

CONSULTATION RESPONSE QUESTIONNAIRE

Background

The aim of the consultation is to seek views on the detail of the Bill. The paper also highlights legislative reform relating to adoption and children which has taken place in Scotland, England and Wales over the last decade and seeks views on whether these reforms should be implemented in the north of Ireland.

Questionnaire

The questionnaire can be completed by a member of the public or it can be completed on behalf of a group or organisation. Part A provides an opportunity to answer questions relating to specific recommendations that are made throughout the consultation. Part B provides an opportunity for respondents to give additional feedback relating to any equality, human rights or regulatory impacts of the recommendations that are contained in Chapter 4.

Freedom of Information Act 2000 – Confidentiality of Consultations

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. For further information about confidentiality of responses please contact the Information Commissioner's Office or see their web site at: <https://ico.org.uk>

I am responding: as an individual

On behalf of an organisation (please tick box)

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Date: **31 March 2017**

RESPONSES MUST BE RECEIVED NO LATER THAN 5pm on Monday 10th April 2017

**In writing to: Family and Children's Policy Directorate
Department of Health
Room A3.3, Castle Buildings
BELFAST
BT4 3SQ**

Tel: (028) 90522169

Or by email to: adoption@health-ni.gov.uk

Part A

Chapter 1: Section 2

Independent Reviewing Officer (IRO) (Pages 13 – 14)

Do you consider that an IRO service should be put in place?

Yes No Undecided

If yes, do you consider that such a service should be introduced on a statutory or non statutory basis?

Comments

Not sure law is required if the Trusts agreed to fully introduce such a service.

Adoption Support Agencies and Adoption Support Advisers (Page 14-16)

Please provide your views on whether a distinct Adoption Support Adviser role should be established?

PBNI agrees with the Department's view as per paragraph 1.2.8.

Please also provide your reasons.

Chapter 1: Section 2

Adoption Support Services (Page 16-17)

Do you consider that the Department should create a duty to provide services assessed as needed?

Yes No Undecided

If yes, should such a duty apply in respect of all individuals or be restricted to particular categories of people?

Comments

If the experience in England and Wales is working well, same should suffice in Northern Ireland. If Scottish experience suggests it is better than England and Wales, then duty to provide services would be the best option.

Which categories of people should the duty apply to?

Comments

As per the suggestions in Clause 4 (1).

Chapter 1: Section 2 (Page 17-21)

Special Guardianship Orders)

Do you consider that the introduction of SGOs in the north of Ireland should be strengthened to ensure that children are placed with carers with whom they have a prior relationship, established by living with the carer prior to an SGO being sought?

Yes No Undecided

If so, which of the options outlined at paragraph 1.2.22 do you consider should be applied?

Are there any additional requirements you would like to see in place?

Chapter 1: Section 2

Special Guardianship Orders: Panels (Page 21-22)

Do you consider that Panel consideration of proposed special guardianship order applications involving looked after children should be established in law?

Yes No Undecided

If not, please give your reasons.

If it provides greater security for children, then SGOs enshrine in law.

Chapter 1: Section 2

Care Plans (Page 23-24)

Do you agree that the Court should be required to consider the permanence provisions of the care plan only?

Yes No Undecided

Do you agree with the definition of “permanence provisions” included in clause 122?

Yes No Undecided

If not, please give your reasons.

Accommodation of children in need etc. (Page 26-27)

Do you agree that a disabled child being provided with accommodation for respite/short break purposes should not become looked after?

Yes No Undecided

If you disagree, please give your reasons and outline how you consider such arrangements should be treated.

Removal of the restriction of making cash payments only in exceptional circumstances (Page 27-28)

Do you agree that the restriction on the making of cash payments in exceptional circumstances should be lifted?

Yes No Undecided

If not, please provide your reasons.

General duty of authority to promote educational achievement (Page 28-29)

Do you consider that a HSC Trust should be required to promote a child's educational achievement?

Yes No Undecided

Do you consider that, in providing a child with accommodation, a HSC Trust should be required to ensure, so far as is reasonably practicable and consistent with his welfare, that the child's education or training is not disrupted?

Yes No Undecided

Are there other measures which could be introduced to support a child's educational achievement?

