

2005 No. 186

CHILDREN

**The Children Order (Miscellaneous Amendments)
Regulations (Northern Ireland) 2005**

Made - - - - - *31st March 2005*

Coming into operation *1st April 2005*

The Department of Health, Social Services and Public Safety^(a), in exercise of the powers conferred on it by Articles 27(2)(a) and (f), (5) and (7), 28, 34B(3), 44(3) and (8), 45(1), (2), (5) and (6), 70(4), 73(1)(a), 75(2) to (6), 89(1)(a) and 105(1)(a) and 183 of the Children (Northern Ireland) Order 1995^(b), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Children Order (Miscellaneous Amendments) Regulations (Northern Ireland) 2005, and shall come into operation on 1st April 2005.

Amendment of the Arrangements for Placement of Children (General) Regulations (Northern Ireland) 1996

2.—(1) The Arrangements for Placement of Children (General) Regulations (Northern Ireland) 1996^(c) shall be amended in accordance with the following provisions of this regulation.

(2) In regulations 1(2), 2(1), 5(1), 6, 10(2) and (3) and 11, and in paragraph 5 of Schedule 4, in each place in which they occur, for the words “registered children’s home”, substitute “private children’s home”.

(3) In regulation 1(2) (interpretation), in the definition of “placement”, in each of paragraphs (a) and (b), for “(b), (c), (d)” substitute “(aa)”^(d).

(4) In regulation 5(1) (notification of arrangements) –

(a) in sub-paragraph (b), at the end, add “and, if it is different, for the area in which the child is to be placed;”; and

(b) in sub-paragraph (c), at the end, add “and, where applicable, any medical practitioner with whom the child is to be registered following the placement;”.

(5) For regulation 7 (health requirements) substitute –

“Health assessments

7.—(1) Subject to paragraphs (3) and (4), a responsible authority shall –

(a) See S.I. 1999/283 (N.I. 1) – Article 3(6)

(b) S.I. 1995/755 (N.I. 2), as amended by 2002 c. 11 (N.I.) and S.I. 2003/431 (N.I. 9)

(c) S.R. 1996 No. 453

(d) As substituted by Article 50 of, and Schedule 4 to, the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003

- (a) before making a placement, or if that is not reasonably practicable, as soon as reasonably practicable after a placement is made, make arrangements for a medical practitioner to conduct an assessment, which may include a physical examination, of the child's state of health;
 - (b) require the medical practitioner who conducts the assessment to prepare a written report of the assessment which addresses the matters listed in Schedule 2; and
 - (c) having regard to the matters listed in Schedule 2 and, unless paragraph (4) applies, to the assessment report, prepare a plan for the future health care of the child if one is not already in existence.
- (2) A responsible authority shall ensure that each child is provided during the placement with –
- (a) health services, including medical and dental care and treatment; and
 - (b) advice and guidance on health, personal care and health promotion issues appropriate to his needs.
- (3) Paragraph (1) does not apply if within a period of three months immediately preceding the placement the child's health has been assessed, and a report of the assessment prepared in accordance with that paragraph.
- (4) Sub-paragraphs (a) and (b) of paragraph (1) do not apply if the child, being of sufficient understanding to do so, refuses to consent to the assessment.”.
- (6) In Schedule 2 (health considerations to which responsible authorities are to have regard) –
- (a) in paragraph 1, at the end, add “including his physical, emotional and mental health.”;
 - (b) in paragraph 2, at the end, add “including, as far as practicable, his family health history.”; and
 - (c) in paragraph 6, at the end, add “and for advice and guidance on health, personal care and health promotion issues appropriate to the child's needs.”.

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

3.—(1) The Placement of Children with Parents etc. Regulations (Northern Ireland) 1996**(a)** shall be amended in accordance with the following provisions of this regulation.

- (2) In regulation 8(4) (notification of placements) –
 - (a) in sub-paragraph (a), at the end, add “and, if it is different, for the area in which the child is to be placed.”; and
 - (b) in sub-paragraph (b), at the end, add “and, where applicable, any medical practitioner with whom the child is to be registered following the placement.”.
- (3) In paragraph 1 of Schedule 1 (particulars to be taken into account) –
 - (a) in sub-paragraph (f), for the words from “under” to “Order (including content in brackets)” substitute “for child minding or day care”; and
 - (b) for sub-paragraph (k) substitute –
 - “(k) details of any criminal offences of which he has been convicted, or in respect of which he has been cautioned by a constable and which, at the time the caution was given, he admitted.”.

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

4.—(1) The Review of Children's Cases Regulations (Northern Ireland) 1996**(b)** shall be amended in accordance with the following provisions of this regulation.

