
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 461

CHILDREN

**The Review of Children's Cases
Regulations (Northern Ireland) 1996**

Made - - - - 30th September 1996

Coming into operation 4th November 1996

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 45(1) and (2), 75(4)(a) and (5) and 105(1) and (2)(l) of the Children (Northern Ireland) Order 1995⁽¹⁾ and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Review of Children's Cases Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

(2) In these Regulations—

“the Order” means the Children (Northern Ireland) Order 1995;

“guardian ad litem” means a guardian ad litem appointed pursuant to Article 60 of the Order or rules made under Article 66 of the Adoption (Northern Ireland) Order 1987⁽²⁾;

“independent visitor” means an independent visitor appointed under Article 31 of the Order;

“responsible authority” means in relation to—

- (a) a child who is being looked after by an authority, that authority;
- (b) a child who is being provided with accommodation by a voluntary organisation otherwise than on behalf of an authority, that voluntary organisation;
- (c) a child who is being provided with accommodation in a registered children's home otherwise than on behalf of an authority or voluntary organisation, the person carrying on that home.

(3) In these Regulations, any reference to a review is a reference to a review carried out in pursuance of regulation 3, 11 or 13 as the case may be.

(4) Any notice required under these Regulations is to be given in writing and may be sent by ordinary post.

(1) S.I. 1995/755 (N.I. 2)

(2) S.I. 1987/2203 (N.I. 22); paragraph 166 of Schedule 9 to the Children (Northern Ireland) Order 1995 substituted a new Article 66 with effect from 19th February 1996

Review of children's cases

2. Each responsible authority shall review in accordance with these Regulations the case of each child while he is being looked after or provided with accommodation by it.

Time when case is to be reviewed

3.—(1) Each case is first to be reviewed within 2 weeks of the date upon which the child begins to be looked after or provided with accommodation by a responsible authority.

(2) The second review shall be carried out not more than 3 months after the first and thereafter subsequent reviews shall be carried out at intervals of not more than 6 months after the date of the previous review.

Manner in which cases are to be reviewed

4.—(1) Each responsible authority shall set out in writing its arrangements governing the manner in which the case of each child shall be reviewed and shall draw the written arrangements to the attention of those specified in regulation 7(1).

(2) The responsible authority which is looking after or providing accommodation for a child shall make arrangements to co-ordinate the carrying out of all aspects of the review of that child's case.

(3) The responsible authority shall appoint one of its officers to assist it in the co-ordination of all aspects of the review.

(4) The manner in which each case is reviewed shall, so far as is practicable, include the elements specified in Schedule 1.

(5) Nothing in these Regulations shall prevent the carrying out of any review under these Regulations and any other review, assessment or consideration under any other provision at the same time.

Considerations to which responsible authorities are to have regard

5. The considerations to which the responsible authority is to have regard, so far as is reasonably practicable, in reviewing each case are the general considerations specified in Schedule 2 and the considerations concerning the health of the child specified in Schedule 3.

Health reviews

6. The responsible authority shall make arrangements for a child who continues to be looked after or provided with accommodation by it to be examined by a medical practitioner and for a written assessment on the state of health of the child and his need for health care to be made—

- (a) at least once in every period of 6 months before the child's fifth birthday; and
- (b) at least once in every period of 12 months after the child's fifth birthday,

unless the child is of sufficient understanding and he refuses to submit to the examination.

Consultation, participation and notification

7.—(1) Before conducting any review the responsible authority shall, unless it is not reasonably practicable to do so, seek and take into account the views of—

- (a) the child;
- (b) his parents;
- (c) any person who is not a parent of his but who has parental responsibility for him; and

(d) any other person whose views the responsible authority considers to be relevant, including, in particular, the views of those persons in relation to any particular matter which is to be considered in the course of the review.

(2) The responsible authority shall, so far as is reasonably practicable, involve the persons whose views are sought under paragraph (1) in the review including, where the responsible authority considers appropriate, the attendance of those persons at part or all of any meeting which is to consider the child's case in connection with any aspect of the review of that case.

(3) The responsible authority shall, so far as is reasonably practicable, notify details of the result of the review and of any decision taken by it in consequence of the review to—

- (a) the child;
- (b) his parents;
- (c) any person who is not a parent of his but who has parental responsibility for him; and
- (d) any other person whom it considers ought to be notified.

Arrangements for implementation of decisions arising out of reviews

8. The responsible authority shall make arrangements itself or with other persons to implement any decision which the responsible authority proposes to make in the course of, or as a result of, the review of a child's case.

Monitoring arrangements for reviews

9. Each responsible authority shall monitor the arrangements which it has made with a view to ensuring that they comply with these Regulations.

Recording review information

10. Each responsible authority shall ensure that—

- (a) information obtained in respect of the review of a child's case;
- (b) details of the proceedings at any meeting arranged by the responsible authority at which the child's case is considered in connection with any aspect of the review of that case; and
- (c) details of any decisions made in the course of, or as a result of, the review,

are recorded in writing.

Application of the Regulations to short periods

11.—(1) This regulation applies to cases in which a responsible authority has arranged that a child should be looked after or provided with accommodation for a series of short periods at the same place and the arrangement is such that no single period is to last for more than 4 weeks and the total duration of the periods is not to exceed 90 days in any period of 12 months.

(2) Regulation 3 shall not apply to a case to which this regulation applies, but instead—

- (a) each such case is first to be reviewed within 3 months of the beginning of the first of the short periods;
- (b) if the case continues, the second review shall be carried out not more than 6 months after the first; and
- (c) thereafter, if the case continues, subsequent reviews shall be carried out not more than 6 months after the date of the previous review.

(3) For the purposes of regulation 6, a child shall be treated as continuing to be looked after or provided with accommodation throughout the period that this regulation applies to his case.