To make good on a child catching up with mainstream population, in exceptional circumstances, provide and pay for private tuition.

Contact / No Contact Orders (Page 29 – 32)

Do you agree that the duty on a Trust to endeavour to promote contact should not apply where it is assessed that such contact would be contrary to the child's welfare?

Yes No Undecided

If not, please explain why.

Do you agree with the provision included in the Bill which introduces the two new post-adoption contact orders outlined?

Yes No Undecided

If not, please give your views on what, if any, post adoption contact arrangements should be introduced?

Appointment of Guardians Ad Litem (Page 32)

Do you agree with the proposed amendment to enable Guardians ad Litem to be directly employed, rather than admitted to a Panel?

Yes No Undecided

If not, please explain your reasons why.

Regulation of Fostering Panels and introduction of a review mechanism for an agency’s determination in relation to foster parent (Page 33-34)

Do you agree with the proposal to place fostering panels in Northern Ireland on a statutory basis?

Yes No Undecided

Comments

Do you agree with the introduction of an independent review mechanism to enable independent reviews of decisions made by fostering panels?

Yes No Undecided

Comments

Chapter 2 – Other policy areas on which we wish to consult, with a view to including in the Bill

2.1 Adoption Support Services; Duty to provide information (Page 35-37)

Do you agree that the Bill should be amended to introduce a duty on an adoption authority to provide information about support services?

Yes No Undecided

If you do not agree, please give your reasons.

2.2 Provision of accommodation for children by voluntary organisations

Do you agree that Articles 74 and 78A of the Children Order should be repealed?

Yes No Undecided

If not please state your reasons and provide any examples of where a voluntary organisation may need to provide accommodation for children without the prior involvement of a HSC Trust

2.3 Contact between prescribed persons and adopted person’s relatives (Page 38 – 40)

Do you agree that the Bill should be amended to enable descendants of adopted people to access records and intermediary services?

Yes No Undecided

If you think such descendants should not be allowed access, please provide your reasons.

2.4 Dually Approved Carers (Page 40-42)

Do you agree that a duty should be placed on adoption agencies in the north of Ireland to consider the placement of a child with dually approved carers?

Yes No Undecided

If you do not agree, please provide your reasons.

2.5 Private Fostering (43-46)

Do you agree that the Children Order should be amended, as outlined in consultation, to include children who are proposed to be privately fostered?

Yes No Undecided

If you do not agree, please give your reasons.

