STATUTORY RULES OF NORTHERN IRELAND

2020 No. 78

HEALTH AND PERSONAL SOCIAL SERVICES

The Children's Social Care (Coronavirus) (Temporary Modification of Children's Social Care) Regulations (Northern Ireland) 2020

Made - - - -	*6th May 2020*
Coming into operation	*7th May 2020*

The Department of Health, in exercise of the powers conferred by Article 10(1) of the Adoption (Northern Ireland) Order 1987 [F1], Articles 27(2)(a), 27(5), 28(1) and (3), 34F, 45(1), (2) and (5), 75(2), (4) and (5), 77(3), 89(1), 105(1) and (2)(l) of, and paragraph 6(2) of Schedule 5 to, the Children (Northern Ireland) Order 1995 [F2] and Article 23(2)(d) and (f) and (5)(a) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 [F3] makes the following Regulations.

F1 S.I. 1987 No. 2203 (N.I. 22)
F2 S.I. 1995 No. 755 (N.I. 2)
F3 S.I. 2003 No. 431 (N.I. 9)

Citation and commencement

1. These Regulations may be cited as the Children's Social Care (Coronavirus) (Temporary Modification of Children's Social Care) Regulations (Northern Ireland) 2020 and shall come into operation on 7th May 2020.

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

2.—(1) The Placement of Children with Parents etc. Regulations (Northern Ireland) 1996 [F4] shall apply subject to the modifications in paragraph (2).

(2) Regulation 9 (support and supervision of placements) shall apply as if for paragraph (1)(b) there was substituted—

"(b) make arrangements for a person authorised by the authority to visit the child in accordance with guidance issued by the Department.".

F4 S.R. 1996 No. 463

The Foster Placement (Children) Regulations (Northern Ireland) 1996

3.—(1) The Foster Placement (Children) Regulations (Northern Ireland) 1996 [F5] shall apply subject to the modifications in paragraphs (2) to (7).

(2) Regulation 3 (approval of foster parents) shall apply as if after paragraph (4) there was inserted—

"(4A) Where the conditions set out in paragraph (4B) are satisfied, an authority or voluntary organisation may approve a person to be a foster parent even though the information mentioned in paragraph 9 of Schedule 1 is not available and has not been obtained.

(4B) The conditions are that the authority or voluntary organisation has applied for an enhanced criminal record certificate pursuant to section 113B of the Police Act 1997 [F6] and has obtained confirmation in writing from the Department of Justice that the prospective foster parent or any adult member of his household is not included in the children's barred list maintained under Article 6(1)(a) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 [F7].".

(3) Regulation 4 (reviews and terminations of approval) shall apply as if—

(a) paragraphs (1) to (3) were omitted;

(b) in paragraph (4)—

(i) the words "on a review" were omitted;

(ii) in sub-paragraph (a) after "notice" there were inserted " of its decision " and the words "in accordance with paragraph (3)" were omitted;

(iii) for sub-paragraph (b) there were substituted—

"(b) that the foster parent and his household are suitable, it shall give notice of its decision to the foster parent terminating the approval from a date to be specified in the notice.";

(c) in paragraph (6) for "(3)" there were substituted " (4) ".

(4) Regulation 6 (supervision of placements) shall apply as if—

(a) for paragraph (1)(a) there were substituted—

"(a) make arrangements for a person authorised by it to visit the child in the home in which he is placed in accordance with guidance issued by the Department; and"; and

(b) for paragraph (2) there were substituted—

"(2) In the case of an emergency or immediate placement under regulation 11, the responsible authority is to arrange for the child to be visited in accordance with guidance issued by the Department.".

(5) Regulation 9 (short-term placements) shall apply as if—

(a) in paragraph (2) there were omitted "but with the modifications set out in paragraphs (3) and (4)"; and

(b) paragraphs (3) and (4) were omitted.

(6) Regulation 11 (emergency and immediate placements by authorities) shall apply as if—

(a) in paragraph (1) for the words "not exceeding 24 hours" there were substituted " specified in guidance issued by the Department ";

(b) in paragraph (3) for the words "not exceeding 12 weeks" there were substituted " specified in guidance issued by the Department ";

(c) after paragraph (3)(a) there were inserted—

"(aa) the person is a prospective adopter and an adoption agency has made a decision under regulation 11(1) of the Adoption Agencies Regulations (Northern Ireland) 1989 [F8] that he is suitable to be an adoptive parent;

(ab) the person is registered as a child minder under Article 118 of the Children (Northern Ireland) Order 1995;"; and

(d) after paragraph (5) there were inserted—

"(6) For the purposes of paragraph (3)(aa), "prospective adopter" means any person who proposes to adopt a child.".

