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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SCHEDULE—Form of undertaking to be signed by foster parents

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.

(3) Where a child has been placed in employment the social worker, seeing the child in accordance with regulation 12, shall as far as possible avoid visiting him at his place of employment.

Removal of a child from a foster home

15. A Health and Social Services Board or voluntary organisation shall remove a child from his foster home where continuation of boarding-out in that home is no longer in the child's best interests.

Power of supervising social worker to remove child

16.—(1) Where a social worker, whose duty it is under these regulations to supervise the welfare of a child, considers that the conditions in which he is boarded-out endanger his health, safety or morals, the social worker may remove him from the foster parents forthwith.

(2) Where a child who is boarded-out by a Health and Social Services Board with foster parents whose home is outside the area of that Board is removed under paragraph (1) by a social worker of the care authority, the area authority shall forthwith be notified by the care authority of the reason why he was removed and, if the child is so removed by a social worker of the area authority who are performing any of the supervisory duties in respect of him under regulation 23, the care authority shall forthwith be given the like notification by the area authority.

(3) Where a child who is boarded-out by a voluntary organisation is removed from foster parents under paragraph (1) by a social worker of the voluntary organisation the area authority shall forthwith be notified by the voluntary organisation of the reason why he was removed, and, if the child is so removed by a social worker of an area authority who are performing the supervisory duties in place of that organisation under regulation 24 the voluntary organisation shall forthwith be given the like notification by that area authority.

Misadventure to a boarded-out child

17.—(1) The care authority or voluntary organisation by whom a child has been boarded-out shall require the child's foster parents to notify them forthwith if the child—

(*a*) dies;

(*b*) runs away or without lawful authority is taken away from the foster home; or

(*c*) suffers an illness or injury likely to result in death or a serious disability.

(2) The care authority or voluntary organisation shall forthwith inform the Department and, if practicable, the parent or guardian of the child of any such occurrence, and shall supply to the Department such further information about the circumstances of the occurrence as it may require.

Arrangements in the event of the death of a child while boarded-out

18. In the event of the death of a child while he is boarded-out the Health and Social Services Board or the voluntary organisation in conjunction with the Board, shall arrange for the decent and proper burial of the child.

Case records to be kept by Health and Social Services Boards and voluntary organisations

19.—(1) A Board shall compile a case record in respect of—

(*a*) every child boarded-out by them;

(*b*) every child boarded-out by another Board in respect of whom they perform any of the supervisory duties under regulation 23; and

(*c*) every child boarded-out by a voluntary organisation in relation to whom they perform the supervisory duties;

and the said record shall be kept up to date.

(2) A voluntary organisation shall compile a case record in respect of every child boarded-out by them and the said record shall be kept up to date.

(3) Every case record compiled under this regulation shall be preserved for at least three years after the child to whom it relates has attained the age of eighteen years or has died before attaining that age, and shall be open to inspection at all reasonable times by any person duly authorised in that behalf by the Department.

Registers to be kept by Health and Social Services Boards

20.—(1) A Board shall, in respect of every child boarded-out in their area, whether by them or by another Board or by a voluntary organisation, enter in a register to be kept for the purpose the particulars specified in paragraph (2), and so much of the particulars specified in paragraph (3) as may be appropriate.

(2) The particulars to be so entered in the case of every such child are—

(*a*) his name, sex, date of birth and religious persuasion;

(*b*) the names and addresses of his parents, or, the name and address of his nearest relative or his guardian;

(*c*) the names, address and religious persuasion of each foster parent;

(*d*) the name of the Board or organisation by whom he is boarded-out;

(*e*) the dates on which the boarding-out on each occasion begins and ceases; and

(*f*) the reason why the boarding-out ceases.

(3) There shall also be entered—

(*a*) in the case of a child in respect of whom arrangements have been made under regulation 23, a note of these arrangements;

(*b*) in the case of a child in the care of a Board boarded-out by a voluntary organisation, the name of the care authority; and

(*c*) in the case of a child boarded-out by a voluntary organisation in relation to whom the area authority are, under regulation 24, performing the supervisory duties, a note of that fact.

(4) Every register kept under this regulation shall be preserved for at least three years after every child, particulars about whom are entered therein, has or would have attained the age of eighteen years, and shall be open to inspection at all reasonable times by any person duly authorised in that behalf by the Department.

Information to be given to or by Health and Social Services Boards in certain circumstances

21.—(1) Where a child who is boarded-out with foster parents in the area of a Board by another Board or a voluntary organisation ceases to be boarded-out in a household, that Board or organisation by whom the boarding-out was arranged shall inform the area authority thereof and of the date on which the boarding-out ceased, the reason why it ceased and whether it is intended to board-out another child in that household.

