
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 452

CHILDREN

The Children (Private Arrangements for Fostering) 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 108(2) and 112(1) and (2) 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 Children (Private Arrangements for Fostering) 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;

“address” includes a temporary address; and

“appropriate authority” has the meaning assigned to it by Article 111(6) of the Order.

General welfare of children

2.—(1) In carrying out functions under Article 108 of the Order, as to the welfare of children who are privately fostered within its area, an authority (including any officer of the authority making a visit under regulation 3) shall satisfy itself as to such of the matters specified in paragraph (2) as are relevant in the particular circumstances.

(2) The matters referred to in paragraph (1) are—

(a) the purpose and intended duration of the fostering arrangement;

(b) the child’s physical, intellectual, emotional, social and behavioural development;

(c) whether the child’s needs arising from his religious persuasion, racial origin and cultural and linguistic background are being met;

(d) the financial arrangements for the care and maintenance of the child;

- (e) the suitability of the accommodation;
- (f) the arrangements for the child's medical and dental care and treatment and, in particular, that the child is included on the list of a general medical practitioner who provides general medical services under Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972(2);
- (g) the arrangements for the child's education and, in particular, that the education and library board within whose area the foster parent lives has been informed of the fostering arrangement;
- (h) the standard of care which the child is being given;
- (i) the suitability of the foster parent to look after the child and the suitability of the foster parent's household;
- (j) whether the foster parent is being given any necessary advice;
- (k) whether the contact between the child and his parents, or any other person with whom contact has been arranged, is satisfactory;
- (l) whether the child's parents, or any other person, are exercising parental responsibility for the child; and
- (m) the ascertainable wishes and feelings of the child regarding the fostering arrangements.

Visits to children

3.—(1) An authority shall make arrangements for each child who is privately fostered within its area to be visited by an officer of the authority as the authority considers necessary in order to safeguard and promote the welfare of the child and when reasonably requested by the child or foster parent and in particular—

- (a) in the first year of the fostering arrangement, within one week from its beginning and then at intervals of not more than 6 weeks;
- (b) in any second or subsequent year, at intervals of not more than 3 months where the authority considers the placement to be satisfactory.

(2) For the purposes of making visits under this regulation the officer shall, if he considers it appropriate, arrange to see the child alone.

(3) The officer shall make a written report to the authority after each visit.

Notifications by prospective and actual foster parents

4.—(1) Any person who proposes to foster privately a child for whom he is not already caring and providing accommodation shall notify the appropriate authority not less than 6, nor more than 13, weeks before he receives the child, unless he receives him in an emergency.

(2) A person who is privately fostering a child—

- (a) whom he received in an emergency; or
- (b) for whom he was already caring and providing accommodation when he became a foster child,

shall notify the appropriate authority not more than 48 hours after the fostering arrangement began.

(3) A notice under paragraph (1) or (2) shall specify—

- (a) the name, sex, date and place of birth, religious persuasion, racial origin and cultural and linguistic background of the child;

- (b) the name and address of the person giving the notice and any previous address within the last 5 years;
 - (c) the purpose and intended duration of the fostering arrangement;
 - (d) the name and address of any parent of the child and of any other person who has parental responsibility for the child and (if different) of any person from whom the child was, or is to be, received;
 - (e) the name and address of any person, other than a person specified in sub-paragraph (d), who is involved directly or indirectly in making the fostering arrangement; and
 - (f) the intended date of the beginning of the fostering arrangement or, as the case may be, the date on which the arrangement actually began.
- (4) A person giving notice under paragraph (1) or (2) shall include in the notice particulars of—
- (a) any offence of which he has been convicted;
 - (b) any disqualification or prohibition imposed on him under (as the case may be) Article 109 or 110 of the Order or any refusal of consent under section 1 of the Children and Young Persons Act (Northern Ireland) 1968(3) or section 2 of the Children and Young Persons Act (Northern Ireland) 1950(4); and
 - (c) any such conviction, disqualification or prohibition imposed on any other person living in, or employed at, the same household.
- (5) Any person who is fostering a child privately shall notify the appropriate authority of—
- (a) any change in his address;
 - (b) any person who begins, or ceases, to be part of his household; and
 - (c) any further conviction, disqualification or prohibition as mentioned in sub-paragraphs (a) to (c) of paragraph (4).
- (6) A notice under paragraph (5) shall be given—
- (a) in advance if practicable; and
 - (b) in any other case, not more than 48 hours after the change of circumstances,

