
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 463

CHILDREN

**The Placement of Children with Parents
etc. Regulations (Northern Ireland) 1996**

Made - - - - *1st October 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(5) and 28(3) 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 Placement of Children with Parents etc. 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 in the care of a different authority;

“placement” means allowing a child who is in the care of an authority to live pursuant to Article 27(5) of the Order (placement of a child in care with parents etc.) with—

- (a) a parent of the child;
- (b) a person who is not a parent of the child but who has parental responsibility for him; or
- (c) where there was a residence order in force with respect to him immediately before the care order was made, a person in whose favour the residence order was made;

“placement decision” means a decision to place a child which is made in accordance with regulation 5(2);

“supervisory duties” means the duties imposed by regulation 9.

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

Scope of Regulations

2.—(1) These Regulations shall apply to every child who is in the care of an authority⁽²⁾ and who is or is proposed to be placed.

(2) Where a child who is to be placed is aged 16 or over, regulations 3, 6, 7, 8, 9 and 12 shall not apply.

(3) These Regulations shall not apply to the placement of a child for adoption pursuant to the Adoption (Northern Ireland) Order 1987⁽³⁾.

(4) Nothing in these Regulations shall require the temporary removal of a child from the person with whom he is already living and with whom he may be placed, before a placement decision is made concerning him.

(5) These Regulations shall not apply in a case to the extent that they are incompatible with any order made by a court under Article 53 of the Order (parental contact etc. with children in care) or any direction of a court which has effect under paragraph 12(4) of Schedule 8 to the Order (transitional provision as to directions) in that case.

Inquiries and assessment

3.—(1) Before a placement decision is made, an authority shall make all necessary inquiries in respect of—

- (a) the health of the child;
- (b) the suitability of the person with whom it is proposed that the child should be placed;
- (c) the suitability of the proposed accommodation, including the proposed sleeping arrangements;
- (d) the educational and social needs of the child; and
- (e) the suitability of all other members of the household, aged 10 and over, in which it is proposed the child will live.

(2) In considering the suitability of a person as required by paragraph (1)(b) or (e), the authority shall, so far as is practicable, take into account the particulars specified in paragraphs 1 and 2 respectively of Schedule 1.

Duties of authorities in relation to placements

4. An authority shall satisfy itself that the placement of a child is the most suitable way of performing its duty under Article 26(1) of the Order (general duty of authorities in respect of children looked after by them) and that the placement is the most suitable having regard to all the circumstances.

Placement decisions by authority or nominated person

5.—(1) A placement shall be made only after a placement decision has been made.

(2) The decision to place a child shall be made by an authority or by an officer of the authority nominated for that purpose by the authority.

(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)

Immediate placements

6.—(1) Subject to paragraph (2), nothing in regulation 3 shall prevent the immediate placement of a child pursuant to a placement decision in circumstances in which an authority considers that to be necessary and in accordance with its duty under Article 26(1) of the Order, and in such a case, the authority shall take steps to ensure that the provisions of these Regulations, that would otherwise have to be complied with before the placement decision is made, are complied with as soon as practicable thereafter.

- (2) Before an immediate placement is made pursuant to this regulation, an authority shall—
- (a) arrange for the person with whom the child is to be placed to be interviewed in order to obtain as much of the information specified in paragraph 1 of Schedule 1 as can be readily ascertained at the interview; and
 - (b) arrange to obtain as much of the information specified in paragraph 2 of Schedule 1 in relation to other members of the household aged 10 and over in which it is proposed the child will live, as can be readily ascertained at the time of that interview.

Provisions of agreements

7. Following a placement decision an authority shall seek to reach agreement with the person with whom the child is to be placed on all the particulars, so far as is practicable, specified in Schedule 2, and the placement shall not be put into effect until such an agreement on all such particulars has been reached and recorded in writing and a copy of it has been given or sent to that person.

Notification of placements

8.—(1) Subject to paragraph (3), an authority shall, so far as is practicable, give notice to all the persons whose wishes and feelings have been sought in relation to the decision to place the child pursuant to Article 26(2) of the Order (persons to be consulted concerning authority decisions) and to those persons specified in paragraph (4) of—

- (a) the placement decision; and
- (b) details of where the child is to be placed.

