1976 No. 19

CHILDREN AND YOUNG PERSONS

Children and Young Persons (Boarding-Out) Regulations (Northern Ireland) 1976

Made . . . . . *26th January* 1976

Coming into operation . . . *1st April* 1976

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The Department of Health and Social Services in exercise of the powers conferred by sections 115 and 129 of the Children and Young Persons Act (Northern Ireland) 1968(a) and now vested in it(b) and of all other powers enabling it in that behalf hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Children and Young Persons (Boarding-Out) Regulations (Northern Ireland) 1976 and shall come into operation on 1st April 1976.

Interpretation

2. In these regulations—

"the Act" means the Children and Young Persons Act (Northern Ireland) 1968;

"area authority" in relation to a child means a Health and Social Services Board in whose area the home of the foster parents is;

"care authority" means a Health and Social Services Board—

(*a*) which has received a child into care, or

(*b*) into whose care a child has been committed,

under the Act;

"child" means a person under the age of eighteen years;

"compulsory school age" has the same meaning as in Article 36 of the Education and Libraries (Northern Ireland) Order 1972(c);

"the Department" means the Department of Health and Social Services;

"foster parents" means persons or a person with whom a child is for the time being or is proposed to be boarded-out;

"Health and Social Services Board" means such a Board established under the Health and Personal Social Services (Northern Ireland) Order 1972(d);

"social worker" means a person carrying out on behalf of a Health and Social Services Board or voluntary organisation any of the duties under these regulations to see children who are boarded-out and to visit the homes of foster parents and to see children who have been returned to their parents or guardians;

"supervisory duties" means the duties imposed by regulations 8 and 9 and as the case may be regulations 12, 13 or regulation 14;

"training school" means a school approved by the Secretary of State under section 137 of the Act;

"training school order" means an order made by a court sending a person to a training school;

"voluntary organisation" means a body whose activities are carried on otherwise than for profit but does not include a public authority or a Health and Social Services Board;

Scope of the regulations

3.—(1) Subject to the provisions of paragraphs (2) and (3) these regulations shall apply to the boarding of a child—

(*a*) by a Health and Social Services Board in whose care the child is, or

(a) 1968 c. 34 (N.I.)
(b) S.R. & O. (N.I.) 1973 No. 504 Article 5(*a*) (II, p. 2992)
(c) S.I. 1972/1263 (N.I. 12)
(d) S.I. 1972/1265 (N.I. 14)

(*b*) by a voluntary organisation in whose charge the child is otherwise than under a training school order,

with foster parents to live in their home as a member of their family, and the boarding of a child to which these regulations apply as aforesaid is hereinafter referred to as "boarding-out", and "board-out" and "boarded-out" shall be construed accordingly.

(2) For the purposes of these regulations a child who is in the care of a Board and who is delivered into the care and possession of persons or a person who have made application to adopt him under the Adoption Act (Northern Ireland) 1967(e), shall continue to be regarded as boarded-out until the date of the making of an adoption order.

(3) For the purposes of these regulations a child shall not be regarded as boarded-out if he stays in the home of any person for the sole purpose of a holiday for a period not exceeding one month.

(4) Nothing in these regulations shall require, for the purpose only of complying with any provision thereof relating to a child before he is boarded-out, his temporary removal from a household in which he is already living.

Persons with whom children may be boarded-out

4. A child may be boarded-out with a husband and wife jointly or with any person who is considered by a Health and Social Services Board or voluntary organisation to be a suitable person to undertake the fostering of the child, provided that if while a child is boarded-out his foster parent dies, nothing in this regulation shall require the child's removal from the household where he is and he may be boarded-out with any suitable member of the same household.

Restriction on boarding-out outside Northern Ireland

5. A child shall not be boarded-out outside Northern Ireland unless the special circumstances of his case make such boarding-out desirable, and if a child is boarded-out outside Northern Ireland, steps shall be taken to ensure that the like requirements as are specified in regulations 4, 8, 9, 10, 12, 13 and 14 are observed in relation to that child as would have had to be observed under these regulations if he were boarded-out in Northern Ireland.

Prior visits to and reports about foster homes

6.—(1) A child shall not be boarded-out unless—

(*a*) the proposed foster parents and home where the child will live have been visited by a social worker personally acquainted with the child and his needs, or where that is not practicable, by a social worker who has been fully informed thereof, and the social worker has furnished for the consideration of the Health and Social Services Board a written report—

(i) on the general reputation and religious persuasion of the foster parents,

(ii) on the suitability in age, character, temperament and health of the foster parents to have charge of the child,

(iii) as to whether any member of the foster parents' household is believed to be suffering from any physical or mental illness which might adversely affect the child or to have been convicted of any offence which would render it undesirable that the child should associate with him,

(e) 1967 c. 35 (N.I.)

