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.

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

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.