STATUTORY RULES OF NORTHERN IRELAND

1996 No. 467

CHILDREN

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

Made - - - -	*3rd 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(2)(*a*), 28(1), 75(2) and 77(3) of the Children (Northern Ireland) Order 1995(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Part I

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Foster Placement (Children) 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;

"approving authority", in relation to a foster parent, means the authority or voluntary organisation responsible under regulation 3 for approving (or not approving) the foster parent;

"area authority", in relation to a child (and foster parent), means the authority in whose area the child is placed where that authority is not also the responsible authority;

"foster parent" means the person with whom a child is, or is proposed to be, placed under these Regulations;

"foster placement agreement" means an agreement referred to in regulation 5(6);

"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(**2**);

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

"responsible authority", in relation to a child, means the authority or voluntary organisation responsible for the placement of the child under (as the case may be) Article 27(2)(*a*) or 75(1)(*a*) of the Order.

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

Scope of Regulations

2.—(1) Subject to paragraph (2), these Regulations shall apply to any placement of a child—

(a) by an authority under Article 27(2)(*a*) of the Order;

(b) by a voluntary organisation under Article 75(1)(*a*) of the Order (unless it is acting on behalf of an authority).

(2) These Regulations shall not apply to any placement of a child—

(a) to which the Placement of Children with Parents etc. Regulations (Northern Ireland) 1996(**3**) apply;

(b) if the child is not in the care of an authority(**4**), with a parent of his or other person having parental responsibility for him; or

(c) for adoption pursuant to the Adoption (Northern Ireland) Order 1987.

(3) Where a care order is in force, the application of these Regulations is subject to any directions given by a court (whether before, on or after these Regulations come into operation).

(4) Nothing in these Regulations shall require the temporary removal of a child from a person with whom he is already living before placement under these Regulations.

Part II

Approvals and Placements

Approval of foster parents

3.—(1) Except in the case of an immediate placement under regulation 11, a child shall not be placed unless the foster parent is approved under this regulation.

(2) Subject to paragraph (3), any authority and any voluntary organisation which is also a responsible authority may approve a foster parent.

(3) An authority or voluntary organisation—

(a) shall not approve a foster parent who is already approved by another authority or voluntary organisation; and

(b) shall not approve a foster parent in the area of an area authority unless it first consults with, and takes into account the views of, the area authority whom it shall also notify of its decision.

(4) An authority or voluntary organisation shall not give any approval under this regulation unless it has first—

(a) required the prospective foster parent to supply the names and addresses of two persons to provide personal references for him and has arranged for them to be interviewed; and

(**3**) S.R. 1996 No. 463

(**4**) *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

(b) obtained, so far as is practicable, the information specified in Schedule 1 relating to him and other members of his household and family,

and (having had regard to these matters) is satisfied that the person is suitable to act as a foster parent and that his household is suitable for any child in respect of whom approval is given.

(5) An approval given under this regulation may be in respect of a particular named child or children, or number and age range of children, or of placements of any particular kind or in any particular circumstances.

(6) Where an approving authority approves a person as a foster parent it—

(a) shall give him notice which specifies whether the approval is in respect of a particular named child or children, or number and age range of children, or of placements of any particular kind or in any particular circumstances; and

(b) shall nevertheless place no child with him unless he enters into a written agreement with it covering the matters and obligations specified in Schedule 2.

(7) Where an approving authority decides not to approve a person as a foster parent it shall give him notice of the decision.

Reviews and terminations of approval

4.—(1) Where a foster parent has been approved under regulation 3, the approving authority shall review, at intervals of not more than a year, whether the foster parent and his household continue to be suitable (as mentioned in regulation 3(4)).

(2) When undertaking a review under this regulation, the approving authority shall seek, and take into account, the views of the foster parent and of any responsible authority who has placed a child with the foster parent within the preceding year or who has an earlier placement with the foster parent which has not been terminated.

(3) At the conclusion of the review, the approving authority shall prepare a report and give notice to the foster parent of its decision.

(4) Where on a review the approving authority is no longer satisfied—

(a) that the terms of the approval under regulation 3(6)(*a*) are appropriate, it shall revise the terms and give notice to the foster parent in accordance with paragraph (3); or

(b) that the foster parent and his household are suitable, it shall terminate the approval from a date to be specified in the notice under paragraph (3).

(5) Where a foster parent notifies the approving authority that he no longer wishes to act as a foster parent, or where the approving authority is otherwise satisfied that that is the case, the approving authority shall terminate the approval from a date to be specified by notice to the foster parent.

(6) A copy of any notice given under paragraph (3) or (5) shall be sent to any other authority or voluntary organisation who has a child placed with the foster parent.

Placements

5.—(1) A responsible authority is not to place a child with a foster parent unless it is satisfied that—

(a) that is the most suitable way of performing its duty under (as the case may be) Article 26(1) or 76(1)(*a*) and (*b*) of the Order; and

(b) placement with the particular foster parent is the most suitable placement having regard to all the circumstances.