(iv) on the number, sex and approximate ages of the persons in the household, and

(v) on the suitability, or otherwise, of the sleeping and living accommodation and other domestic conditions;

(*b*) where a Board propose to board-out a child with foster parents whose home is outside the area of that Board, and where a voluntary organisation propose to board-out a child, the area authority have been asked to report within fourteen days if any reason is known to them why boarding-out with those foster parents might be detrimental to the child's welfare; and

(*c*) the available history of the child and the relevant reports indicate that boarding-out in that household would be in the best interests of the child.

(2) For the purposes of sub-paragraph (*b*) of paragraph (1) the area authority shall be notified of the name, sex, date of birth and religious persuasion of the child and the names and address of the foster parents at least fourteen days prior to boarding-out.

(3) A child shall not be boarded-out, or be allowed to remain boarded-out with any foster parent who is a party to a contract to ensure payment of a sum of money on the illness or death of the child.

Medical examination before boarding-out

7. Except in the case of an emergency a child shall not be boarded-out with foster parents unless he has, within one month before being placed with them, been examined by a duly qualified medical practitioner and the practitioner has made a written report on the physical health and mental condition of the child.

Medical examination during boarding-out

8.—(1) A Health and Social Services Board or voluntary organisation arranging the boarding-out of a child shall ensure that he is examined by a duly qualified medical practitioner—

(*a*) within one month of being boarded-out unless the child has attained the age of two years and has, under regulation 7, been so examined within one month before being boarded-out; and

(*b*) at least once in every six months if he has not attained the age of five years or, if he has attained that age, at least once a year up to the age of 16 years.

(2) Arrangements shall be made for a written report on the physical health and mental condition of the child to be made to a social worker by the practitioner after each such examination as aforesaid.

Arrangements for medical and dental care

9. Adequate arrangements shall be made for a child who is boarded-out to receive medical and dental care as required.

Religious persuasion

10. Where possible a child shall be boarded-out with foster parents who either are of the same religious persuasion as the child or give an undertaking that he will be brought up in that religious persuasion.

Undertaking to be given by foster parents

11.—(1) A Health and Social Services Board or voluntary organisation shall require foster parents to sign an undertaking in respect of any child boarded-out with them in the form set out in the Schedule, or in a form to the like effect.

(2) The said undertaking shall be kept by the care authority or, as the case may be, the voluntary organisation, and a copy thereof shall be left with the foster parents.

Visits during boarding-out

12.—(1) The Health and Social Services Board or voluntary organisation who have arranged the boarding-out of a child shall ensure that a social worker sees the child and visits the home and the foster parents—

(*a*) within two weeks of his being placed in the home and thereafter as often as may be necessary, not being less often than once in each calendar month;

(*b*) if a foster parent changes his address, within two weeks of receipt by the Board or voluntary organisation of notice of the new address; and

(*c*) forthwith after the receipt of a complaint by or concerning the child.

(2) The Board or voluntary organisation shall require the social worker to make to them after every visit to a child, a report in writing as to the health and well-being of the child, the condition of the home (including the sleeping and living accommodation), any complaint made by or concerning the child and the action taken thereon and whether the home appears suitable for the child.

Review of health and well-being

13.—(1) A Health and Social Services Board or voluntary organisation shall ensure that a review of the health and well-being of every child who is boarded-out by them is made in the light of the reports written about him in pursuance of these regulations—

(*a*) within one month after the child is placed with any foster parents; and

(*b*) thereafter, so long as he remains boarded-out with those foster parents, as often as is expedient in the particular case, but not less often than once in every six months.

(2) The said review shall be made, so far as is practicable, by persons other than social workers as defined in regulation 2, and a note thereof shall be entered in the case record relating to the child, with particulars of any action recommended as a result.

Special provisions as to children who have ceased to be of compulsory school age

14.—(1) Nothing in regulation 11 shall apply in relation to the boarding-out of a child who has ceased to be of compulsory school age.

(2) Where a child has already ceased to be of compulsory school age when boarded-out with foster parents with whom he was not boarded-out when he so ceased, the Health and Social Services Board or voluntary organisation arranging the boarding-out shall require them to sign an undertaking in respect of him containing such parts of the form of undertaking set out in the Schedule, with or without modifications, as appear appropriate to his case.