(2) Where the child is placed with a person other than a parent, the authority's notice under paragraph (1) to the persons referred to in that paragraph shall contain—

- (a) the name and address of the person with whom the child is placed;
- (b) particulars of arrangements for contact with the child; and
- (c) any other particulars relating to the care and welfare of the child which it appears to the authority ought to be supplied.

(3) An authority shall not be required to give notice under paragraph (1) in the case of a person whose whereabouts are unknown to the authority, or cannot be readily ascertained, or in any case where the authority determines that to give such notice would not be in accordance with its duty under Article 26(1) of the Order.

- (4) For the purposes of paragraph (1), the persons specified are—
- (a) the education and library board for the area in which the child is living;
 - (b) the child's medical practitioner;
 - (c) the area authority;
 - (d) any person who has been caring for the child immediately before the placement; and
 - (e) where there was a residence order in force with respect to the child immediately before the care order was made, the person in whose favour the residence order was made.

Support and supervision of placements

9.—(1) An authority shall satisfy itself that the welfare of each child who has been placed by the authority continues to be appropriately provided for by his placement, and for that purpose the authority shall—

- (a) give such advice and assistance to the person with whom the child is placed as appears to the authority to be necessary; and
- (b) make arrangements for a person authorised by the authority to visit the child as necessary, but in any event—
 - (i) within one week of the beginning of the placement,
 - (ii) at intervals of not more than 4 weeks during the first year of the placement, and
 - (iii) thereafter at intervals of not more than 3 months and also whenever reasonably requested by the child or the person with whom the child is placed,

and for the person so authorised to make arrangements, so far as is practicable, on each visit to see the child alone.

(2) On each occasion on which a child is visited in pursuance of this regulation by any person authorised by the authority which placed the child, the authority shall cause a written report on the child to be prepared by that person.

Placements outside Northern Ireland

10. An authority which makes arrangements to place a child outside Northern Ireland in accordance with the provisions of Article 33 of the Order (arrangements to assist children to live abroad) shall take steps to ensure that, so far as is reasonably practicable, requirements corresponding with the requirements of these Regulations are complied with in relation to that child as would be required to be complied with under these Regulations if the child were placed in Northern Ireland.

Termination of placements

11.—(1) If it appears to an authority that the placement is no longer in accordance with its duty in respect of the child under Article 26(1) of the Order or would prejudice the safety of the child, it shall terminate the placement and shall remove the child forthwith from the person with whom he is placed.

(2) Where, in the case of a child who has been placed in the area of an area authority by another authority, it appears to the area authority that it would be detrimental to the welfare of the child if he continued to be so placed, the area authority may remove the child forthwith from the person with whom he is placed.

(3) Where a child is removed under paragraph (2), the area authority shall forthwith notify the other authority of that fact and that authority shall make other arrangements for the care of the child as soon as is practicable.

Notification of termination of placements

12. In relation to a decision to terminate a placement an authority shall, so far as is reasonably practicable—

- (a) give notice of any decision to terminate the placement before it is terminated to—
 - (i) the child, having regard to his age and understanding,
 - (ii) the other persons whose wishes and feelings have been sought in relation to the decision to terminate the placement pursuant to Article 26(2) of the Order,

- (iii) the person with whom the child is placed, and
 - (iv) the other persons to whom regulation 8(1) refers; and
- (b) give notice of the termination of the placement to all those persons, other than the child and the person with whom the child was placed.

Application of Regulations to short-term placements

13.—(1) This regulation applies where an authority has arranged to place a child in a series of short-term placements with the same person 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.

(3) Regulation 9(1)(b) shall apply in relation to short-term placements to which this regulation applies as if for paragraph (1)(b)(i) to (iii) of that regulation there were substituted—

- “(i) on a day when the child is in fact placed (“a placement day”) within the first 7 placement days of a series of short-term placements, and
- (ii) thereafter, if the series of short-term placements continues, on placement days falling at intervals of not more than 6 months or, if the interval between placements exceeds 6 months, during the next placement.”.

