STATUTORY RULES OF NORTHERN IRELAND

2012 No. 182

HEALTH AND SOCIAL CARE

The Children's Homes (Amendment) Regulations (Northern Ireland) 2012

Made - - - -	*3rd May 2012*
Coming into operation -	*1st June 2012*

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred by Article 23(2)(c), (d) and (f), and (7)(a), (c), (d) and (j) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**a**), makes the following Regulations.

In accordance with Article 23(8) of that Order, the Department has consulted with such persons as it considers appropriate.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children's Homes (Amendment) Regulations (Northern Ireland) 2012 and will come into operation on 1st June 2012.

(2) In these Regulations, "the Principal Regulations" means the Children's Homes Regulations (Northern Ireland) 2005(**b**).

Amendment of the Principal Regulations

2.—(1) In regulation 2(1) of the Principal Regulations, within the definition of "placing authority", for (a) and (b) there shall be substituted—

"(a) in the case of a child where the arrangements for providing the accommodation are made by an HSC(**c**) trust or a body exercising equivalent functions outside Northern Ireland, that HSC trust or body;

(b) in the case of a child where the arrangements for providing the accommodation are not made by an HSC trust or a body exercising equivalent functions outside Northern Ireland—

(i) if the arrangements are made by a voluntary organisation, that voluntary organisation;

(ii) in any other case, the child's parent;"

(2) In regulation 33(2) of the Principal Regulations, the words "children accommodated in the home and their parents or" shall be omitted.

(**a**) 2003 No. 431 (N.I. 9)
(**b**) S.R. 2005 No. 176
(**c**) See section 1(3) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c.1)

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 3rd May 2012



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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for amendments to the Children's Homes Regulations (Northern Ireland) 2005.

Regulation 2(1) amends regulation 2(1)(a) and (b) of the Children's Homes Regulations (Northern Ireland) 2005 with regard to the interpretation of "placing authority" in the case of a child accommodated in a children's home. The amendments provide that where the arrangements for providing accommodation have been made by an HSC trust or a body exercising equivalent functions outside Northern Ireland, the placing authority is that trust or body. Where the arrangements for providing accommodation are made by a voluntary organisation, the placing authority is that voluntary organisation. In any other case, the placing authority is the child's parent.

Regulation 2(2) amends regulation 33(2) of the Children's Homes Regulations (Northern Ireland) 2005 so as to remove the requirement placed on the registered person to supply, on request, a copy of a report relating to any review conducted by him for the purposes of regulation 33(1) to the children accommodated in the home and their parents. The registered person will continue to be required to supply any such report to the Regulation and Quality Improvement Authority and the placing authority and to make a copy of the report available on request to the Commissioner for Children and Young People for Northern Ireland.

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