and if the new address is in the area of another authority, the authority to whom the notice is given shall inform the other authority of the new address and of the particulars given to it under sub-paragraphs (a) and (d) of paragraph (3).

(7) Paragraphs (4)(a) and (c) and (5)(c) are subject to the Rehabilitation of Offenders (Northern Ireland) Order 1978(5).

Notifications by former foster parents

5.—(1) Subject to paragraphs (2) and (3), any person who has been fostering a child privately, but has ceased to do so, shall notify the appropriate authority within 48 hours and shall include in the notice the name and address of the person into whose care the child was received.

(2) Where the reason for the ending of the fostering arrangement is the death of the child, the foster parent shall notify forthwith the appropriate authority and also the person from whom the foster parent received the child.

(3) Paragraph (1) shall not apply where the foster parent intends to resume the fostering arrangement after an interval of not more than 27 days, but if—

- (a) he subsequently abandons his intention; or

(3) 1968 c. 34 (N.I.); section 1 is repealed from 4th November 1996 by the Children (Northern Ireland) Order 1995

(4) 1950 c. 5 (N.I.); section 2 was repealed by the Children and Young Persons Act (Northern Ireland) 1968

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

(b) the interval expires without his having given effect to his intention, he shall thereupon give notice to the appropriate authority within 48 hours of abandoning his intention or, as the case may be, the expiry of the interval.

Other notifications

6.—(1) Any person who is, or proposes to be, involved (whether or not directly) in arranging for a child to be fostered privately shall notify the appropriate authority not less than 6, nor more than 13, weeks before the fostering arrangement begins unless the fostering arrangement is made in an emergency in which case the notification shall be not more than 48 hours after the fostering arrangement began.

(2) A parent of a child, and any other person who has parental responsibility for the child, who knows that it is proposed that the child should be fostered privately shall notify the appropriate authority not less than 6, nor more than 13, weeks before the fostering arrangement begins unless the fostering arrangement is made in an emergency in which case the notification shall be not more than 48 hours thereafter.

(3) Any notice under paragraph (1) or (2) shall specify—

- (a) the information mentioned in sub-paragraphs (a) to (c) of regulation 4(3);
- (b) the arrangements for the care of any brother or sister of the child who is not included in the fostering arrangement;
- (c) the name and address of any other person involved (whether or not directly) in the fostering arrangement;
- (d) where the notice is given under paragraph (1), the relationship to the child of the person giving the notice and also the information specified in sub-paragraph (d) of regulation 4(3).

(4) Any parent of a privately fostered child, and any other person who has parental responsibility for the child, shall notify the appropriate authority of—

- (a) the ending of the fostering arrangement; and
- (b) any change in his own address.

Form of notifications

7. Any notice required under regulations 4 to 6 shall be given in writing and may be sent by ordinary post.

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

P. A. Conliffe
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for the arrangements for fostering children privately and supplement the provisions contained in Part X of the Children (Northern Ireland) Order 1995 (“the Order”).

The Regulations make provision for the matters as to which an authority is required to satisfy itself regarding the welfare of privately fostered children (regulation 2); for the occasions on which an officer of the authority is to visit privately fostered children (regulation 3); as to notifications by prospective and actual foster parents (regulation 4) and by former foster parents (regulation 5); and as to other notifications (regulation 6) and to the form of notifications (regulation 7). Failure to comply with the provisions for notification may be an offence under Article 117(1)(a) of the Order.

Articles 108(2) and 112(1) and (2) of the Order 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)).