

These notes refer to the Adoption and Children Act (Northern Ireland) 2022 (c.18) which received Royal Assent on 27 April 2022

Adoption and Children Act (Northern Ireland) 2022

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Children Order Amendments

Section 121: Provision of services to children in need, etc.

Article 18 of the Children Order sets out the general duty of authorities to safeguard and promote the welfare of children in need in their area and, subject to that duty, to promote the upbringing of those children by their families. This is to be achieved through the provision of personal social services appropriate to those children's needs and the provision of services for the family of the child where this would safeguard and promote the child's welfare. Authorities must facilitate the provision of services by voluntary organisations and others and will have the specific powers and duties set out in Schedule 2 as regards children in need and their families. Paragraph (6) states that the services provided by an authority in the exercise of its functions in relation to children in need may include giving assistance in kind or, in exceptional circumstances, this assistance may take the form of cash.

Subsection (1) inserts a new *paragraph (6)* in Article 18. The restriction on the making of cash payments only in exceptional circumstances has been removed. The intention is to allow authorities greater flexibility and to exercise wider discretion over the circumstances in which they make cash payments to those caring for children in need.

New *paragraph (6A)* places a duty on the authority, when deciding on whether to give assistance in cash, to have regard to any guidance provided by the Department.

New *paragraph (6)*, as inserted by *subsection (1)*, also provides that the services provided by an authority may include accommodation to an eligible child. An eligible child is defined in new *paragraph (6C)(a)* as a child who is not being looked after by an authority and is disabled. New *paragraph (6C)(b)* also provides a power to prescribe further categories of children who may be considered as an eligible child. New *paragraph (6B)* provides that, in providing

accommodation, the authority must have regard to any guidance provided by the Department.

Subsection (2) amends Article 25(2) of the Children Order to provide that, where such accommodation is provided under Article 18, the child will not become a “looked after child”. The intention, in making such amendments, is for the purpose of providing short breaks for disabled children, without making the child looked after. Should a child need to be looked after, they will be accommodated by authorities under Article 21.