

STATES OF JERSEY

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DRAFT CHILDREN (PLACEMENT) (JERSEY) REGULATIONS 200-

Lodged au Greffe on 5th July 2005
by the Health and Social Services Committee

STATES GREFFE



Jersey

DRAFT CHILDREN (PLACEMENT) (JERSEY) REGULATIONS 200-

REPORT

If adopted, the Children (Placement) (Jersey) Regulations 200- will bring into force the steps to be taken by the Health and Social Service Committee when making arrangements for placing a child.

These Regulations are necessary to ensure that accommodation and maintenance for children looked after by the Committee is of an appropriate standard to meet their needs and protect their interests. The Regulations detail the actions to be taken by officers acting on behalf of the Committee when placing a child with family, foster parents or others. Their aim is –

- to ensure the welfare and safety of children living away from home;
- to ensure that alternatives to care are carefully considered so that the child's life is disrupted as little as possible, so long as this is consistent with the need to protect their welfare;
- to ensure that contact with parents and others may continue except in circumstances where this might endanger the child;
- to ensure that any necessary legal action is taken to protect the child's welfare, but that this is proportionate to the assessed needs;
- to ensure that the child's health and educational needs are taken into account when deciding upon the most appropriate placement.

The key duties of the Committee under the Regulations are as follows:

Children not in the Committee's care

In cases where a child who is not in care is to be accommodated, the Committee must, so far as is possible, agree arrangements with the parent or parents or those with parental responsibility, prior to the placement being made. This might arise, for example, where in order to minimise disruption and distress, a child is temporarily placed with a family member or a trusted neighbour in an emergency situation. The Regulations detail the aspects of the placement that must be taken into account. These include the type of accommodation to be provided and the details of the carer/s. It is also necessary to decide the level to which day-to-day parental responsibility for the child will be delegated to the Committee during the course of the placement.

Placement with parents and others

The Regulation specify the duties of the Committee when placing a child in care with their parent/s, or in the care of someone in whose favour a Parental Responsibility Order or Residence Order has been made. An example of this might be where a child has spent a period in a Children's Home and a plan for rehabilitation home to the care of a parent has been agreed. The Committee must make enquiries to establish the suitability of the proposed placement, the suitability of all members of the household, and the capacity of the placement to meet the child's needs.

General arrangements

Prior to making any placement, the Committee must make all reasonable efforts to reach agreement on a number of issues with the person who will have care of the child. Matters to be agreed include the support and supervision of the placement, and the requirement for the carer to notify the Committee of any relevant changes to the household. Arrangements for emergency placements, for short-term placements and placements out of the Island are also set down.

Placement with foster carers

Foster Carers must be approved by the Committee before a child may be placed with them. Prior to approval and registration, a comprehensive process of information-gathering and assessment must be undertaken to ensure their suitability. There is also a requirement to conduct checks on all other adult members of the prospective carer's household. Before a child is placed, the foster carer is required to enter an agreement with the Committee which covers amongst other things the level of support and training to be provided, and the requirement for the foster carer to keep the Committee fully informed of changes in household composition or personal circumstances. Foster carers must observe the confidentiality of information about the child in their care and are not permitted to use corporal punishment. There are provisions for reviews and de-registration, specific restrictions on some placements, terminations of placements and arrangements for emergency placements.

Creation and maintenance of records

The Committee must compile and keep up-to-date records on each child it places, on each approved foster carer, and on any other person with whom it places a child. A register of approved foster carers, and a register of children placed must also be maintained. Requirements as to confidentiality and the required period for retention of records are laid down.

The States is asked to approve the Children (Placement) (Jersey) Regulations 200- so that they may come into force on the same day as the Children (Jersey) Law 2002, namely 1st August 2005.

Financial and manpower statement

There are no financial or manpower implications for the States arising from these draft Regulations.

Explanatory Note

These Regulations provide the framework of provisions governing the provision of accommodation and maintenance by the Committee for children it is under a duty to look after. They govern placement with family and others as well as with foster parents.

Part 1 contains the definitions.

Part 2 contains the general duties of the Committee in making arrangements for the placement of a child, including health requirements. The matters to which the Committee is to have regard are set out in *Schedule 1* and if the child to be placed is not in the care of the Committee the arrangements must include the matters specified in *Schedule 2*.

Part 3 governs placement with parents, any other person with parental responsibility for the child or with a person in whose favour a residence order has been made. The duties of the Committee are specified, including the inquiries to be made as to the suitability of the placement. The matters to be taken into account are set out in *Schedule 3*. There is provision for immediate placements.

The Committee has to, so far as is reasonably practicable, reach agreement with the person with whom the child is to be placed on all the particulars specified in *Schedule 4*. There are further provisions as to notification, support and supervision and termination of placements.

Part 4 is concerned with the placement of children with foster parents. Except in the case of an immediate placement the proposed foster parent must be approved by the Committee. The information required before an approval may be given is set out in *Schedule 5*. Before the child is placed the foster parent is required to enter into a foster care agreement with the Committee covering the matters specified in *Schedule 6*.

There are provisions for reviews and terminations of approval, some restrictions on placements, support and supervision, termination of placements and emergency and immediate placements. Except in the case of emergency and immediate placements foster parents are required to enter into a foster placement agreement covering the matters set out in *Schedule 7*.

