
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART IV

SUPPORT FOR CHILDREN AND THEIR FAMILIES

Children in need and their families

General duty of authority to provide [^{F1}social care] for children in need, their families and others

18.—(1) It shall be the general duty of every authority (in addition to the other duties imposed by this Part)—

- (a) to safeguard and promote the welfare of children within its area who are in need; and
- (b) so far as is consistent with that duty, to promote the upbringing of such children by their families,

by providing a range and level of [^{F2}social care] appropriate to those children's needs.

(2) For the purpose principally of facilitating its general duty under this Article, every authority shall have the specific powers and duties set out in Schedule 2.

(3) Any service provided by an authority in the exercise of functions conferred on it by this Article may be provided for the family of a particular child in need or for any member of his family, if the service is provided with a view to safeguarding or promoting the child's welfare.

(4) The Department may by order amend any provision of Schedule 2 or add any further duty or power to those mentioned there.

[^{F3}(4A) Before determining what (if any) services to provide for a particular child in need in the exercise of functions conferred on it by this Article, an authority must, so far as is reasonably practicable and consistent with the child's welfare—

- (a) ascertain the child's wishes and feelings regarding the provision of those services; and
- (b) give due consideration (having regard to the child's age and understanding) to such wishes and feelings of the child as the authority has been able to ascertain.]

(5) Every authority—

- (a) shall facilitate the provision by others (including in particular voluntary organisations) of services which the authority has power to provide by virtue of this Article or Article 19, 21, 27, [^{F4} 34C to 34E, 35A or 35B]; and
- (b) may make such arrangements as it sees fit for any person to act on its behalf in the provision of any such service.

(6) The services provided by an authority in the exercise of functions conferred on it by this Article may include giving assistance in kind or, in exceptional circumstances, in cash.

Status: Point in time view as at 01/04/2024.

Changes to legislation: The Children (Northern Ireland) Order 1995, Section 18 is up to date with all changes known to be in force on or before 25 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(7) Assistance may be unconditional or subject to conditions as to the repayment of the assistance or of its value (in whole or in part).

(8) Before giving any assistance or imposing any conditions, an authority shall have regard to the means of the child concerned and of each of his parents.

(9) No person shall be liable to make any repayment of assistance or of its value at any time when he is in receipt [^{F5}of universal credit (except in such circumstances as may be prescribed),] of income support, [^{F6}of any element of child tax credit other than the family element, of working tax credit] [^{F7}, of an income-based jobseeker's allowance or of an income-related employment and support allowance].

[^{F8}(10) The Treasury may by regulations prescribe circumstances in which a person is to be treated for the purposes of this Part (or for such of those purposes as are prescribed) as in receipt of any element of child tax credit other than the family element or of working tax credit.]

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| F1 | Words in art. 18 heading substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1) , ss. 32, 34(3), Sch. 6 para. 1(1)(a) (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, art. 2 |
| F2 | Words in art. 18(1) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1) , ss. 32, 34(3), Sch. 6 para. 1(1)(a) (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, art. 2 |
| F3 | Art. 18(4A) inserted (1.4.2024) by Adoption and Children Act (Northern Ireland) 2022 (c. 18) , ss. 120(1) , 160(1); S.R. 2024/30, art. 2(c) |
| F4 | 2002 c. 11 (NI) |
| F5 | Words in art. 18(9) inserted (27.9.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006) , art. 2(2), Sch. 2 para. 28(a) ; S.R. 2017/190, art. 4(1)(2)(g)(i) |
| F6 | 2002 c. 21 |
| F7 | Words in art. 18(9) substituted (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2) , ss. 28(1), 60(1), Sch. 3 para. 5(3) (with transitional provisions in s. 29, Sch. 4); S.R. 2008/276, art. 2(2)(d) , Sch. Pt. 2 |
| F8 | 2002 c. 21 |

Status:

Point in time view as at 01/04/2024.

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