(2) If, while a child is boarded-out with foster parents in the area of a Board by another Board in whose care the child is or a voluntary organisation, any reason becomes known to the area authority whereby it appears that boarding-out with those foster parents may have ceased to be in the best interests of the child, the care authority or, as the case may be, the voluntary organisation shall be informed forthwith.

Particulars to be given to a Health and Social Services Board about children boarded-out in their area

22. Where—

(*a*) a Board board-out a child with foster parents whose home is outside the area of the Board; or

(*b*) where a voluntary organisation board-out a child,

that Board or organisation, as the case may be, shall notify the area authority, as soon as may be, of any particulars not already sent to them which are required under regulation 20 to be entered in a register.

Arrangements in certain cases as regards children boarded-out by one Health and Social Services Board in the area of another

23. A Board may make arrangements with another Board either in respect of a child boarded-out by the one in the area of the other or generally in respect of all children who may from time to time be so boarded-out, for either Board to perform any of the supervisory duties and to furnish a report, as often as may be agreed, on the health and well-being of each child in respect of whom such arrangements have effect.

Duty of a Health and Social Services Board as regards children boarded-out by voluntary organisations

24.—(1) In this regulation and in regulation 25 a reference in relation to a voluntary organisation to the supervisory duties is a reference to those duties in respect of children boarded-out by that voluntary organisation in the area of a particular Board, and a reference to the voluntary organisation being in a position to discharge the supervisory duties is a reference to that organisation having the requisite facilities, and having made adequate arrangements for the discharge of those duties in that area.

(2) It shall be the general duty of a Board to satisfy themselves as regards any voluntary organisation whose headquarters are in the area of that Board as to whether or not that organisation is in a position to discharge the supervisory duties in relation to children boarded-out in the area of any Board, and if satisfied that it is not, shall notify the other Boards and each Board shall, except as otherwise provided in these regulations, perform the said duties and that organisation shall be relieved of those duties.

(3) If while any Board are performing the supervisory duties in the place of a voluntary organisation, they are satisfied that that organisation is in a position to discharge these duties, the Board shall be relieved thereof as from such date as the organisation has notified the Board as that upon which it will resume the discharge of those duties.

(4) Notwithstanding anything in paragraph (2), any Board shall not, except with the written consent of a voluntary organisation, take over from that organisation the supervisory duties until one month has elapsed after notice of their intention so to do and of their main reasons for so doing has been sent to that organisation, and if within that period the Board receive from that organisation a copy of representations made by it to the Department under the next following paragraph, they shall not take over the said duties unless the Department so directs under that paragraph.

(5) If a notice has under the last preceding paragraph been sent by any Board to a voluntary organisation and that organisation is of the opinion that it is in a position to discharge the supervisory duties, it may within the said period of one month make representations to that effect to the Department, and the Department, after considering those representations and any representations made to it on behalf of the Board, may direct either that the organisation shall continue to discharge those duties or that the Board shall, from such date as may be indicated in the direction, take them over, and the said duties shall continue to be discharged or be so taken over accordingly.

(6) If, after any Board have under this regulation performed the supervisory duties in the place of a voluntary organisation for a continuous period of not less than one year, that organisation is of the opinion that it is then in a position to discharge these duties, and the Board, after representations to that effect have been made to them on behalf of that organisation, are not satisfied that that organisation is in such a position, the organisation may make representations to the Department accordingly; and if the Department, after considering those representations and any representations made to it on behalf of the Board, so directs, the organisation shall, from such date as may be indicated in the direction, resume the discharge of those duties and the Board shall cease to perform them.

(7) Where any Board take over the supervisory duties from a voluntary organisation, that organisation shall supply to the Board full case records on every child boarded-out by it in the area of that Board.

(8) While any Board perform the supervisory duties in the place of a voluntary organisation, the Board shall supply to the organisation the information in every relevant case record compiled by them.

Children in the care of a Health and Social Services Board who are boarded-out by a voluntary organisation

25.—(1) Any child who is in the care of a Board and in the charge of a voluntary organisation shall not be boarded-out without the foreknowledge and consent of that Board. When the consent has been given by that Board the organisation shall notify that Board of the boarding-out, of the names and address of the foster parents and of the proposed supervisory arrangements and, as soon as may be after that child ceases to be boarded-out with those foster parents, the organisation shall notify that Board of the reason therefor.

(2) Where such a child is to be boarded-out with foster parents whose home is outside the area of the care authority and the area authority either—

(*a*) intend, under regulation 24 for the time being to perform the supervisory duties in the place of the organisation by whom he is boarded-out; or

(*b*) subsequently, while the child is so boarded-out, take over those duties from that organisation,

notice of the facts shall forthwith before the boarding-out, or, as the case may be, when the area authority take over those duties, be sent by the area authority to the care authority.