Part 5 is concerned with record-keeping. The Committee has to compile and maintain a case record for each child it places and for approved foster parents and other persons with whom each child is placed. A register of placements and a register of foster parents are to be maintained and required periods for retention of records and registers are prescribed. There are requirements as to confidentiality.

Part 6 contains a modification of certain provisions in their application to short-term placements, a provision in respect of placements outside of Jersey, a provision consequential on the move to Ministerial government (the details of which are in *Schedule 8*) and the usual citation and commencement provision.

The Regulations are to come into force on 1st August 2005, the same day as the Children (Jersey) Law 2002 is brought into force.



Jersey

DRAFT CHILDREN (PLACEMENT) (JERSEY) REGULATIONS 200-

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Jersey

DRAFT CHILDREN (PLACEMENT) (JERSEY) REGULATIONS 200-

Made

[date to be inserted]

Coming into force

in accordance with Regulation 28

THE STATES, in pursuance of Article 20 of and Schedule 2 to the Children (Jersey) Law 2002^[1], have made the following Regulations –

PART 1

PRELIMINARY

1 Interpretation

- (1) In these Regulations, unless the context otherwise requires –
 - “foster care agreement” means the agreement mentioned in Regulation 14(6);
 - “foster parent” means the person with whom a child is or is proposed to be placed under Part 4;
 - “foster placement agreement” means the agreement mentioned in Regulation 16(3);
 - “Law” means the Children (Jersey) Law 2002
 - “placement” means the provision of accommodation and maintenance by the Committee for any child whom the Committee is looking after by the means specified in Article 20(1)(a) and (c) of the Law, but does not mean placement of a child for adoption, and “place”, “placing” and “placed” shall be construed accordingly.
- (2) Any notice required under these Regulations must be given in writing and may be sent by post.

PART 2

GENERAL DUTIES OF COMMITTEE

2 Arrangements for placement

- (1) Before placing a child the Committee shall, so far as is reasonably practicable, make immediate and long-term arrangements for that placement and for promoting the welfare of the child who is to be placed.
- (2) If it is not practicable to make those arrangements before the placement the Committee shall make them as soon as reasonably practicable thereafter.
- (3) Where a child has reached the age of 16 and agrees to being provided with accommodation under Article 17 of the Law, the arrangements shall, so far as reasonably practicable, be agreed by the Committee with the child before a placement is made or, if that is not reasonably practicable, as soon

as is reasonably practicable thereafter.

- (4) In any other case in which a child who is not in the care of the Committee is provided with accommodation by it, the arrangements shall, so far as reasonably practicable, be agreed by the Committee with –
 - (a) a person with parental responsibility for the child; or
 - (b) if there is no such person, the person who is caring for the child,before a placement is made or, if that is not reasonably practicable, as soon as is reasonably practicable thereafter.
- (5) Any arrangements made by the Committee under this Regulation shall be recorded in writing.

3 Considerations on making, and contents of, arrangements

- (1) In making the arrangements referred to in Regulation 2 the Committee shall have regard, so far as is reasonably practicable, to the considerations specified in Schedule 1.
- (2) If the child to be placed is not in the care of the Committee, the arrangements referred to in Regulation 2 shall include, so far as is reasonably practicable, arrangements concerning the matters specified in Schedule 2.

4 Notification of arrangements

- (1) The Committee shall, so far as is reasonably practicable, notify the following persons before the placement is made, of the arrangements to place the child –
 - (a) any person whose wishes and feelings have been sought under Article 19(2) of the Law;
 - (b) if the child is of compulsory school age (within the meaning of the Education (Jersey) Law 1999^[2]), the Education, Sport and Culture Committee;
 - (c) the child's doctor;
 - (d) any person, not being an officer of the Committee, who was caring for the child immediately before the arrangements are made;
 - (e) if the child is not in the care of the Committee, any person in whose favour a contact order is in force with respect to the child; and
 - (f) if the child is in the care of the Committee, any person who has contact with the child under Article 27 of the Law or an order under that Article.
- (2) If it is not reasonably practicable for the Committee to give the notification before the placement, the Committee shall give it as soon as reasonably practicable thereafter.
- (3) The Committee shall send a copy of the arrangements referred to in Regulation 2, or such part of the arrangements as the Committee considers will not prejudice the welfare of the child, with the notification referred to in paragraph (1).
- (4) However in the case of notification to the persons specified in paragraph (1)(b) to (f) the Committee shall send details of only such part of the arrangements as the Committee considers those persons need to know.

5 Health requirements

- (1) Subject to paragraphs (3) and (4), the Committee shall–
 - (a) before making a placement, or if that is not reasonably practicable, as soon as reasonably practicable after a placement is made, make arrangements for a doctor to conduct an assessment, which may include a physical examination, of the child's state of health;

- (b) require the doctor who conducts the assessment to prepare a written report of the assessment addressing the considerations specified in paragraph 2 of Schedule 1; and
 - (c) having regard to those considerations, and, unless paragraph (4) applies, to the assessment report, prepare a plan for the future health care of the child if one is not already in existence.
- (2) The Committee shall ensure that each child is provided during the placement with –
- (a) health care services, including medical and dental care and treatment; and
 - (b) advice and guidance on health, personal care and health promotion issues appropriate to the child's needs.
- (3) Paragraph (1) does not apply if, within a period of 3 months immediately preceding the placement, the child's health has been assessed and a report of the assessment prepared in accordance with that paragraph.
- (4) Paragraph (1)(a) and (b) do not apply if the child, being of sufficient understanding to do so, refuses to consent to the assessment.

