STATUTORY RULES OF NORTHERN IRELAND

1996 No. 453

CHILDREN

The Arrangements for Placement of Children (General) 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 27(2)(*a*) and (*f*)(ii) and (5), 28, 73(1) and (2)(*d*), 75(2) and (3), 89(1) and (2)(*g*) and 105(1) and (2)(*g*) 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 Arrangements for Placement of Children (General) 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 looked after by a different authority;

"care case" means a case in which the child is in the care of an authority(**2**);

"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(**3**);

"health services" has the meaning assigned to it by Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(**4**);

"placement", subject to regulation 13, means—

(a) the provision of accommodation and maintenance by an authority for any child whom it is looking after by any of the means specified in Article 27(2)(*a*), (*b*), (*c*), (*d*) or (*f*) of the Order (accommodation and maintenance for children looked after by an authority);

(**1**) S.I.1995/755 (N.I. 2)
(**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); paragraph 166 of Schedule 9 to the Children (Northern Ireland) Order 1995 substituted a new Article 66 with effect from 19th February 1996
(**4**) S.I. 1972/1265 (N.I. 14)

(b) the provision of accommodation for a child by a voluntary organisation by any of the means specified in Article 75(1)(*a*), (*b*), (*c*), (*d*) or (*f*) of the Order (provision of accommodation for children by voluntary organisations); and

(c) the provision of accommodation for a child in a registered children's home;

"responsible authority" means—

(a) in relation to a placement by an authority (including one in which the child is accommodated and maintained in a voluntary home or a registered children's home), the authority which places the child;

(b) in relation to a placement by a voluntary organisation of a child who is not looked after by an authority, the voluntary organisation which places the child; and

(c) in relation to a placement in a registered children's home of a child who is neither looked after by an authority nor accommodated in such a home by a voluntary organisation, the person carrying on the home.

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

Application of Regulations

2.—(1) Subject to paragraph (2), these Regulations apply to placements—

(a) by an authority of any child;

(b) by a voluntary organisation of a child who is not looked after by an authority;

(c) in a registered children's home of a child who is neither looked after by an authority nor accommodated in such a home by a voluntary organisation, by the person carrying on the home.

(2) These Regulations shall not apply to placements of a child, otherwise than by an authority or voluntary organisation, in a school (as defined in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986(**5**)).

Making of arrangements

3.—(1) Before they place a child the responsible authority shall, so far as is reasonably practicable, make immediate and long-term arrangements for that placement, and for promoting the welfare of the child who is to be placed.

(2) Where it is not practicable to make those arrangements before the placement, the responsible authority shall make them as soon as is reasonably practicable thereafter.

(3) In the case of a child to whom Article 22(5) of the Order applies (child aged 16 or over agreeing to be provided with accommodation) the arrangements shall, so far as is reasonably practicable, be agreed by the responsible authority with the child before a placement is made and if that is not practicable as soon as is reasonably practicable thereafter.

(4) In any other case in which a child is looked after or accommodated but is not in care, the arrangements shall, so far as is reasonably practicable, be agreed by the responsible authority with—

(a) a person with parental responsibility for the child; or

(b) if there is no such person, the person who is caring for the child,

before a placement is made and if that is not practicable, as soon as is reasonably practicable thereafter.

(**5**) S.I. 1986/594 (N.I. 3)

(5) Any arrangements made by the responsible authority under this regulation shall be recorded in writing.

Considerations on making and contents of arrangements

4.—(1) The considerations to which the responsible authority is to have regard, so far as is reasonably practicable, in making the arrangements referred to in regulation 3 in each case are, the general considerations specified in Schedule 1, the considerations concerning the health of a child specified in Schedule 2 and the considerations concerning the education of a child specified in Schedule 3.

(2) Except in a care case, the arrangements referred to in regulation 3 shall include, where practicable, arrangements concerning the matters specified in Schedule 4.

Notification of arrangements

5.—(1) The responsible authority shall, so far as is reasonably practicable, notify the following persons of the arrangements to place a child before the placement is made—

(a) any person an indication of whose wishes and feelings have been sought under Article 26(2), 76(2) or 92(2) of the Order (consultation prior to decision-making in respect of children looked after by an authority, provided with accommodation by a voluntary organisation or in a registered children's home);

(b) the education and library board for the area in which the child is living;

(c) the child's medical practitioner;

(d) any person who is caring for the child immediately before the arrangements are made;

(e) the area authority;

(f) except in a care case, any person in whose favour a contact order is in force with respect to the child; and

(g) in a care case, any person who has contact with the child pursuant to Article 53 of the Order (parental contact etc. with children in care) or to an order under that Article.

(2) Where it is not practicable to give the notification before the placement, it shall be given as soon as is reasonably practicable thereafter.

(3) The responsible authority shall send a copy of the arrangements referred to in regulation 3, or such part of the arrangements as it considers will not prejudice the welfare of the child, with the notification referred to in paragraph (1), but in the case of notification to those specified in paragraph (1)(*b*) to (*g*) it shall send details of only such part of the arrangements as it considers those persons need to know.

Arrangements for contact

6. In operating the arrangements referred to in paragraph 6 of Schedule 4, a voluntary organisation or a person carrying on a registered children's home shall, unless it is not reasonably practicable or consistent with the child's welfare, endeavour to promote contact between the child and the persons mentioned in that paragraph.

Health requirements

7.—(1) A responsible authority shall, so far as is reasonably practicable before a placement is made, and if that is not reasonably practicable, as soon as practicable after the placement is made—

(a) ensure that arrangements are made for the child to be examined by a medical practitioner; and

(b) require the medical practitioner who has carried out the examination to make a written assessment of the state of health of the child and his need for health care,

unless the child has been so examined and such assessment has been made within a period of 3 months immediately preceding the placement or the child is of sufficient understanding and he refuses to submit to the examination.

(2) During the placement of the child the responsible authority shall ensure that arrangements are made for the child to be provided with health services, including medical and dental care and treatment.

Establishment of records

8.—(1) A responsible authority shall establish, if one is not already in existence, a written case record in respect of each child whom it places.

(2) The record shall include—

(a) a copy of the arrangements referred to in regulation 3;

(b) a copy of any written report in its possession concerning the welfare of the child;

(c) a copy of any document considered or record established in the course of, or as a result of, a review of the child's case;

(d) details of arrangements for contact, of contact orders and of other court orders relating to the child; and

(e) details of any arrangements whereby another person acts on behalf of the authority or organisation which placed the child.

Retention and confidentiality of records

9.—(1) A case record relating to a child who is placed shall be retained by the responsible authority until the seventy-fifth anniversary of the date of birth of the child to whom it relates or, if the child dies before attaining the age of 18, for a period of 15 years beginning with the date of his death.

(2) The requirements of paragraph (1) may be complied with either by retaining the original written record, or a copy of it, or by keeping all of the information from such a record in some other accessible form (such as by means of a computer).

(3) A responsible authority shall secure the safekeeping of case records and shall take all necessary steps to ensure that information contained in them is treated as confidential, subject only to—

(a) any statutory provision under which access to such records or information may be obtained or given; or

(b) any court order under which access to such records or information may be obtained or given.

Register

10.—(1) An authority shall, in respect of every child placed in its area (by the authority and any other responsible authority) and every child placed by the authority outside its area, enter into a register to be kept for the purpose—

(a) the particulars specified in paragraph (3); and

(b) such of the particulars specified in paragraph (4) as may be appropriate.