation shall be recorded in writing.

Considerations on making and contents of arrangements

4.—(1) The considerations to which the responsible authority is to have regard, so far as is reasonably practicable, in making the arrangements referred to in regulation 3 in each case are, the general considerations specified in Schedule 1, the considerations concerning the health of a child specified in Schedule 2 and the considerations concerning the education of a child specified in Schedule 3.

(2) Except in a care case, the arrangements referred to in regulation 3 shall include, where practicable, arrangements concerning the matters specified in Schedule 4.

Notification of arrangements

5.—(1) The responsible authority shall, so far as is reasonably practicable, notify the following persons of the arrangements to place a child before the placement is made—

- (a) any person an indication of whose wishes and feelings have been sought under Article 26(2), 76(2) or 92(2) of the Order (consultation prior to decision-making in respect of children looked after by an authority, provided with accommodation by a voluntary organisation or in a registered children's home);
- (b) the education and library board for the area in which the child is living;
- (c) the child's medical practitioner;
- (d) any person who is caring for the child immediately before the arrangements are made;
- (e) the area authority;
- (f) except in a care case, any person in whose favour a contact order is in force with respect to the child; and
- (g) in a care case, any person who has contact with the child pursuant to Article 53 of the Order (parental contact etc. with children in care) or to an order under that Article.

(2) Where it is not practicable to give the notification before the placement, it shall be given as soon as is reasonably practicable thereafter.

(3) The responsible authority shall send a copy of the arrangements referred to in regulation 3, or such part of the arrangements as it considers will not prejudice the welfare of the child, with the notification referred to in paragraph (1), but in the case of notification to those specified in paragraph (1)(b) to (g) it shall send details of only such part of the arrangements as it considers those persons need to know.

Arrangements for contact

6. In operating the arrangements referred to in paragraph 6 of Schedule 4, a voluntary organisation or a person carrying on a registered children's home shall, unless it is not reasonably practicable or consistent with the child's welfare, endeavour to promote contact between the child and the persons mentioned in that paragraph.

Health requirements

7.—(1) A responsible authority shall, so far as is reasonably practicable before a placement is made, and if that is not reasonably practicable, as soon as practicable after the placement is made—

- (a) ensure that arrangements are made for the child to be examined by a medical practitioner; and

(b) require the medical practitioner who has carried out the examination to make a written assessment of the state of health of the child and his need for health care, unless the child has been so examined and such assessment has been made within a period of 3 months immediately preceding the placement or the child is of sufficient understanding and he refuses to submit to the examination.

(2) During the placement of the child the responsible authority shall ensure that arrangements are made for the child to be provided with health services, including medical and dental care and treatment.

Establishment of records

8.—(1) A responsible authority shall establish, if one is not already in existence, a written case record in respect of each child whom it places.

(2) The record shall include—

- (a) a copy of the arrangements referred to in regulation 3;
- (b) a copy of any written report in its possession concerning the welfare of the child;
- (c) a copy of any document considered or record established in the course of, or as a result of, a review of the child's case;
- (d) details of arrangements for contact, of contact orders and of other court orders relating to the child; and
- (e) details of any arrangements whereby another person acts on behalf of the authority or organisation which placed the child.

Retention and confidentiality of records

9.—(1) A case record relating to a child who is placed shall be retained by the responsible authority until the seventy-fifth anniversary of the date of birth of the child to whom it relates or, if the child dies before attaining the age of 18, for a period of 15 years beginning with the date of his death.

(2) The requirements of paragraph (1) may be complied with either by retaining the original written record, or a copy of it, or by keeping all of the information from such a record in some other accessible form (such as by means of a computer).

(3) A responsible authority shall secure the safekeeping of case records and shall take all necessary steps to ensure that information contained in them is treated as confidential, subject only to—

- (a) any statutory provision under which access to such records or information may be obtained or given; or
- (b) any court order under which access to such records or information may be obtained or given.

Register

10.—(1) An authority shall, in respect of every child placed in its area (by the authority and any other responsible authority) and every child placed by the authority outside its area, enter into a register to be kept for the purpose—

- (a) the particulars specified in paragraph (3); and
- (b) such of the particulars specified in paragraph (4) as may be appropriate.

(2) A voluntary organisation and a person carrying on a registered children's home shall, in respect of every child placed by them, enter into a register to be kept for the purpose—

- (a) the particulars specified in paragraph (3); and
- (b) such of the particulars specified in paragraph (4) as may be appropriate.