PART 3

PLACEMENT WITH PARENTS, ETC

6 Scope of Part 3

- (1) This Part shall apply to every child who is in the care of the Committee and who is, or is proposed to be, placed with –
- (a) his or her parent;
 - (b) a person other than his or her parent but who has parental responsibility for the child; or
 - (c) if there was a residence order in force with respect to the child immediately before the care order was made, a person in whose favour the residence order was made.
- (2) If a child who is to be placed is aged 16 or over Regulations 7, 8, 9, 10, 11 and 12(2) shall not apply.
- (3) Nothing in these Regulations shall require the temporary removal of a child from the person with whom the child is already living and with whom the child may be placed.
- (4) These Regulations shall not apply in a case to the extent that they are incompatible with any order made by a court under Article 27 of the Law concerning contact with children in the care of the Committee.

7 Duties of Committee in relation to Part 3 placements

- (1) The Committee shall not place a child under this Part unless the Committee is satisfied that –
- (a) the placement is the most suitable way of performing the Committee's duty under Article 19(1) of the Law; and
 - (b) the placement that the Committee is considering is the most suitable placement available having regard to all the circumstances, and in particular the matters specified in paragraph (2).
- (2) Before placing a child under this Part, the Committee shall make all necessary enquiries in respect of –
- (a) the health of the child;
 - (b) the suitability of the person with whom it is proposed that the child should be placed;
 - (c) the suitability of the proposed accommodation, including the proposed sleeping arrangements;
 - (d) the educational and social needs of the child; and

- (e) the suitability of all other members of the household, aged 16 and over, in which it is proposed that the child will live.
- (3) In considering the suitability of a person as required by paragraph (2)(b) or (e), the Committee shall so far as is reasonably practicable, take into account the particulars specified in paragraphs 1 or 2 of Schedule 3 as the case may be.

8 Immediate placements

- (1) Subject to paragraph (2), nothing in Regulation 7 shall prevent the immediate placement of a child in circumstances in which the Committee considers it to be necessary and in accordance with the Committee's duty under Article 19(1) of the Law, and in such a case the Committee shall take steps to ensure that any provisions of this Part that were not complied with before such placement are complied with as soon as is reasonably practicable thereafter.
- (2) Before an immediate placement is made under this Regulation the Committee shall –
 - (a) arrange for the person with whom the child is to be placed to be interviewed in order to obtain as much of the information specified in paragraph 1 of Schedule 3 as can be readily ascertained at the interview; and
 - (b) arrange to obtain as much of the information specified in paragraph 2 of Schedule 3 in relation to other members of the household aged 16 and over, in which it is proposed that the child will live, as can be readily ascertained at the time of that interview.

9 Agreements

When the Committee has decided to place a child under this Part the Committee shall, so far as is reasonably practicable, seek to reach agreement with the person with whom the child is to be placed on all the particulars specified in Schedule 4 and the placement shall not be put into effect unless and until –

- (a) agreement on all such particulars has been reached;
- (b) the agreement has been recorded in writing; and
- (c) a copy of the agreement has been given or sent to that person.

10 Notification of placements

- (1) Subject to paragraph (3) the Committee shall, so far as is reasonably practicable, give notice of where the child is to be placed to all the persons whose wishes and feelings have been sought under Article 19(2) of the Law in relation to the decision to place the child, and to the persons specified in paragraph (4).
- (2) If the child is placed with a person other than a parent the notice under paragraph (1) shall contain–
 - (a) the name and address of the person with whom the child is placed;
 - (b) particulars of arrangements for contact with the child; and
 - (c) any other particulars relating to the care and welfare of the child that the Committee considers should be supplied.
- (3) The Committee need not give notice under paragraph (1) in the case of a person whose whereabouts are unknown to the Committee, or cannot be readily ascertained, or in any case where the Committee determines that to give such notice would not be in the best interests of the child.
- (4) For the purposes of paragraph (1) the persons specified are–
 - (a) the Education, Sport and Culture Committee;
 - (b) the child's doctor;
 - (c) any person, not being an officer of the Committee, who has been caring for the child

immediately before the placement; and

- (d) where there was a residence order in force with respect to the child immediately before the care order was made, the person in whose favour the residence order was made.

11 Support and supervision of Part 3 placements

- (1) The Committee shall satisfy itself that the welfare of each child placed by the Committee continues to be appropriately provided for by the placement and for that purpose shall –
 - (a) give such advice and assistance to the person with whom the child is placed as appears to the Committee to be necessary; and
 - (b) make arrangements for a person authorized by the Committee to visit the child from time to time as necessary but in any event –
 - (i) within one week of the beginning of the placement,
 - (ii) at intervals of not more than 6 weeks during the first year of the placement, and
 - (iii) thereafter at intervals of not more than 3 months and also whenever reasonably requested by the child or the person with whom the child is placed.
- (2) On each occasion when a child is visited under this Regulation the Committee shall ensure that the person that the Committee has authorized to visit the child –
 - (a) so far as is reasonably practicable, sees the child alone; and
 - (b) prepares a written report of the visit.

