
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART XIII

DEPARTMENT'S SUPERVISORY FUNCTIONS AND RESPONSIBILITIES

Inspection of children's homes, etc., by Department

149.—(1) The Department may cause to be inspected—

- (a) any children's home;
- (b) any premises in which a child who is being looked after by an authority is living;
- (c) any premises in which a child who is being accommodated by or on behalf of [^{F1}the Education Authority] or voluntary organisation is living;
- (d) any premises in which a privately fostered child, or child who is treated as a foster child by virtue of Article 114 (application of Part X to certain school children during holidays), is living or in which it is proposed that he will live;
- (e) any premises on which any person is acting as a child minder;
- (f) any premises with respect to which a person is registered under Article 118(1)(b) (day care);
- (g) any of the following if used to accommodate children—
 - (i) a residential care home,
 - (ii) a nursing home,
 - (iii) a hospital (including a private hospital);
- (h) any premises which are provided by an authority and in which any service is provided by that authority under Part IV;
- (i) any school providing accommodation for any child.

(2) An inspection under this Article shall be conducted by a person authorised to do so by the Department.

(3) An officer of an authority shall not be so authorised except with the consent of that authority.

(4) The Department may require any person mentioned in paragraph (5) to furnish the Department with such information, or allow any person authorised by the Department to inspect such records (in whatever form they are held), relating to—

- (a) any premises to which paragraph (1) applies;
- (b) any child who is living in any such premises;
- (c) any person who is living in or is employed in any such premises;
- (d) the discharge by the Department of any of its functions under this Order; or
- (e) the discharge by any authority of any of its functions under this Order,

as the Department may at any time direct.

Status: Point in time view as at 03/10/2016.

Changes to legislation: The Children (Northern Ireland) Order 1995, PART XIII is up to date with all changes known to be in force on or before 08 July 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)

- (5) The persons are—
- (a) any Board or [^{F2}Health and Social Care trust];
 - (b) any voluntary organisation;
 - (c) any person carrying on a children's home;
 - (d) any managers of a school;
 - (e) any person fostering any privately fostered child or providing accommodation for a child on behalf of an authority, [^{F3}the Education Authority] or a voluntary organisation;
 - (f) [^{F4}the Education Authority if it is] providing accommodation for any child;
 - (g) any person employed in a school at which a child is accommodated by or on behalf of an authority or [^{F5}the Education Authority] ;
 - (h) any person who is the occupier of any premises in which any person acts as a child minder (within the meaning of Part XI) or provides day care for young children (within the meaning of that Part);
 - (i) any person carrying on any home or hospital of a kind mentioned in paragraph (1)(g).
 - [^{F6}(j) any person carrying on a fostering agency (within the meaning of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003)]

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| F1 | Words in art. 149(1)(c) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 14(23) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b) |
| F2 | Words in art. 149(5)(a) 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)(c) (with Sch. 6 para. 1(3)); S.R. 2009/114, art. 2 |
| F3 | Words in art. 149(5)(e) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 14(23) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b) |
| F4 | Words in art. 149(5)(f) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 14(24) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b) |
| F5 | Words in art. 149(5)(g) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 3 para. 14(23) (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b) |
| F6 | Art. 149(5)(j) added (3.10.2016) by Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9)), art. 1(3), Sch. 4 ; S.R. 2016/355, art. 2 (with art. 3) |

Powers of persons authorised by Department

- 150.**—(1) Any person inspecting any home or other premises under Article 149 may—
- (a) inspect the children there; and
 - (b) make such examination into the state and management of the home or premises and the treatment of the children there as he thinks fit.
- (2) Any person authorised by the Department to exercise the power to inspect records conferred by Article 149(4)—
- (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question; and
 - (b) may require—
 - (i) the person by whom or on whose behalf the computer is or has been so used; or
 - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,

to afford him such reasonable assistance as he may require.

(3) A person authorised to inspect any premises under Article 149 may enter the premises for that purpose, and for any purpose specified in paragraph (4) of that Article, at any reasonable time.

(4) Any person exercising that power shall, if so required, produce some duly authenticated document showing his authority to do so.

(5) Any person who intentionally obstructs another in the exercise of that power shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Power to exempt children's homes, etc., from inspection

151.—(1) The Department may by order provide that Articles 149 and 150 shall not apply in relation to particular homes or premises specified in the order.

(2) Orders under paragraph (1) shall be subject to negative resolution.

Art. 152 rep. by 2005 c. 12

Child care training

153.—(1) The Department shall keep under review the adequacy of the provision of child care training and may, subject to such conditions as it may determine—

- (a) make grants towards any fees or expenses incurred by, or
- (b) defray or contribute towards the cost of maintenance of,

persons undergoing child care training.

(2) The Department shall receive and consider any information from or representations made by—

- [^{F7}(a) the Northern Ireland Social Care Council;]
- (b) any authority; or
- (c) such other persons or organisations as appear to the Department to be appropriate,

concerning the provision of child care training.

(3) In this Article “child care training” means training for persons with a view to, or in the course of, their employment or the use of their services in the health and [^{F8}social care] for the purposes of this Order or the Adoption Order or by a voluntary organisation for similar purposes.

F7 2003 NI 9

F8 Words in art. 153(3) 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](#)

Research and information

154.—(1) The Department may conduct or promote or assist (by grants or otherwise) any person in conducting research or investigations into any matter connected with the functions under this Order of the Department, authorities or, with the consent of the Department of Education, [^{F9}the Education Authority] .

(2) The Department of Education may conduct or promote or assist (by grants or otherwise) any person in conducting research or investigations into any matter connected with the functions under this Order of [^{F10}the Education Authority] .

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- (3) Every authority shall, at such times and in such form as the Department may direct, transmit to the Department such particulars as the Department may require with respect to—
- (a) the performance by the authority of all or any of its functions—
 - (i) under this Order; or
 - (ii) in connection with the accommodation of children in residential care homes, nursing homes or private hospitals; and
 - (b) the children in relation to whom the authority has exercised those functions.

- F9** Words in art. 154(1) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 14(25)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F10** Words in art. 154(2) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 14(25)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

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