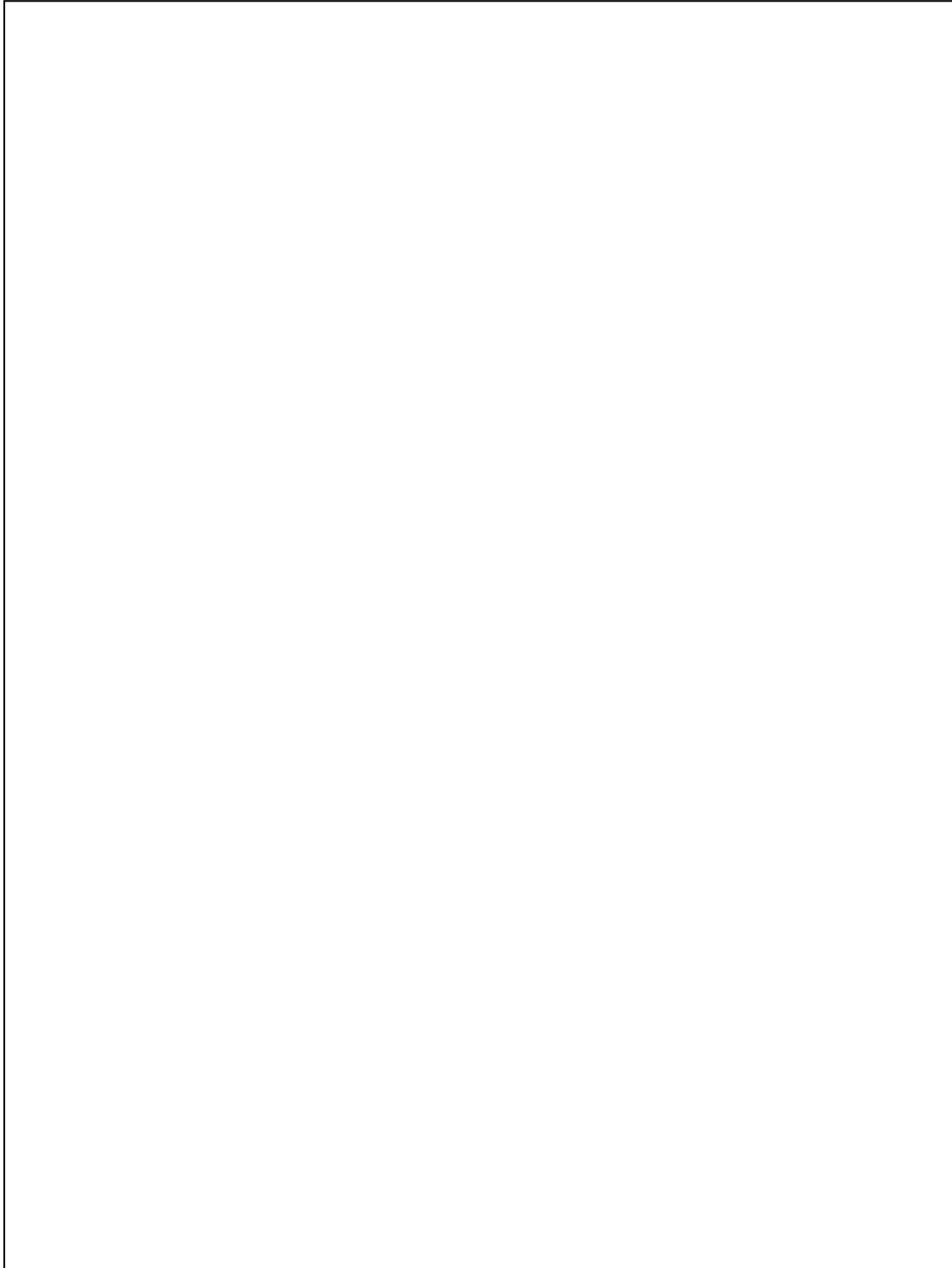
Do you agree that the Children Order should be amended to include powers to make regulations:

- in respect of the carrying out of an authority's duty in relation to privately fostered children?
- to require an authority to monitor the way in which it discharges its functions?

Yes No Undecided

If not please give your reasons.

Are there any other provisions relating to privately fostered children that you would like to see introduced?



2.6 Northern Ireland Adoption and Children Act Register (Page 46-47)

Please give your views on whether prospective adopters should be allowed to search and inspect the NI Adoption and Children Act Register, when established in law?

If the search infringes on the DPA rights of children, then access for adoptive parents should be prohibited. However, consideration could be given to allowing adoptive parents to have limited access to the Register, without compromising the DPA rights of children.

Northern Ireland Guardian Ad Litem Agency (NIGALA) – proposed change of name (Page 47- 49)

Do you agree that the name of the Guardian Ad Litem should be retained?

Yes No Undecided

If so, why?

Would prioritise the views of children in respect of a name change: (VOPIC consultation). Therefore would support proposal B for the new name.

If you think that the name should be changed, do you agree that it should be changed to the Children’s Court Guardian (with the Northern Ireland Guardian ad Litem Agency becoming known as the Northern Ireland Children’s Court Guardian Agency)?

Yes No Undecided

If you do not agree with the name proposed, please provide any alternative suggestions?

2.8 Kinship Care Orders (Page 49-52)

Do you consider that a Kinship Care Order should be introduced in the north of Ireland?

Yes No Undecided

If subject to a Kinship Care Order, should an allowance be paid?

Yes No Undecided

If yes, should it be equivalent to a fostering allowance?

The consultation documents do not indicate there is a compelling need for KCOs. If the current system is not working well (for children), then KCOs should be introduced.

Should it be subject to means testing?

Yes No Undecided

In addition to allowances paid to kinship carers who provide care to children who are looked after, do you consider that allowances should be payable to kinship carers who provide care to children who are not looked after but who are subject to an Article 8 Order (a Kinship Care Order, if introduced), and are or were:

- previously looked after;
- placed with involvement from the HSC Trust; or
- at risk of becoming looked after

Yes No Undecided

Comments

2.9 Corporate Parenting (Page 53-55)

Do you consider that Corporate Parenting should be introduced in legislation in the north of Ireland?