12 Termination of Part 3 placements

- (1) If it appears to the Committee that the placement is no longer in accordance with the Committee's duty in respect of the child under Article 19(1) of the Law or would prejudice the safety of the child the Committee shall terminate the placement and shall remove the child forthwith from the person with whom the child is placed.
- (2) The Committee shall, so far as is reasonably practicable –
 - (a) give notice of any decision to terminate the placement before it is terminated to –
 - (i) the child, having regard to the child's age and understanding,
 - (ii) the other persons whose wishes and feelings have been sought under Article 19(2) of the Law in relation to the decision to terminate the placement,
 - (iii) the person with whom the child is placed,
 - (iv) the persons mentioned in Regulation 10(4); and
 - (b) give notice of the termination of the placement to the persons mentioned in sub-paragraph (a) (ii) and (iv).

PART 4

PLACEMENT WITH FOSTER PARENTS

13 Scope of Part 4

- (1) This Part applies to any placement of a child by the Committee to which Part 3 does not apply, other than the placement of a child not in the care of the Committee with a parent of the child or other person having parental responsibility for the child.
- (2) If a care order is in force the application of this Part is subject to any direction given by the court (whether or not it was given after the commencement of these Regulations).

- (3) Nothing in this part requires the temporary removal of a child from a person with whom the child is already living before placement under this Part.

14 Approval of foster parents

- (1) Except in the case of an immediate placement under Regulation 19, a child shall not be placed with any person unless the person is approved by the Committee as a foster parent under this Regulation.
- (2) Before approving a person as a foster parent the Committee shall –
 - (a) interview 2 persons whose names and addresses have been given by the person as referees; and
 - (b) obtain so far as practicable the information specified in Schedule 5 relating to the person and other members of the person's household and family.
- (3) If, having regard to the matters mentioned in paragraph (2), the Committee is satisfied that the person is suitable to act as a foster parent and that the person's household is suitable for any child in respect of whom approval is given, the Committee may approve the person as a foster parent.
- (4) The Committee shall not approve a person as a foster parent if the person is disqualified for carrying on a voluntary home or for fostering a child privately under Schedule 4 of the Law unless the person has disclosed the disqualification to the Committee.
- (5) An approval given under this Regulation may specify that it is given in respect of –
 - (a) a particular named child or children;
 - (b) a particular number and age range of children; or
 - (c) placements of any particular kind or in any particular circumstances,and the Committee shall give notice of any such specification to the foster parent.
- (6) Before the Committee places a child with a foster parent the Committee shall require the foster parent to enter into a foster care agreement with the Committee in writing and covering the matters specified in Schedule 6.
- (7) If the Committee decides not to approve a person as a foster parent the Committee shall give the person notice of the decision and the reasons for it.

15 Reviews and terminations of approval

- (1) Where a foster parent has been approved under Regulation 14 the Committee shall review, at intervals of not more than a year, whether or not the foster parent and the foster parent's household continue to be suitable and shall consult the foster parent as part of the review.
- (2) If, as the result of the review, the Committee is no longer satisfied –
 - (a) that the specification mentioned in Regulation 14(5) is appropriate the Committee shall revise the terms; or
 - (b) that the foster parent or the foster parent's household are suitable the Committee shall terminate the approval from a date to be specified in the notice under paragraph (3).
- (3) The Committee shall prepare a report of the review and give notice to the foster parent of the decision, including any decision to revise the specification mentioned in Regulation 14(5) and the reasons for the decision.
- (4) If a foster parent notifies the Committee that the foster parent no longer wishes to act as such, or if the Committee is otherwise satisfied that the foster parent no longer so wishes, the Committee shall terminate the approval from a date specified by notice to the foster parent.

16 Restrictions on Part 4 placements

- (1) The Committee shall not place a child under this Part unless the Committee is satisfied that –
 - (a) the placement is the most suitable way of performing the Committee’s duty under Article 19(1) of the Law; and
 - (b) the placement it is considering is the most suitable placement available having regard to all the circumstances.
- (2) In making arrangements for a placement the Committee shall secure that where possible the foster parent –
 - (a) is of the same religious persuasion as the child; or
 - (b) gives an undertaking that the child will be brought up in that religious persuasion.
- (3) Except in the case of an emergency or immediate placement under Regulation 19, the Committee shall not place a child unless the Committee and the foster parent have entered into a foster placement agreement relating to the child in writing and covering the matters specified in Schedule 7.

17 Support and supervision of Part 4 placements

- (1) The Committee shall satisfy itself that the welfare of each child that the Committee has placed continues to be appropriately provided for by the placement and for that purpose shall –
 - (a) give such advice and assistance to the foster parent as appears to the Committee to be necessary; and
 - (b) make arrangements for a person authorized by the Committee to visit the child, in the home in which the child is placed, from time to time as circumstances may require and when reasonably requested by the child or the foster parent and in particular (but subject to Regulation 25(3)) –
 - (i) within one week of the beginning of the placement,
 - (ii) at intervals of not more than 6 weeks during the first year of the placement, and
 - (iii) thereafter at intervals of not more than 3 months and also whenever reasonably requested by the child or the person with whom the child is placed.
- (2) In case of an emergency or immediate placement under Regulation 19 the Committee shall arrange for the child to be visited at least once in each week during the placement.
- (3) On each occasion when a child is visited under this Regulation the Committee shall ensure that the person the Committee has authorized to visit the child –
 - (a) so far as is reasonably practicable, sees the child alone; and
 - (b) prepares a written report of the visit.

18 Termination of Part 4 placements

The Committee shall terminate a placement under this Part if the Committee considers that the placement is no longer the most suitable way of performing the Committee’s duty under Article 19(1) of the Law.

