

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 122: Duty of authorities to promote etc. achievement, learning and development, and to prevent disruption to education or training

Article 26 of the Children Order (general duty of authority) sets out the general responsibilities which an authority has towards any child it looks after. The authority has a duty to safeguard and promote the welfare of any child it is looking after and must make reasonable use of services available for children cared for by their parents. Before making any decision with respect to a child it is looking after, the authority must, so far as is reasonably practicable, ascertain the wishes and feelings of the child, the parents and anyone with parental responsibility for them.

Subsection (1) inserts new paragraph (1A) into Article 26 of the Children Order to provide that the duty of an authority under Article 26(1) to safeguard and promote the welfare of a child looked after by an authority includes, in particular, a duty to promote, facilitate and support the child's learning and development, and achievement in relation to education or training.

Article 27 of the Children Order (accommodation and maintenance of children) imposes a duty on each authority to provide accommodation and maintenance for every child it is looking after. It provides for such children to be placed with family, with foster parents or in residential accommodation. In addition it imposes duties on the authority, so far as is practicable or consistent with the child's welfare, to place a child with relatives or friends, secure any accommodation near the child's home, accommodate siblings together and secure that accommodation for a disabled child is not unsuitable to the child's needs. *Subsection (2)* amends Article 27(8) to insert a new sub-paragraph (c) which places a duty on authorities to ensure (so far as is practicable or consistent with the child's welfare) that, in determining the most appropriate placement for a child, such a placement does not disrupt the child's education or training.

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The new duties will mean that an authority will have to give particular attention to the educational implications of any decision about the welfare or accommodation of any child they are looking after. That might be for instance the need to organise a suitable school placement at the same time as arranging a new care placement.