(2) In making arrangements for a placement, a responsible authority shall secure that where possible the foster parent is—

(a) of the same religious persuasion as the child; or

(b) gives an undertaking that the child will be brought up in that religious persuasion.

(3) Consistent with the terms of any approval given under regulation 3, a responsible authority may place a child with a foster parent whom it has itself approved or, provided the conditions specified in paragraph (4) are satisfied, with a foster parent approved by another authority or voluntary organisation.

(4) The conditions referred to in paragraph (3) are that—

(a) the approving authority consents to the placement;

(b) any other authority or voluntary organisation who already has a child placed with the foster parent also consents to the placement; and

(c) the area authority (if it is not also the approving authority) is consulted, and its views taken into account.

(5) A responsible authority which places a child after consulting an area authority under paragraph (4)(*c*) shall give notice of the placement to the area authority.

(6) Except in the case of an emergency or immediate placement under regulation 11, a responsible authority is not to place a child unless the responsible authority and the foster parent have entered into a written agreement relating to that child covering the matters and obligations specified in Schedule 3.

Supervision of placements

6.—(1) A responsible authority shall satisfy itself that the welfare of each child placed by it continues to be suitably provided for by the placement, and for that purpose the responsible authority shall—

(a) make arrangements for a person authorised by it to visit the child in the home in which he is placed, as circumstances may require and when reasonably requested by the child or the foster parent and in particular (but subject to regulation 9(2)), within one week from its beginning and thereafter at least once every month; and

(b) give such advice to the foster parent as appears to the responsible authority to be needed.

(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 at least once in each week during the placement.

(3) On each occasion on which a child is visited under this regulation, the responsible authority shall cause the authorised person, if it considers it appropriate, to arrange to see the child alone.

(4) On each occasion on which a child is visited under this regulation, the responsible authority shall cause a written report to be prepared by the person who made the visit.

Termination of placements

7.—(1) A responsible authority shall not allow the placement of a child with a particular foster parent to continue if it appears to it that the placement is no longer the most suitable way of performing its duty under (as the case may be) Article 26(1) or 76(1)(*a*) and (*b*) of the Order.

(2) Where a child has been placed by some other authority, or by a voluntary organisation, in the area of the area authority and it appears to the area authority that continuation of the placement would be detrimental to the welfare of the child, the area authority shall remove the child forthwith.

(3) The area authority which removes a child under paragraph (2) is forthwith to notify the responsible authority.

Arrangements between authorities and voluntary organisations as to placements

8.—(1) Where an authority looking after a child is satisfied that the child should be placed with a foster parent, it may make arrangements under this regulation for the other duties imposed on it under this Part in relation to the child to be discharged on its behalf by a voluntary organisation.

(2) Subject to paragraph (3), an authority shall not make arrangements under this regulation in relation to any child unless—

(a) it is satisfied—

(i) as to the capacity of the voluntary organisation to discharge duties on the authority's behalf in relation to that child, and

(ii) that those arrangements are the most suitable way for those duties to be so discharged; and

(b) the authority enters into a written agreement with the voluntary organisation about the arrangements relating to the child, providing for consultation and for exchange of information and reports between the authority and the organisation.

(3) Where an authority has satisfied itself that a voluntary organisation has the general capacity to discharge the duties imposed on it under this Part in relation to children, the requirements set out in paragraph (2)(*a*)(i) shall be deemed to be satisfied in relation to each child who is the subject of arrangements with that organisation under paragraph (1).

Short-term placements

9.—(1) This regulation applies where a responsible authority has arranged to place a child in a series of short-term placements with the same foster parent 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) A series of short-term placements to which this regulation applies may be treated as a single placement for the purposes of this Part and Part IV but with the modifications set out in paragraphs (3) and (4).

(3) Regulation 6(1)(*a*) shall apply as if it required arrangements to be made for visits to the child on a day when he is in fact placed ("a placement day")—

(a) within the first 7 placement days of a series of short-term placements; and

(b) thereafter, if the series of placements continues, at intervals of not more than 6 months or, if the interval between placements exceeds 6 months, during the next placement.

(4) Regulation 15(1)(*a*) shall apply as if it required arrangements to be made for visits to the child on a placement day, within the first 7 placement days of a series of short-term placements.

Placements outside Northern Ireland

10.—(1) A voluntary organisation shall not place a child for whose placement it is responsible outside the British Islands and, notwithstanding regulation 8, a voluntary organisation shall not place a child outside the British Islands on behalf of an authority.

(2) Where a responsible authority makes arrangements to place a child outside Northern Ireland it shall ensure that, so far as is reasonably practicable, requirements are complied with in relation to the child which would have applied under these Regulations had the child been placed in Northern Ireland.

(3) In the case of an authority, paragraph (2) is subject to the provisions of Article 33 of the Order (arrangements by authorities to assist children to live outside Northern Ireland).