- (2) In regulation 1(2) (interpretation), the definition of “guardian ad litem” is omitted.

(a) S.R. 1996 No. 463
(b) S.R. 1996 No. 461

(3) In regulation 1(2) the following definition shall be inserted at the appropriate place alphabetically –

“nurse” means a person registered in the register maintained under Article 5 of the Nursing and Midwifery Order 2001(a) by virtue of qualification in nursing or midwifery as the case may be;”

(4) In regulation 1(2) for the words “registered children’s home” substitute “private children’s home”.

(5) For regulation 6 (health reviews), substitute –

“ Health reviews

6.—(1) Subject to paragraph (2), the responsible authority shall, in respect of each child who continues to be looked after or provided with accommodation by them –

- (a) arrange for an assessment, which may include a physical examination, of the child’s state of health, to be conducted by a medical practitioner or nurse acting under the supervision of a medical practitioner –
 - (i) at least once in every period of six months before the child’s fifth birthday; and
 - (ii) at least once in every period of twelve months after the child’s fifth birthday;
- (b) require the person who carried out the assessment to prepare a written report which addresses the matters listed in Schedule 2; and
- (c) review the plan for the future health of the child prepared under regulation 7(1)(c) of the Arrangements for Placement of Children (General) Regulations (Northern Ireland) 1996(b) at the intervals set out in sub-paragraphs (i) and (ii) of paragraph (a).

(2) Sub-paragraphs (a) and (b) of paragraph (1) do not apply if the child, being of sufficient understanding to do so, refuses to consent to the assessment.”.

(4) In Schedule 3 (health considerations to which responsible authorities are to have regard) –

- (a) in paragraph 1, at the end, add “including his physical, emotional and mental health.”;
- (b) in paragraph 2, at the end, add “including, as far as practicable, his family health history.”; and
- (c) in paragraph 6, at the end, add “, and for advice and guidance on health, personal care and health promotion issues appropriate to the child’s needs.”.

Amendment of the Representations Procedure (Children) Regulations (Northern Ireland) 1996

5. The Representations Procedure (Children) Regulations (Northern Ireland) 1996(c) shall be amended as follows –

- (a) in regulation 10(2) (application to voluntary organisations and registered children’s homes), in each place in which they occur, for the words “registered children’s home” substitute “private children’s home”.

Amendment of the Refuges (Children’s Homes and Foster Placements) Regulations (Northern Ireland) 1996

6. The Refuges (Children’s Homes and Foster Placements) Regulations (Northern Ireland) 1996(d) shall be amended as follows –

- (a) in regulation 1(2), in the definition of “home”, for the words “registered children’s home” substitute “private children’s home”; and
- (b) in regulation 3(1) (withdrawal of a certificate) –

(a) S.I. 2002/253
(b) S.R. 1996 No. 463
(c) S.R. 1996 No. 451
(d) S.R. 1996 No. 480

- (i) in sub-paragraph (b), for “Part II of the Children’s Homes Regulations 1991” substitute “Parts III to V of the Children’s Homes Regulations (Northern Ireland) 2005”(a).

Amendment of the Children (Secure Accommodation) Regulations (Northern Ireland) 1996

7. The Children (Secure Accommodation) Regulations (Northern Ireland) 1996(b) shall be amended as follows –

- (a) in regulation 13(1) (voluntary homes and registered children’s homes not to be used for restricting liberty) for the words “registered children’s home” substitute “private children’s home”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 31st March 2005.

(L.S.)

Noel McCann

A senior officer of the Department of Health, Social Services and Public Safety

(a) S.R. 2005 No. 176
(b) S.R. 1996 No. 487

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make miscellaneous amendments to a number of sets of Regulations which govern the placement, care and accommodation of children looked after by authorities in the exercise of their functions under the Children (Northern Ireland) Order 1995, and related matters.

Firstly, they make consequential amendments to reflect the implementation of Parts I, II, III and IV of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 in respect of children's homes and care homes. Various other minor and updating amendments are also made.

Secondly, amendments are made to the Arrangements for Placement of Children (General) Regulations (Northern Ireland) 1996 and the Review of Children's Cases Regulations (Northern Ireland) 1996 relating to the health and health care of children looked after by authorities or accommodated by voluntary organisations and others. The Schedule of matters to be considered in relation to a child's health on placement and review is expanded. A health care plan is to be prepared for each child. The frequency of health reviews for children aged between two and five is increased. Health assessments on placement or review may, but need not include a physical examination of the child, and reviews may be conducted by a nurse, under the supervision of a medical practitioner.

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