(7) Regulation 15 (circumstances necessitating visits by authorities) shall apply as if for paragraph (1) there were substituted—

"(1) Subject to paragraph (2), every authority shall arrange for one of its officers to visit every child who is accommodated with a foster parent within its area by or on behalf of a voluntary organisation in accordance with guidance issued by the Department.".

F5 S.R. 1996 No. 467
F6 1997 c.50
F7 S.I. 2007 No. 1351
F8 S.R. 1989 No. 253

The Review of Children's Cases Regulations (Northern Ireland) 1996

4.—(1) The Review of Children's Cases Regulations (Northern Ireland) 1996 [F9] shall apply subject to the modifications in paragraphs (2) and (3).

(2) Regulation 3 (time when case is to be reviewed) shall apply as if there were substituted—

"**3.** Each case is to be reviewed in accordance with guidance issued by the Department.".

(3) Regulation 11 (application of the Regulations to short periods) shall apply as if paragraph (2) were omitted.

F9 S.R. 1996 No. 461

The Children (Leaving Care) Regulations (Northern Ireland) 2005

5.—(1) The Children (Leaving Care) Regulations (Northern Ireland) 2005 [F10] shall apply subject to the modifications in paragraph (2).

(2) Regulation 8 (review of pathway plans) shall apply as if in paragraph (2)(c) for "of not more than six months" there were substituted " specified in accordance with guidance issued by the Department ".

F10 S.R. 2005 No. 221

The Children (Secure Accommodation) Regulations (Northern Ireland) 1996

6.—(1) The Children (Secure Accommodation) Regulations (Northern Ireland) 1996 [F11] shall apply subject to the modifications in paragraph (2).

(2) Regulation 10 (appointment of persons to review placement in secure accommodation in an authority home) shall apply as if in paragraph (1)—

(a) for "3 persons" there were substituted " 2 persons "; and

(b) for "3 months" there were substituted " 4 months ".

F11 S.R. 1996 No. 487

The Adoption Agencies Regulations (Northern Ireland) 1989

7.—(1) The Adoption Agencies Regulations (Northern Ireland) 1989 [F12] shall apply subject to the modifications in paragraphs (2) and (3).

(2) Regulation 12(2) (placement for adoption) shall apply as if—

(a) in sub-paragraph (g), for the words "within one week of the placement" there were substituted " in accordance with guidance issued by the Department "; and

(b) in sub-paragraph (k), for the words "within three months of the placement" there were substituted " in accordance with guidance issued by the Department ".

(3) Regulation 13 (review of case where no placement made within six months of freeing for adoption) shall apply as if—

(a) in paragraph (1), after the words "shall review that child's case" there were inserted " in accordance with guidance issued by the Department "; and

(b) paragraph (2) were omitted.

F12 S.R. 1989 No. 253

The Representations Procedure (Children) Regulations (Northern Ireland) 1996

8.—(1) The Representations Procedure (Children) Regulations (Northern Ireland) 1996 [F13] shall apply subject to the modifications in paragraphs (2) to (6).

(2) Regulation 2A(1) (local resolution) shall apply as if—

(a) in sub-paragraph (b) for the words "within 14 days" there were substituted " in accordance with guidance issued by the Department ";

(b) in sub-paragraph (c) the words "at the end of 14 days" were omitted and after the words "has been achieved" there were inserted " within the period specified in guidance issued by the Department ".

(3) In paragraph (1) of regulation 5 (consideration by authority with independent person) for the words "within 28 days of their receipt" there were substituted " in accordance with guidance issued by the Department ".

(4) In regulation 7 (notification to complainant and reference to panel)—

(a) in paragraph (1) for "regulation 5" there were substituted " guidance issued by the Department under regulation 5 "; and

(b) in paragraph (2) for the words "within 28 days of the date on which notice is given under paragraph (1)" there were substituted " in accordance with guidance issued by the Department "; and

(c) for paragraph (4) there were substituted—

"(4) The panel shall consider the matter in accordance with guidance issued by the Department.".