19 Emergency and immediate placements

- (1) Subject to paragraph (2), where arrangements have been made for the placement of a child in an emergency the Committee may for a period not exceeding 72 hours place the child with any person approved under Regulation 14.
- (2) Before making an emergency placement under paragraph (1) the Committee shall–
 - (a) satisfy itself that it is the most suitable way of performing the Committee’s duty under Article 19(1) of the Law; and

- (b) obtain a written agreement from the person with whom the child is to be placed that the person will carry out the duties specified in paragraph (4).
- (3) If the Committee is satisfied that the immediate placement of a child is necessary the Committee may, for a period not exceeding 12 weeks, place the child with a person who has not been approved under Regulation 14 provided that –
 - (a) the person is a relative or friend of the child;
 - (b) the person has made a written agreement with the Committee to carry out the duties specified in paragraph (4); and
 - (c) after interviewing the person, inspecting the person’s accommodation and obtaining information about other persons living in the person’s household, the Committee is satisfied that the placement is the most suitable way of performing the Committee’s duty under Article 19(1) of the Law.
- (4) The duties referred to in paragraph (2)(b) and (3)(b) are–
 - (a) to care for the child as if the child were a member of that person’s family;
 - (b) to permit any person authorized by the Committee to visit the child at any time;
 - (c) if the placement is terminated, to allow the Committee to remove the child at any time;
 - (d) to ensure that any information that the person may acquire relating to the child, or to the child’s family or any other person that has been given to the person in confidence in connection with the placement is kept confidential and is not disclosed except to, or with the agreement of, the Committee; and
 - (e) to allow contact with the child in accordance with –
 - (i) Article 27 of the Law in relation to a child in care,
 - (ii) a contact order, and
 - (iii) any arrangements made or agreed by the Committee.

PART 5

RECORDS

20 Establishment of records

- (1) The Committee shall compile and maintain a written case record in respect of each child whom the Committee places.
- (2) The record shall include –
 - (a) a copy of the arrangements referred to in Regulation 2;
 - (b) a copy of any written report in the Committee’s possession concerning the welfare of the child;
 - (c) a copy of any document considered or record established in the course of or as a result of a review of the child’s case;
 - (d) details of arrangements for contact, of contact orders and of other court orders relating to the child; and
 - (e) details of any arrangements whereby another person acts on behalf of the Committee.

21 Case records for foster parents and others with whom a child is placed

- (1) The Committee shall compile and maintain a record for each foster parent whom the Committee has approved under Regulation 14 and for each person, not being an approved foster parent, with whom a child is placed under Regulation 19.

- (2) Every document compiled under paragraph (1) shall include copies of each of the documents specified in paragraph (3) and the information specified in paragraph (4).
- (3) The documents referred to in paragraph (2) are–
 - (a) the notice of approval under Regulation 14;
 - (b) the foster care agreement;
 - (c) any report of review of approval as mentioned in Regulation 15(3);
 - (d) any notice of termination of approval under Regulation 15(3) or (4); and
 - (e) any agreement specified in Regulation 19(3)(b).
- (4) The information referred to in paragraph (2) is–
 - (a) a record of each placement with the foster parent or person, not being an approved foster parent, with whom the child is placed under Regulation 19, including the name, age and sex of each child placed, the dates on which each placement began and terminated and the circumstances of the termination;
 - (b) the information obtained by the Committee in relation to the approval of the foster parent and in relation to any review of termination of the approval; and
 - (c) the information obtained under Regulation 19(3)(c).
- (5) The Committee shall compile a record for each person to whom notice is given under Regulation 14 (7) that the person is not approved as a foster parent, the record to include a copy of the notice and the information as to the person and the person's household and family obtained by the Committee under Regulation 14(2)(b).

22 Register of placements

The Committee, shall, in respect of every child placed, enter into a register to be maintained for the purpose –

- (a) the name, sex and date of birth of the child;
- (b) the name and address of the person with whom the child is placed and, if different, of the child's parent or other person not being a parent of the child who has parental responsibility for the child;
- (c) whether the Committee considers that the child is at risk of being abused; and
- (d) the date on which each placement of the child began and terminated and the reason for each termination.

23 Register of foster parents, etc

- (1) The Committee shall enter in a register maintained for the purpose the particulars specified in paragraph (2) for each foster parent approved under Regulation 14 and each person, not being an approved foster parent, with whom a child is placed under Regulation 19.
- (2) The particulars mentioned in paragraph (1) are–
 - (a) the name and address of the foster parent (or, where foster parents are approved jointly, of both foster parents) or other person with whom the child is placed under Regulation 19;
 - (b) the date of the approval under Regulation 14 or agreement specified in Regulation 19(3)(b) and
 - (c) the terms of the notice of approval under Regulation 14 or of the agreement specified in Regulation 19(3)(b) as for the time being in force.