(3) The particulars to be entered into the register in accordance with paragraph (1) or (2) are—

- (a) the name, sex and date of birth of the child;
- (b) the name and address of the person with whom the child is placed and, if different, of those of the child's parent or other person not being a parent of his who has parental responsibility for him;
- (c) in the case of a child placed on behalf of an authority by a voluntary organisation or in a registered children's home, the name of the authority;
- (d) whether the child's name is entered on any authority register indicating that the child is at risk of being abused;
- (e) whether the child's name is entered on the register maintained under paragraph 3 of Schedule 2 to the Order (register of disabled children);
- (f) the date on which each placement of the child began and terminated and the reason for each termination;
- (g) in a care case, the name of the authority in whose care the child is; and
- (h) the legal provisions under which the child is being looked after or cared for.

(4) The additional particulars to be entered in the register in accordance with paragraph (1) or (2) are—

- (a) in the case of a child placed by an authority in respect of whom arrangements have been made for the area authority to carry out functions pursuant to regulation 12, a note that the arrangements were made and the name of the other authority with whom they were made; and
- (b) in the case of a child who has been placed, in respect of whom arrangements have been made for supervision of the placement to be carried out on behalf of a responsible authority (otherwise than pursuant to regulation 12), a note that the arrangements were made and the name of the person with whom the arrangements were made.

(5) Entries in registers kept in accordance with this regulation shall be retained until the child to whom the entry relates attains the age of 23 or, if the child dies before attaining 23, the period of 5 years beginning with the date of his death.

(6) The requirements of paragraph (1) may be complied with either by retaining the original register, or a copy of it, or by keeping all of the information from such a register in some other accessible form (such as by means of a computer).

(7) A responsible authority shall secure the safekeeping of registers kept in accordance with this regulation and shall take all necessary steps to ensure that information contained in them is treated as confidential, subject only to—

- (a) any statutory provision under which access to such registers or information may be obtained or given; or
- (b) any court order under which access to such registers or information may be obtained or given.

Access by guardians ad litem to records and register

11. Each voluntary organisation, where it is not acting as an authorised person⁽⁶⁾, and every person carrying on a registered children's home shall provide a guardian ad litem of a child with—

- (a) such access as may be required to—
 - (i) case records and registers maintained in accordance with these Regulations, and
 - (ii) the information from such records or registers held in whatever form (such as by means of a computer);
- (b) such copies of the records or entries in the registers as he may require.

Arrangements between authorities and area authorities

12. Where arrangements are made by an authority which is looking after a child with an area authority to carry out functions in relation to a placement on behalf of the authority—

- (a) the authority shall supply the area authority with all such information as is necessary to enable the area authority to carry out those functions on behalf of the authority;
- (b) the area authority shall keep the authority informed of the progress of the child and, in particular, shall furnish reports to the authority following each visit to the home in which the child is placed and following each review of the case of the child carried out by the area authority on behalf of the authority;
- (c) the authority and the area authority shall consult each other as necessary, and as soon as is reasonably practicable after each such review of the case of the child, with regard to what action is required in relation to him.

Application of Regulations to short-term placements

13.—(1) This regulation applies where a responsible authority has arranged to place a child in a series of short-term placements at the same place and the arrangement is such that no single placement is to last for more than 4 weeks and the total duration of the placements is not to exceed 90 days in any period of 12 months.

(2) Any series of short-term placements to which this regulation applies may be treated as a single placement for the purposes of these Regulations.

Sealed with the Official Seal of the Department of Health and Social Services on 25th September 1996.

P. A. Conliffe
Assistant Secretary

⁽⁶⁾ For access by guardians ad litem to authority and authorised person's records *see* Article 61 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)). "Authorised person" is defined in Article 49(2) of that Order

SCHEDULE 1

Regulation 4(1)

Considerations to which responsible authorities are to have regard

1. In the case of a child who is in care, whether an application should be made to discharge the care order.
2. Where the responsible authority is an authority, whether the authority should seek a change in the child's legal status.
3. Arrangements for contact, and whether there is any need for changes in the arrangements in order to promote contact with the child's family and others so far as is consistent with his welfare.
4. The responsible authority's immediate and long-term arrangements for the child, previous arrangements in respect of the child, and whether a change in those arrangements is needed and consideration of alternative courses of action.
5. Where the responsible authority is an authority, whether an independent visitor should be appointed if one has not already been appointed.
6. Whether arrangements need to be made for the time when the child will no longer be looked after by the responsible authority.
7. Whether plans need to be made to find a permanent substitute family for the child.

