

STATES OF JERSEY



Jersey

DRAFT CHILDREN (PLACEMENT) (COVID-19 – TEMPORARY AMENDMENT) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 7th April 2020
by the Minister for Children and Housing**

STATES GREFFE

REPORT

Introduction

This is emergency draft legislation brought forward in response to the Covid-19 pandemic. As with all Covid-19-related legislation amendments, the draft Regulations are time-limited and will expire on 30th September 2020. This is an essential safeguard to ensure that any divergence from existing policy and practice is permitted for the shortest possible timeframe.

The Draft Children (Placement) (Covid-19 – Temporary Amendment) (Jersey) Regulations 202- (“the draft Regulations”) would amend the Children (Placement) (Jersey) Regulations 2005 in order to ensure that children who are placed with a relative or friend, as opposed to an approved foster carer, are provided continuity of care during the period of the Covid-19 crisis.

Legislation

The [Children \(Jersey\) Law 2002](#) (the “2002 Law”) provides the main legislative framework relating to children in Jersey. There are several secondary instruments under that Law, including the [Children \(Placement\) \(Jersey\) Regulations 2005](#) (the “principal Regulations”) which provide for a range of matters, including procedures and requirements associated with foster care in Jersey.

Under Article 19(3) of the principal Regulations, the Minister may place the child for a period not exceeding 12 weeks with a person who is not currently approved as a foster carer (‘immediate placements’), but only if satisfied that the child’s welfare is best safeguarded and promoted by so doing.

This provision is subject to the person being a relative or friend of the child; the person making a written agreement with the Minister in relation to the duties to be carried out; and being deemed suitable after an interview and household check. Safeguards include –

- the child must be allowed to be visited at any time by a person authorised by the Minister, and
- an undertaking to adhere to contact arrangements.

Currently there is no discretion to extend a 12-week immediate placement.

The draft Regulations

During the Covid-19 situation, it is anticipated that –

- (a) there may be a greater need for immediate placements with family and friends as a result of increased pressures on foster care; and
- (b) that illness/self-isolation requirements will impact on the ability of children’s services staff and court staff to make alternative arrangements before the existing statutory 12-week period has elapsed.

The draft Regulations therefore provide that the Minister may place a child in an immediate placement with a person for a period exceeding 12 weeks –

- (a) if the placement is made before 8th July 2020, in which case the placement must end no later than 30th September 2020; or
- (b) if the placement is made on or after 8th July 2020, in which case the placement must end no later than 25th November 2020, this being 8 weeks after the end of the 30th September Covid-19 period.

The extensions allow an extended period during and after the emergency provisions, and mean that placements do not fall away as soon as the emergency provisions do, in order to manage impact on the child and foster care provision in the round.

In the UK there is a 16-week placement period, with discretion to extend for a further 8 weeks if needed. The proposed 8-week extension period in Jersey (as set out above) mirrors UK provision and, more importantly, it is anticipated that all cases would be resolved prior to that point.

The provisions in the draft Regulations will only apply to the end of the Covid-19 emergency provisions, which is currently set as 30th September, but should be extended in the event that the Covid-19 emergency provisions are extended, to remain in line with a new date.

Financial and manpower implications

There would be no resource implications for the States arising from the adoption of these draft Regulations.

EXPLANATORY NOTE

These Regulations, if passed, would temporarily modify the operation of Regulation 19 (emergency and immediate placements) of the Children (Placement) (Jersey) Regulations 2005 (the “principal Regulations”) as a consequence of the outbreak of Covid-19 in Jersey.

Regulation 1 inserts a temporary Regulation 19A into the principal Regulations, the effect of which is to extend the current maximum 12 week period (specified in Regulation 19(3) of the principal Regulations) in relation to which a child may be immediately placed with a person who has not been approved as a foster carer, to a period ending not later than 30th September 2020, or not later than 8 weeks after that date (i.e. 25th November 2020), if the child is placed at any time in the 12 weeks preceding 30th September 2020.

Regulation 19A ceases to have effect on 30th September 2020 unless the Minister makes an Order under Regulation 19A(3) to amend that date if the Covid-19 outbreak has not abated by then.

Regulation 2 gives the title by which these Regulations may be cited and provides for them to come into force on the day after they are made.



Jersey

DRAFT CHILDREN (PLACEMENT) (COVID-19 – TEMPORARY AMENDMENT) (JERSEY) REGULATIONS 202-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Article 20 of, and Schedule 2 to, the Children (Jersey) Law 2002¹, and Article 2 of the Covid-19 (Enabling Provisions) (Jersey) Law 2020² –

1 Temporary modification of Regulation 19 (emergency and immediate placements) of the Children (Placement) (Jersey) Regulations 2005

After Regulation 19 of the Children (Placement) (Jersey) Regulations 2005³ there is inserted –

“19A Temporary modification of Regulation 19 during the Covid-19 outbreak

- (1) Despite Regulation 19(3), The Minister may place the child with a person for a period exceeding 12 weeks –
 - (a) if the placement is made before 8th July 2020, in which case the placement must end no later than 30th September 2020; or
 - (b) if the placement is made on or after 8th July 2020, in which case the placement must end no later than 25th November 2020.
- (2) This Regulation expires on 30th September 2020.
- (3) The Minister may by Order amend this Regulation.”.

2 Citation and commencement

These Regulations may be cited as the Children (Placement) (Covid-19 – Temporary Amendment) (Jersey) Regulations 202- and come into force on the day after they are made.

ENDNOTES

Table of Endnote References

<i>1</i>	<i>chapter 12.200</i>
<i>2</i>	<i>L.2/2020</i>
<i>3</i>	<i>chapter 12.200.50</i>