24 Retention and confidentiality of records

- (1) A case record relating to a child who is placed shall be retained until the 75th anniversary of the date of birth of the child to whom it relates or, if the child dies before attaining the age of 18, for a period of 15 years beginning with the date of the child's death.
- (2) Entries in the register maintained under Regulation 22 shall be retained until the child to whom the entry relates attains the age of 23 or, if the child has died before attaining 23, the period of 5 years beginning with the date of the child's death.
- (3) The record for a foster parent or other person compiled under Regulation 21 and any entry relating to the foster parent or other person in the register maintained under Regulation 23 shall be retained for at least 10 years from the date on which the foster parent's approval is terminated, or until the foster parent's death, whichever is the earlier.
- (4) The Committee shall secure the safe keeping of any register or record required to be retained under this Part and shall take all necessary steps to ensure that information contained in them is treated as confidential, subject only to –
 - (a) any provision of or under any enactment under which access to such records or information may be obtained or given;
 - (b) any court order under which access to such records or information may be obtained or given.

PART 6

MISCELLANEOUS PROVISIONS

25 Application of Regulations to short-term placements

- (1) This Regulation applies where the Committee has arranged to place a child in a series of short-term placements with the same person and the arrangement is that –
 - (a) no single placement is to last for more than 4 weeks; and
 - (b) the total duration of the placements is not to exceed 120 days in any period of 12 months.
- (2) Any series of short-term placements to which this Regulation applies may be treated as a single placement for the purposes of these Regulations but with the modifications set out in paragraph (3).
- (3) Regulations 11(1)(b) and 17(1)(b) shall apply as if those paragraphs required arrangements to be made for visits to the child on a day when the child is in fact placed (a "placement day") –
 - (a) within the first 7 placement days of a series of short-term placements; and
 - (b) thereafter, if the series of short term placements continues, at intervals of not more than 6 months or, if the interval between placements exceeds 6 months, during the next placement.

26 Placements outside Jersey

Where the Committee makes arrangements to place a child outside Jersey the Committee shall take steps to ensure that, so far as is reasonably practicable, the requirements that would have applied under these Regulations, had the child been placed in Jersey, are complied with.

27 Amendments consequential upon move to Ministerial government

Schedule 8 shall have effect for the purpose of amending these Regulations in the event of the commencement of Article 42(3) of the States of Jersey Law 2005.^[31]

28 Citation and commencement

- (1) These Regulations may be cited as the Children (Placement) Regulations 200.
- (2) These Regulations, apart from Schedule 8, shall come into force on 1st August 2005.
- (3) Schedule 8 shall come into force on the same day that Article 42(3) of the States of Jersey Law 200 comes into force.

SCHEDULE 1

(Regulation 3(1))

CONSIDERATIONS TO WHICH THE COMMITTEE IS TO HAVE REGARD IN MAKING ARRANGEMENTS FOR PLACEMENT

1 General considerations

- (1) In the case of a child who is in the care of the Committee, whether an application should be made to discharge the care order.
- (2) Whether the Committee 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 the child's welfare.
- (4) The Committee's immediate and long term arrangements for the child, previous arrangements in respect of the child, and whether a change in those arrangements is needed and consideration of alternative courses of action.
- (5) Whether an independent visitor should be appointed if one has not already been appointed.
- (6) Whether arrangements need to be made for the time when the child will no longer be looked after by the Committee.
- (7) Whether plans need to be made to find a permanent substitute family for the child.

2 Health considerations

- (1) The child's state of health, including physical, emotional and mental health.
- (2) The child's health history including, as far as practicable the child's family health history.
- (3) The effect of the child's health and health history on the child's development.
- (4) Existing arrangements for the child's medical and dental care, treatment and surveillance.
- (5) The possible need for an appropriate course of action to assist any necessary change in such care, treatment or surveillance.
- (6) The possible need for preventive measures such as vaccination and immunisation, and screening for vision and hearing, and for advice and guidance on health, personal care and health promotion issues appropriate to the child's needs.

3 Educational considerations

- (1) The child's educational history.
- (2) The need to achieve continuity in the child's education.
- (3) The need to identify any educational need that the child may have and to take action to meet that need.
- (4) The need to carry out any assessment in respect of any special educational need under Article 30 of the Education (Jersey) Law 1999 and to meet any such needs identified by the assessment.

SCHEDULE 2

(Regulation 3(2))

MATTERS TO BE INCLUDED IN ARRANGEMENTS TO ACCOMMODATE CHILDREN WHO ARE NOT IN CARE

1. The type of accommodation to be provided and its address together with the name of any person who will be responsible for the child at that accommodation on behalf of the Committee.
2. The details of any services to be provided for the child.
3. The respective responsibilities of the Committee and –
 - (a) the child;
 - (b) any parent of the child; and
 - (c) any person who is not a parent of the child but who has parental responsibility for the child.
4. What delegation there has been by the persons referred to in paragraph 3(b) and (c) to the Committee of parental responsibility for the child's day to day care.
5. The arrangements for involving those persons and the child in decision making with respect to the child having regard to the Committee's duty under Article 17(6) of the Law to ascertain and give due consideration to the child's wishes and the Committee's general duty in relation to children the Committee looks after under Article 19 of the Law.
6. The arrangements for contact between the child and –
 - (a) the child's parents;
 - (b) any person who is not a parent of the child but who has parental responsibility for the child; and
 - (c) any relative, friend or other person connected with the child,and if appropriate, the reasons why contact with any such person would not be reasonably practicable or would be inconsistent with the child's welfare.
7. The arrangements for notifying changes in arrangements for contact to any of the persons referred to in paragraph 6.
8. In the case of a child who has reached the age of 16 whether the child agrees to being provided with accommodation under Article 17 of the Law.
9. The expected duration of arrangements and the steps that should apply to bring the arrangements to an end, including arrangements for rehabilitation of the child with the person with whom the child was living before the arrangements were made or some other suitable person, having regard in particular to Article 20(2) of, and paragraph 2 of Schedule 2 to, the Law.