(3) Where notice under the last preceding paragraph is received by a care authority, then, notwithstanding anything in paragraph (2) of regulation 24, so long as the area authority continue to perform the supervisory duties in the place of the organisation by whom the child is boarded-out, these regulations shall have effect as if he were boarded-out by the care authority.

Boarding-out at intervals with the same foster parents

26. Where a child has been boarded-out with foster parents and within four months of ceasing to be boarded-out with them is again boarded-out with them, regulations 6, 7 and 11, shall not apply to that boarding-out.

Special circumstances

27. Where in the opinion of a Health and Social Services Board or a voluntary organisation in consultation with the Board it is desirable in the special circumstances of any case that the provisions of one or more of the foregoing regulations should not apply, a special arrangement may be made with the prior consent of the Department.

Transitional provisions

28.—(1) Nothing in regulation 4, 11 or paragraph (1) of regulation 25 shall have effect in relation to the boarding-out of a child with foster parents with whom he is boarded-out at the date when these regulations come into operation, so long as he remains boarded-out with them.

(2) Where at the date when these regulations come into operation—

(*a*) a child is boarded-out by a Health and Social Services Board with foster parents whose home is in the area of another Board and there are in force immediately before the said date administrative arrangements between those Boards made under regulation 17 of the Children and Young Persons (Boarding out) Regulations (Northern Ireland) 1950(f) in respect of that child, those arrangements shall, so far as they are consistent with these regulations, continue in force and have effect as if they were arrangements made under regulation 23;

(*b*) a child is boarded out—

(i) by a Board with foster parents whose home is outside the area of that Board, or

(ii) by a voluntary organisation,

the Board or organisation, as the case may be, shall within one month of the said date notify the area authority of the fact that the child is so boarded-out and of the particulars required under regulation 20 to be entered in a register.

(3) Notwithstanding anything in regulation 24, a Board shall not take over from a voluntary organisation the supervisory duties except with the written consent of that organisation until the expiration of one year from the date when these regulations come into operation, but, save as aforesaid, the said regulation shall have effect as if any child boarded-out by a voluntary organisation immediately before the said date had been first so boarded-out on that date.

Revocation

29. The Children and Young Persons (Boarding out) Regulations (Northern Ireland) 1950 are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 26th January 1976.

(L.S.)

R. F. Mills
Assistant Secretary

(f) S.R. & O. (N.I.) 1950 No. 43 (p. 53)

SCHEDULE Regulations 10, 11 and 14

Form of undertaking to be signed by foster parents

WE/I A.B. (and B.B.), of having on the day of 19 received from (the Health and Social Services Board (hereinafter called "the Board")) (*name of voluntary organisation* (hereinafter called "the organisation")) C.D. who was born on the day of 19 , and whose religious persuasion is , into our/my home as a member of our/my family undertake that—

1. We/I will care for C.D. and bring him/her up as we/I would a child of our/my own.

2. He/she will be brought up in, and will be encouraged to practise, his/her religion.

3. We/I will look after his/her health and consult a doctor whenever he/she is ill and will allow him/her to be medically examined at such times and places as (the Board) (the organisation) may require.

4. We/I will inform (the Board) (the organisation) immediately of any serious occurrence affecting the child.

5. We/I will at all times permit any person so authorised by the Department or by (the Board) (the organisation) (or by the Board for the area where we/I live) to see him/her and visit our/my home.

6. We/I will allow him/her to be removed from our/my home when so requested by a person authorised by (the Board) (the organisation) (or by the Board for the area where we/I live).

7. If we/I decide to move we/I will notify the new address to (the Board) (the organisation) at least fourteen days before we/I go.

Signed .....

Signed .....

Witnessed.....

Social Worker

Date .....

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport)

These regulations replace the Children and Young Persons (Boarding out) Regulations (Northern Ireland) 1950 revoked by regulation 29. The regulations revoked applied only to the boarding of children with foster parents by Health and Social Services Boards: these regulations apply to such boarding and also to the boarding of children with foster parents by voluntary organisations: they do not apply in the case of children boarded-out for a short holiday, nor of children in the charge of voluntary organisations under training school orders. The regulations, amongst other matters, contain requirements as to—

(*a*) the medical examination of each child;

(*b*) visitors and reports by visitors;

(*c*) records and other documents to be kept by the bodies responsible;

(*d*) exchange in particular cases by different bodies of information about children boarded-out;

(*e*) enquiries to be made before boarding-out; and

(*f*) the undertaking to be given by foster parents.

1976 No. 20

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROAD TRAFFIC AND VEHICLES.

1976 No. 21

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.