Exceptions to application of the Regulations

12. These Regulations shall not apply in the case of a child who is being provided with accommodation, otherwise than on behalf of an authority or voluntary organisation in a school (as defined in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986(3)).

Transitional provisions

13.—(1) Where immediately before 4th November 1996 a child was being looked after or provided with accommodation by a responsible authority, regulation 3 shall have effect subject to paragraphs (2) to (4).

(2) Where a child had been looked after or provided with accommodation by a responsible authority for less than 2 weeks before 4th November 1996 and—

- (a) there has not been a review of the case, that child's case shall be reviewed within 2 weeks of 4th November 1996 and thereafter in accordance with regulation 3(2);
- (b) there has been a review of the case before 4th November 1996, that child's case shall be reviewed thereafter in accordance with regulation 3(2).

(3) Where a child had been looked after or provided with accommodation by a responsible authority for 2 weeks or more, but for less than 3 months, before 4th November 1996 and—

- (a) there has not been a review of the case, that child's case shall be reviewed within 3 months of 4th November 1996 and thereafter at intervals of not more than 6 months after the date of the previous review;
- (b) there has been a review of the case before 4th November 1996, that child's case shall be reviewed thereafter at intervals of not more than 6 months after the date of the previous review.

(4) Where a child had been looked after or provided with accommodation by a responsible authority for 3 months or more, but for less than 6 months, before 4th November 1996 and—

- (a) there has not been a review of the case, that child's case shall be reviewed within 6 months of the day on which the child was first looked after or provided with accommodation and thereafter at intervals of not more than 6 months after the date of the previous review;
- (b) there has been a review of the case by 4th November 1996, that child's case shall be reviewed thereafter at intervals of not more than 6 months after the date of the previous review.

Sealed with the Official Seal of the Department of Health and Social Services on 30th September 1996.

L.S.

P. A. Conliffe
Assistant Secretary

SCHEDULE 1

Regulation 4(4)

Elements to be included in review

1. Keeping informed of the arrangements for looking after the child and of any relevant change in the child's circumstances.
2. Keeping informed of the name and address of any person whose views should be taken into account in the course of the review.
3. Making necessary preparations and providing any relevant information to the participants in any meeting of the responsible authority which considers the child's case in connection with any aspect of the review.
4. Initiating meetings of relevant personnel of the responsible authority and other relevant persons to consider the review of the child's case.
5. Explaining to the child any steps which he may take under the Order including, where appropriate,—
 - (a) his right to apply, with leave, for an Article 8 order (residence, contact and other orders with respect to children);
 - (b) where he is in care, his right to apply for the discharge of the care order; and
 - (c) the availability of the procedure established under the Order for considering representations.
6. Making decisions or taking steps following review decisions arising out of, or resulting from, the review.

SCHEDULE 2

Regulation 5

Considerations to which responsible authorities are to have regard

1. In the case of a child who is in care, whether an application should be made to discharge the care order.
2. Where the responsible authority is an authority, whether it should seek a change in the child's legal status.
3. Arrangements for contact, and whether there is any need for changes in the arrangements in order to promote contact with the child's family and others, so far as is consistent with his welfare.
4. Any special arrangements that have been made or need to be made for the child, including the carrying out of assessments either by an authority or other persons, such as those in respect of special educational need under the Education and Libraries (Northern Ireland) Order 1986(4).
5. The responsible authority's immediate and long-term arrangements for looking after the child or providing the child with accommodation (made pursuant to the provisions of the Arrangements for Placement of Children (General) Regulations (Northern Ireland) 1996(5)), whether a change in those arrangements is needed and consideration of alternative courses of action.
6. Where the responsible authority is an authority, whether an independent visitor should be appointed if one has not already been appointed.
7. The child's educational needs, progress and development.

(4) S.I. 1986/594 (N.I. 3)

(5) S.R. 1996 No. 453

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

8. Whether arrangements need to be made for the time when the child will no longer be looked after or provided with accommodation by the responsible authority.
9. Whether plans need to be made to find a permanent substitute family for the child.

SCHEDULE 3

Regulation 5

Health considerations to which responsible authorities are to have regard

1. The child's state of health.
2. The child's health history.
3. The effect of the child's health and health history on his development.
4. Existing arrangements for the child's medical and dental care and treatment, and health and dental surveillance.
5. The possible need for an appropriate course of action which should be identified to assist necessary change of such care, treatment or surveillance.
6. The possible need for preventive measures, such as vaccination and immunisation, and screening for vision and hearing.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for the review of the cases of children who are looked after by an authority or provided with accommodation by a voluntary organisation or in a registered children's home.

The Regulations make provision for the review of such cases (regulation 2); the time when cases are to be reviewed (regulation 3); the manner in which cases are to be reviewed (regulation 4 and Schedule 1); the considerations to which there should be regard (regulation 5 and Schedules 2 and 3); health reviews (regulation 6); consultation and participation in reviews and notification of results of reviews (regulation 7); the arrangements for implementation of decisions arising out of reviews (regulation 8); monitoring the arrangements for reviews (regulation 9); recording review information (regulation 10); application of the Regulations to children accommodated for short periods (regulation 11); exceptions to the application of the Regulations (regulation 12) and transitional arrangements in relation to certain children accommodated before 4th November 1996 (regulation 13).

Articles 45(1) and (2), 75(4)(a) and (5) and 105(1) and (2)(l) of the Children (Northern Ireland) Order 1995 are the enabling provisions under which these Regulations are made. They were brought into operation on 18th July 1996 by virtue of Article 2(1) of, and Schedule 1 to, the Children (1995 Order) (Commencement No. 3) Order (Northern Ireland) 1996 (S.R. 1996 No. 297 (C. 17)).