SCHEDULE 3

(Regulation 7(3))

MATTERS TO BE TAKEN INTO ACCOUNT IN CONSIDERING SUITABILITY OF PLACEMENTS UNDER PART 3

1. In respect of a person with whom it is proposed the child should be placed –
 - (a) age;
 - (b) health;
 - (c) personality;
 - (d) marital status and particulars of any previous marriage;
 - (e) previous experience of looking after and capacity to look after children and capacity to care for the child;
 - (f) the result of any application to have a child placed with the person to adopt a child or of any application for registration under Article 2 of the Day Care of Children (Jersey) Law 2002^[4] (registration of day carers) or any previous legislation of like effect and details of any prohibition on the person acting as a day carer, providing day care, or caring for foster children privately or for children in a voluntary home or children's home;
 - (g) details of children in the person's household, whether living there or not;
 - (h) religious persuasion and degree of observance, racial origin and cultural and linguistic background;
 - (i) past and present employment and leisure activities and interests;
 - (j) details of the living standards and particulars of accommodation of the person's household;
 - (k) subject to the provisions of the Rehabilitation of Offenders (Jersey) Law 2001^[5] and any Regulations made under it, any criminal conviction.
2. In respect of members of the household aged 16 and over of a person with whom a child is to be placed, so far as is practicable, all the particulars specified in paragraph 1(a), (b), (c), (d), (f), (i), and (k).

SCHEDULE 4

Regulation 9

MATTERS ON WHICH THERE SHOULD BE AGREEMENT WITH THE PERSON WITH WHOM A CHILD IS TO BE PLACED UNDER PART 3

1. The Committee's plans for the child and the objectives of the placement.
2. The arrangements for support of the placement.
3. Arrangements for visiting the child in connection with the supervision of the placement by the person authorized by or on behalf of the Committee, and frequency of visits.
4. Arrangements for contact, if any, (including prohibition of contact) in pursuance of Article 27 of the Law (parental contact etc for children in care).
5. Removal of the child from the placement in the circumstances specified in Regulation 12.
6. The need to notify the Committee of relevant changes in circumstances of the person with whom the child is placed, including any intention to change the child's address, changes in the household in which the child will live and any serious occurrence involving the child such as injury or death.
7. The provision of a statement concerning the health of the child, the child's need for health care and surveillance, and the child's educational needs and the Committee's arrangements to provide for all such needs.
8. Any arrangements for any delegation and exercise of responsibility for consent to medical examination or treatment.
9. The need to ensure that any information relating to any child or the child's family or any other person given in confidence to the person with whom the child is placed in connection with the placement is kept confidential and that such information is not disclosed to any person without the consent of the Committee.
10. The circumstances in which it is necessary to obtain in advance the approval of the Committee for the child living, even temporarily, in a household other than the household of the person with whom the child has been placed.
11. The arrangements for requesting a change in the agreement.

SCHEDULE 5

(Regulation 14(2)(b))

INFORMATION AS TO PROSPECTIVE FOSTER PARENT AND OTHER MEMBERS OF HIS OR HER HOUSEHOLD AND FAMILY

1. The person's full name, address and date of birth.
2. Details of the person's health (supported by a medical report), personality, marital status and details of any current and previous marriage or long-term relationship.
3. Particulars of the other adult members of the person's household.
4. Particulars of the children in the person's family, whether or not members of the person's household, and any other children in the household.
5. Particulars of the person's accommodation.
6. The person's religious persuasion, the degree of the person's religious observance and the person's capacity to care for a child from any particular religious persuasion.
7. The person's racial origin, cultural and linguistic background and capacity to care of a child from any particular racial origin or cultural or linguistic background.
8. The person's past and present employment or occupation, standard of living and leisure activities and interests.
9. The person's previous experience (if any) of caring for his or her own, and other, children.
10. The person's skills, competence and potential relevant to his or her capacity to care effectively for a child placed with him or her.
11. Subject to the Rehabilitation of Offenders (Jersey) Law 2001 and any Regulations made under it any criminal convictions of the person and those of any adult members of the person's household.
12. The names and addresses of 2 persons who will provide personal reference for the person.
13. The outcome of any request or application made by the person or any other member of his or her household to foster or adopt children or for registration under Article 2 of the Day Care of Children (Jersey) Law 2002 or any previous legislation of like effect.

SCHEDULE 6

(Regulation 14(6))