Yes No Undecided

If so, should statutory corporate parenting here be guided by the statutory principles set out in the Children and Social Work Bill?

The consultation documents do not make clear the advantages of legislation, nor disadvantages of maintaining current system.

Should the responsibility of corporate parent be extended to bodies other than HSC bodies, similar to the approach taken in Scotland?

Yes No Undecided

If yes to the above, which bodies should corporate parenting extend to?

If no to the above, please give your reasons.

2.10 Approved Home Childcarers (Page 55-56)

Do you agree that a power should be taken to introduce voluntary 'childcare' registration schemes in the north of Ireland?

Yes No Undecided

Comments

2.11 Childcare Agencies (Page 56-58)

Do you agree that the Department should take a power to introduce and regulate childcare agencies in the north of Ireland?

Yes No Undecided

If introduced, should the HSC Trusts or the RQIA be responsible for the regulation of childcare?

RQIA would be perceived as providing more independent oversight.

Do you agree that the definition of a nanny, provided in Article 119(4) and (6) of the Children Order, should be amended to include those employed by agencies?

Yes No Undecided

Comments

2.12 Extending Care for Care Leavers

Do you consider that the GEM scheme should be placed on a statutory footing?

Yes No Undecided

If not please explain.

If all Trusts are currently fully implementing GEM, then legislation is not necessary. However, if they are not implementing GEM to a satisfactory level, then GEM should be placed on a statutory footing.

Do you consider that some services should be extended here to include care leavers up to the age of 25, on request?

Yes No Undecided

If not, please explain.

2.13 Children Order Annual Report

Do you consider that Article 181 of the Children Order should continue to apply, be repealed or amended?

Apply Repeal Amend

If you consider that reporting under Article 181 of the Children Order should be retained, please advise how frequently the Department should be required to provide such a report.

Annually

2.14 Persona Education Plans

PEPs are a statutory requirement in Britain. Do you consider that PEPs should also be placed on a statutory footing in the north of Ireland?

Yes No Undecided

If not, please explain.

2.15 Further suggested amendments

Are there any other amendments that you think should be considered for inclusion in the Bill? If so, please provide details and the reason why such amendments should be included at this time.

N/A

Chapter 3: Children’s Partnership Arrangements

3.1 Children and Young People’s Strategic Partnership

Do you agree that a RCYPSP should be established in statute?

Yes No Undecided

If not, please explain why.

Do you agree with the Department’s proposals relating to the structure, membership, chairing arrangements, objectives and functions of the RCYPSP and the duties and powers to be conferred on it?

Yes No Undecided

If not, please explain why.

Do you agree that a RCPP should be established, operating under the auspices of the RYPSP?

Yes No Undecided

If not, please explain why.

Do you agree with the Department's proposals relating to the structure, membership, chairing arrangements, objectives, and functions of the RCPP and the duties and powers to be conferred on it?

Yes No Undecided

If not, please explain why.

Part B

Chapter 4 – Assessment of Impact

Equality Impact Assessment

Are you aware of any indication or evidence – qualitative or quantitative – that the proposals as set out in this consultation may have an adverse impact on equality of opportunity or on good relations between people of different religious belief, political opinion or racial group?

Yes No Undecided

If yes, please provide comment on what you think should be added or removed to alleviate the adverse impact.

Is there an opportunity to better promote equality of opportunity or good relations between people of different religious beliefs, political opinion or racial group?

Yes No Undecided

If yes, please give details as to how.

Are there any aspects of these recommendations where potential human rights violations may occur?

Yes No Undecided

If yes, please give details

No obvious violations – however, individual parents may consider (eg contact) rights have been impinged upon. As you are aware, parental rights are not absolute; and rights of children should be paramount in contentious cases.

Regulatory Impact Assessment

A Regulatory Impact Assessment is being prepared on those consultation proposals that may have a regulatory impact on business, charities or voluntary bodies.

Comments

None

Do you foresee any unintended consequences as a result of the introduction of these proposals?

Yes No Undecided

If yes, please provide further details.