

EXPLANATORY MEMORANDUM TO
CHILDREN’S SOCIAL CARE (CONSEQUENTIAL AMENDMENTS)
REGULATIONS (NORTHERN IRELAND) 2022

SR 2022 No. 161

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under the Adoption (Northern Ireland) Order 1987, the Children (Northern Ireland) Order 1995, the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, the Safeguarding Board Act (Northern Ireland) 2011 and the Health and Social Care Act (Northern Ireland) 2022 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Children’s Social Care (Consequential Amendments) Regulations (Northern Ireland), contains the amendments considered necessary to support the transfer of functions under the Adoption Order and Children Order to HSC Trusts, and to ensure necessary representation on the Safeguarding Board for Northern Ireland, following the dissolution of the Regional Board by:
- 2.2. amending the Adoption Agencies Regulations (Northern Ireland) 1989; the Adoption Allowance Regulations (Northern Ireland) 1996; and the Guardians Ad Litem (Panel) Regulations (Northern Ireland) 1996 to omit references to the Regional Board.
- 2.3. amending Schedule 4 to the Voluntary Adoption Agencies Regulations (Northern Ireland) 2010, to remove the column of events notifiable to the Department. On enactment, and in view of the general transitional provision within Article 2(1) of Schedule 3 to the Act, the notifiable events listed in column 5 of Schedule 4 will be notifiable to the Department rather than the Regional Board.
- 2.4. amending the Safeguarding Board for Northern Ireland (Membership, Procedure, Functions and Committee) Regulations (Northern Ireland) 2012 to ensure that the Regional Director of Social Care and Children is represented on the Safeguarding Board (Regulation 3) and the Safeguarding Board’s Case Management Review Panel (Regulation 35)

3. Background

- 3.1. The Health and Social Care Act (Northern Ireland) 2022 (“the Act”) became law on 2 February 2022. The Act will dissolve the Regional Health and Social Care Board (“the Regional Board”) and make provision for the exercise by the Department of Health (“the Department”) and Health and Social Care Trusts (“HSC Trusts”) of the functions of the Board, from 1 April 2022

- 3.2. The Act amends Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 to confer responsibility for exercising specified social care and children functions to Trusts. These include functions under the Adoption (Northern Ireland) Order 1987 (“the Adoption Order”) and the Children (Northern Ireland) Order 1995 (“the Children Order”). The Act also amends the Safeguarding Board Act (Northern Ireland) 2011 (“the Safeguarding Board Act”).
- 3.3. The Act makes provision that in any statutory provision or statutory document, any reference to the Regional Board, in relation to any time after the dissolution date, is to be read as a reference to the Department.
- 3.4. Having reviewed the subordinate legislation made under the Adoption Order, the Children Order and the Safeguarding Board Act, it is considered that this general transitional provision is not appropriate for every reference to the Regional Board in that subordinate legislation. Further amending Regulations are therefore required.

4. Consultation

- 4.1. There was a policy consultation carried out in 2016 on proposals to dissolve the Regional Board. As the Bill did not deviate from the initial policy consulted on, no further consultation on the Bill was considered necessary. The Department proceeded with making this legislation on the same basis, given that the amendments it provides for are technical in nature.

5. Equality Impact

- 5.1. Equality screening of the policy decision on closure of the Regional Board was carried out in 2016 and the need for a full Equality Impact Assessment on the policy was not considered necessary

6. Regulatory Impact

- 6.1. Regulatory screening was carried out on original policy decision on closure of the Regional Board and the need for a full Regulatory Impact Assessment was not considered necessary.

7. Financial Implications

- 7.1. No additional costs are envisaged.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. Consideration has been given to the human rights implications of the policy to close the Regional Board. The policy was considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable

10. Parity or Replicatory Measure

- 10.1. Not applicable

11. Additional Information

- 11.1. Not applicable