Sealed with the Official Seal of the Department of Health and Social Services on 1st October 1996.

L.S.

P. A. Conliffe
Assistant Secretary

SCHEDULE 1

Regulation 3(2)

Particulars to be taken into account in considering suitability of persons and households

1. In respect of a person with whom it is proposed a child should be placed—
 - (a) age;
 - (b) health;
 - (c) personality;
 - (d) marital status and particulars of any previous marriage;
 - (e) previous experience of looking after and capacity to look after children and capacity to care for the child;
 - (f) the result of any application to have a child placed with him or to adopt a child or of any application for registration under Article 118 of the Order (registration of child minders and persons providing day care) and details of any prohibition on his acting as a child minder, providing day care, or caring for foster children privately or children in a voluntary or registered children's home;
 - (g) details of children in his household, whether living there or not;
 - (h) religious persuasion and degree of observance, racial origin and cultural and linguistic background;
 - (i) past and present employment and leisure activities and interests;
 - (j) details of the living standards and particulars of accommodation of his household; and
 - (k) subject to the provisions of the Rehabilitation of Offenders (Northern Ireland) Order 1978(4), any criminal conviction.
2. In respect of members of the household aged 10 and over of a person with whom a child is to be placed, so far as is practicable, all the particulars specified in paragraph 1(a), (b), (c), (d), (f), (i) and (k).

SCHEDULE 2

Regulation 7

Particulars on which there should be agreement with the person with whom a child is to be placed

1. The authority's plans for the child and the objectives of the placement.
2. The arrangements for support of the placement.
3. Arrangements for visiting the child in connection with the supervision of the placement by the person authorised by or on behalf of the authority or area authority, and frequency of visits and reviews of the child's case under Regulations made under Article 45 of the Order(5) (reviews and representations).
4. Arrangements for contact, if any, (including prohibition of contact) in pursuance of Article 53 of the Order (parental contact etc. with children in care).
5. Removal of the child from the placement in the circumstances specified in regulation 11.

(4) S.I. 1978/1908 (N.I. 27)

(5) See the Review of Children's Cases Regulations (Northern Ireland) 1996 (S.R. 1996 No. 461)

6. The need to notify the authority of relevant changes in circumstances of the person with whom the child is placed, including any intention to change his address, changes in the household in which the child will live and any serious occurrence involving the child such as injury or death.

7. The provision of a statement concerning the health of the child, the child's need for health care and surveillance, and the child's educational needs and the authority's arrangements to provide for all such needs.

8. Any arrangements for any delegation and exercise of responsibility for consent to medical examination or treatment.

9. The need to ensure that any information relating to any child or his family or any other person given in confidence to the person with whom the child is placed in connection with the placement is kept confidential and that such information is not disclosed to any person without the consent of the authority.

10. The circumstances in which it is necessary to obtain in advance the approval of the authority for the child living, even temporarily, in a household other than the household of the person with whom the child has been placed.

11. The arrangements for requesting a change in the agreement.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for the accommodation of children in the care of an authority with a parent, a person who is not a parent but has parental responsibility or a person in whose favour there was a residence order immediately before the care order was made.

They make provision for the children to whom the Regulations are to apply (regulation 2); the inquiries and assessment to be made by authorities before making decisions to place children in such accommodation (regulation 3 and Schedule 1); the duties of authorities in relation to placements in those circumstances (regulation 4); the taking of placement decisions by authorities (regulation 5); the circumstances in which authorities can make immediate placements (regulation 6); the particulars to be included in agreements between authorities and those who are to accommodate the children (regulation 7 and Schedule 2); those who must be notified of placements (regulation 8); the supervision of placements by authorities (regulation 9); the application of the Regulations to placements made outside Northern Ireland (regulation 10); the circumstances in which there may be termination of placements (regulation 11); those who must be notified of the termination of placements (regulation 12); and the application of the Regulations to short-term placements (regulation 13).

Articles 27(5) and 28(3) 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)).