SCHEDULE 2

Regulation 4(1)

Health considerations to which responsible authorities are to have regard

1. The child's state of health.
2. The child's health history.
3. The effect of the child's health and health history on his development.
4. Existing arrangements for the child's medical and dental care and treatment, and health and dental surveillance.
5. The possible need for an appropriate course of action which should be identified to assist necessary change of such care, treatment or surveillance.
6. The possible need for preventive measures, such as vaccination and immunisation, and screening for vision and hearing.

SCHEDULE 3

Regulation 4(1)

Educational considerations to which responsible authorities are to have regard

1. The child's educational history.
2. The need to achieve continuity in the child's education.
3. The need to identify any educational need which the child may have and to take action to meet that need.

The need to carry out any assessment in respect of any special educational need under the Education and Libraries (Northern Ireland) Order 1986(7) and meet any such needs identified in a statement of special educational needs made under Article 31(1) of that Order.

SCHEDULE 4

Regulation 4(2)

Matters to be included in arrangements to accommodate children who are not in care

1. The type of accommodation to be provided and its address together with the name of any person who will be responsible for the child at that accommodation on behalf of the responsible authority.

2. The details of any services to be provided for the child.

3. The respective responsibilities of the responsible authority and—

(a) the child;

(b) any parent of his; and

(c) any person who is not a parent of his but who has parental responsibility for him.

4. What delegation there has been by the persons referred to in paragraph 3(b) and (c) to the responsible authority of parental responsibility for the child's day to day care.

5. The arrangements for involving those persons and the child in decision-making with respect to the child having regard to—

(a) the authority's duty under Articles 21(6) (involvement of children before provision of accommodation) and 26(1) to (3) of the Order (general duty of authorities in relation to children looked after by them);

(b) the duty of the voluntary organisation under Article 76(1) to (3) of the Order (duties of voluntary organisations); and

(c) the duty of the person carrying on a registered children's home under Article 92(1) to (3) of the Order (duties of person carrying on a registered children's home).

6. The arrangements for contact between the child and—

(a) his parents;

(b) any person who is not a parent of his but who has parental responsibility for him; and

(c) any relative, friend or other person connected with him,

and, if appropriate, the reasons why contact with any such person would not be reasonably practicable or would be inconsistent with the child's welfare.

7. The arrangements for notifying changes in arrangements for contact to any of the persons referred to in paragraph 6.

8. In the case of a child aged 16 or over whether Article 22(5) of the Order (accommodation of a child of 16 or over despite parental opposition) applies.

9. The expected duration of arrangements and the steps which should apply to bring the arrangements to an end, including arrangements for rehabilitation of the child with the person with whom he was living before the voluntary arrangements were made or some other suitable person, having regard in particular, in the case of an authority looking after a child, to Articles 27(7) (duty to

place children where practicable with parents etc.) and 29 of the Order (promotion and maintenance of contact between child and family).

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision for the arrangements for placement of children by authorities, voluntary organisations and persons carrying on registered children's homes. These placements are with foster parents, in homes provided by authorities, in voluntary children's homes or registered children's homes and under other arrangements.

The Regulations make provision for the application of the Regulations (regulation 2); the making of arrangements for accommodation and maintenance, and promotion of the welfare of children (regulation 3); the considerations to be given on making the arrangements and, except in a care case, the contents of those arrangements (regulation 4 and Schedules 1 to 4); those who must be notified of the arrangements (regulation 5); the arrangements for contact in respect of children placed by voluntary organisations or in a registered children's home (regulation 6); health requirements (regulation 7); the establishment of records (regulation 8); the retention and confidentiality of records (regulation 9); registers of relevant information (regulation 10); the access by guardians ad litem to records and registers (regulation 11); arrangements made between authorities and other authorities for carrying out responsibilities in respect of those arrangements (regulation 12) and the application of the Regulations to short-term placements (regulation 13).

Articles 27(2)(a) and (f)(ii) and (5), 28, 73(1) and (2)(d), 75(2) and (3), 89(1) and (2)(g) and 105(1) and (2)(g) of the Children (Northern Ireland) Order 1995 are the enabling provisions under which these Regulations are made. They were brought into operation on 18th July 1996 by virtue of Article 2(1) of, and Schedule 1 to, the Children (1995 Order) (Commencement No. 3) Order (Northern Ireland) 1996 (S.R. 1996 No. 297 (C. 17)).