MATTERS AND OBLIGATIONS TO BE COVERED IN FOSTER CARE AGREEMENTS

1. The terms of the foster parent's approval.
2. The amount of support and training to be given to the foster parent.
3. The procedure for the review of approval of a foster parent.
4. The procedure in connection with the placement of foster children, and in particular –
 - (a) the matters to be covered in any foster placement agreement and the respective obligations under any such agreement of the Committee and the foster parent;
 - (b) the Committee's arrangements for meeting any legal liabilities of the foster parent arising by reason of the placement; and
 - (c) the procedure available to foster parents for making representations to the Committee.
5. A requirement for the foster parent to give written notice to the Committee forthwith, with full particulars, of –
 - (a) any intended change in the foster parent's address;
 - (b) any change in the composition of the foster parent's household;
 - (c) any other change in the foster parent's personal circumstances and any other event affecting either his or her capacity to care for any child placed or the suitability of the foster parent's household; and
 - (d) any further request or application of a kind mentioned in paragraph 13 of Schedule 5.
6. A prohibition on the foster parent administering corporal punishment to any child placed with the foster parent.
7. A requirement that any information relating to a child placed with the foster parent, to the child's family or to any other person, that has been given to the foster parent in confidence in connection with a placement is kept confidential and is not disclosed to any person without the consent of the Committee.
8. A requirement for the foster parent to comply with the terms of any foster placement agreement, to care for the child placed with the foster parent as if the child were a member of the foster parent's family and to promote the child's welfare having regard to the Committee's long and short-term arrangements for the child.
9. A requirement for the foster parent to keep the Committee informed about the child's progress and to notify the Committee immediately of significant events affecting the child.
10. A requirement, if the placement is terminated, for the foster parent to allow the Committee to remove the child from the foster parent's home.

SCHEDULE 7

(Regulation 16(3))

MATTERS AND OBLIGATIONS TO BE COVERED IN FOSTER PLACEMENT AGREEMENTS

1. A requirement for the Committee to provide a statement containing all the information that the Committee considers necessary to enable the foster parent to care for the child and, in particular, information as to –
 - (a) the Committee's arrangements for the child and the objectives of the placement in the context of the Committee's plan for the care of the child;
 - (b) the child's personal history, religious persuasion and cultural and linguistic background and racial origin;
 - (c) the child's state of health and identified health needs; and
 - (d) the child's educational needs,including a requirement for the statement to be provided either at the time of the signing of the agreement or, where this is not practicable, within the following 14 days.
2. The Committee's arrangements for the financial support of the child during placement.
3. Any arrangements for giving consent to the medical or dental examination or treatment of the child.
4. The circumstances in which it is necessary to obtain in advance the approval of the Committee for the child to live, even temporarily, away from the foster parent's home.
5. The arrangements for visits to the child, in connection with the supervision of the placement by the person authorized by or on behalf of the Committee.
6. The arrangements for the child to have contact with his or her parents and other persons, including any arrangements in pursuance of Article 27 of the Law in relation to a child in care, and details of any contact order.
7. Compliance by the foster parent with the terms of the foster care agreement.
8. Co-operation by the foster parent with any arrangements made by the Committee for the child.

SCHEDULE 8

(Regulation 27)

AMENDMENTS CONSEQUENTIAL UPON MOVE TO MINISTERIAL GOVERNMENT

- (1) In the following provisions of these Regulations for the word “Committee” in each place where it appears there shall be substituted the word “Minister” –
 - (a) the definition “placement” in Regulation 1(1);
 - (b) Regulations 2 and 3;
 - (c) Regulation 4 (except for the reference in paragraph (1)(b) and (d));
 - (d) Regulation 5(1) and (2);
 - (e) Regulation 6(1) and (4);
 - (f) the heading to Regulation 7 and Regulations 7 to 9;
 - (g) Regulation 10(1), (2) and (3);
 - (h) Regulations 11 and 12;
 - (i) Regulation 13(1);
 - (j) Regulations 14 to 20;
 - (k) Regulation 21(1), (4)(b) and (5);
 - (l) Regulation 22;
 - (m) Regulation 23(1);
 - (n) Regulation 24(4);
 - (o) Regulation 25(1);
 - (p) Regulation 26;
 - (q) paragraph 1(1), (2), and (6) of Schedule 1;
 - (r) paragraphs 1, 3, 4 and 5 of Schedule 2;
 - (s) paragraphs 3, 6, 9 and 10 of Schedule 4;
 - (t) paragraphs 4, 5, 7, 9 and 10 of Schedule 6; and
 - (u) paragraphs 1, 4, 5 and 8 of Schedule 7.
- (2) In the heading to Part 2 and Schedule 1 for the word “COMMITTEE” there shall be substituted the word “MINISTER”.
- (3) In the following provisions of these Regulations for the word “Committee’s” in each place where it appears there shall be substituted the word “Minister’s” –
 - (a) Regulation 7(1)(a);
 - (b) Regulation 8(1);
 - (c) Regulation 12(1);
 - (d) Regulation 16(1)(a);
 - (e) Regulation 18;
 - (f) Regulation 19(2)(a) and (3)(c);
 - (g) Regulation 20(2)(b);
 - (h) paragraph 1(4) of Schedule 1;
 - (i) paragraph 5 of Schedule 2;
 - (j) paragraphs 1 and 7 of Schedule 4;
 - (k) paragraphs 4(b) and 8 of Schedule 6; and

- (l) paragraphs 1(a) and 2 of Schedule 7.
- (4) In Regulations 4(1)(b) and 10(4)(a) for the words “Education, Sport and Culture Committee” there shall be substituted the words “Minister for Education, Sport and Culture”.
- (5) In Regulations 4(1)(d) and 10(4)(c) for the words “officer of the Committee” there shall be substituted the words “officer of an administration of the States for which the Minister is assigned responsibility”.
- (6) In Regulations 11(1), 17(1) and 19(2)(a) for the word “itself” there shall be substituted the words “himself or herself”.

[1] *Recueil des Lois, Volume 2002, page 1313.*

[2] *Chapter 10.800.*

[3] *Recueil des Lois, Volume 2005, page 367.*

[4] *Recueil des Lois, Volume 2002, page 1495.*

[5] *Chapter 08.840.*