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Information on fostering in Northern Ireland

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

1 Introduction

This briefing paper has been prepared following a request from the Committee on Procedures. The committee asked RaISe for information on:

- a list of Agencies, as well as the HSC, that potential foster carers can register with
- what registration process is in place in Northern Ireland for people who want to be foster carers
- any differences between registration for long and/or short-term care and kinship care

2 Legislation

There are a number of pieces of legislation relating to fostered children in Northern Ireland. The Fostering Network provides a useful overview of this legislation and is available at: <https://www.thefosteringnetwork.org.uk/policy-practice/policies/fostering-legislation-in-northern-ireland>

The Foster Placement (Children) Regulations (Northern Ireland) 1996 set out the arrangements for children in foster care. The accompanying Explanatory Note states:

Part III of the Regulations provides for authorities to maintain a register of foster parents approved in their area (regulation 12); for authorities and voluntary organisations to maintain a record for each foster parent they approve (regulation 13) and for the retention and confidentiality of the registers and records (regulation 14).¹

The relevant extracts are reproduced below, although this is not a substitute for reading the entire Regulations.

¹ The Foster Placement (Children) Regulations (Northern Ireland) 1996:
<https://www.legislation.gov.uk/nisr/1996/467/made>

Table 1: Extracts from The Foster Placement (Children) Regulations (Northern Ireland) 1996

Part 3

Register of foster parents and others with whom a child is placed

12.(1) An authority shall enter, in a register kept for the purpose, the particulars specified in paragraph (2) for each foster parent in its area who is approved under regulation 3 and each person in its area, not being an approved foster parent, with whom a child is placed pursuant to regulation 11.

(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 pursuant to regulation 11;

(b) the date of the approval under regulation 3 or agreement specified in regulation 11(3)(b); and

(c) the terms of the notice of approval under regulation 3(6)(a) or of the agreement specified in regulation 11(3)(b) as for the time being in force.

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

13.(1) An approving authority shall compile (if one is not already established) and maintain a record for each foster parent whom it has approved under regulation 3.

(2) An authority shall compile (if one is not already established) and maintain a record for each person, not being an approved foster parent, with whom a child is placed by it pursuant to regulation 11.

(3) Each record compiled under paragraph (1) or (2) shall include copies of each of the documents specified in paragraph (4) and the information specified in paragraph (5).

(4) The documents referred to in paragraph (3) are, as the case may be,—

(a) the notice of approval under regulation 3(6)(a);

(b) the agreement under regulation 3(6)(b) and Schedule 2;

(c) any report of the review of approval under regulation 4(3);

(d) any notice of termination of approval under regulation 4(3) or (5);

(e) any agreement specified in regulation 11(3)(b).

(5) The information referred to in paragraph (3) is, as the case may be,—

(a) a record of each placement with the foster parent or person, not being an approved foster parent, with whom a child is placed pursuant to regulation 11, 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 approving authority in relation to the approval of the foster parent and in relation to any review of termination of the approval;

(c) the information obtained under regulation 11(3).

(6) An approving authority shall compile a record for each prospective foster parent to whom notice is given under regulation 3(7) that he is not approved as a foster parent, the record to include a copy of the notice and the information, as to the foster parent and his household and family, obtained by the approving authority in connection with the question of approval.

Retention and confidentiality of records

14.(1) The record for a foster parent or other person compiled under regulation 13, and any entry relating to him in the register maintained under regulation 12, shall be retained for at least 10 years from the date on which his approval is terminated, or until his death, if earlier.

(2) The requirements of paragraph (1) may be complied with either by retaining the original written record (or a copy of it) or by keeping all the information from the record in some other accessible form (such as by means of a computer).

(3) The authority or voluntary organisation responsible for the maintenance of any register or record under regulation 12 or 13 shall secure its safe keeping and take all

necessary steps to ensure that the information which it contains is treated as confidential, subject only to—

(a) any statutory provision under which access to such register, record or information may be obtained or should be granted; and

(b) any court order under which access to such register, record or information may be obtained or given.

(4) Each voluntary organisation, where it is not acting as an authorised person⁽⁵⁾, shall provide a guardian ad litem of a child with—

(a) such access as may be required to—

(i) case records and registers maintained in accordance with these Regulations, and

(ii) the information from such records or registers held in whatever form (such as by means of a computer); and

(b) such copies of the records or entries in the registers as the guardian ad litem may require.

Consultation on new draft regulations

In March 2024 the Department of Health published its analysis of the consultation on The Foster Placement & Fostering Agencies Regulations (Northern Ireland). The report stated:

The draft Foster Placement and Fostering Agencies Regulations (Northern Ireland) ('the draft Regulations'), when made, will replace the current Foster Placement (Children) Regulations (Northern Ireland) 1996. They will enable Health and Social Care (HSC) Trusts to enter into written agreements with fostering agencies¹ to assess and approve foster parents on behalf of the HSC Trust. The draft Regulations will also bring fostering

agencies within the scope of registration with and inspection by the Regulation and Quality Improvement Authority (RQIA).²

The consultation also addressed the desirability of a regional register of carers. The Department of Health heard that:

... a suggestion was also made about the creation and implementation of a regional register of foster parents, held by an independent body, which it was considered had the potential to achieve smoother and more considered transfers between services and would allow foster parents wishing to transfer to another fostering service provider to be checked against a central register, allowing for faster and more streamlined assessments.³

In its response, the Department noted:

At the present time, the Department does not have any plans to develop a central register for foster parents, over and above the register which will be required to be maintained by fostering service providers by way of the draft Regulations.⁴

In terms of next steps, the Department advised that:

Work to finalise the draft Regulations, taking account of the consultation responses, is ongoing and will be subject to necessary approvals before the Regulations can be made.

The Department will establish a task and finish group to develop Minimum Standards to support implementation of the new Regulations. This group will include the voice of care experienced children and young people, foster parents and their representatives, and representatives

² Consultation on the draft Foster Placement and Fostering Agencies Regulations (Northern Ireland): <https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-con-analysis-report-fpfar.pdf>

³ As above

⁴ As at footnote 2

from fostering service providers in both the statutory and independent sectors...

The Department will continue to work closely with key stakeholders throughout the implementation of the Regulations and the development of Minimum Standards.⁵

3 Long and short term fostering and kinship care

The HSCNI website provides the following information on the types of fostering available:

- **Short-term:** Short-term foster care is for temporary periods of time, from an overnight stay up until two years. It is hoped that in this way, foster care can provide a safe and secure home for a child or young person while a process of reunion with birth parents is undertaken.
- **Long-term:** Long-term foster care indicates a more permanent foster care solution. This takes place when children and young people cannot be placed back into the care of their birth parents. In these circumstances, the child or young person can stay in a family where they feel safe while still maintaining contact with their birth family, until they can live independently.
- **Kinship:** kinship foster care is when you are looking after the child of a relative or friend on a full-time basis, either temporarily or permanently. Training and support is vital for kinship foster carers. These foster carers face unique challenges as they care for children or young people who are known to them. We hope all kinship foster carers will undertake as much as possible of the training and support offered by all the local fostering teams.

⁵ The Foster Placement & Fostering Agencies Regulations (Northern Ireland) Consultation Analysis Report, March 2024: <https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-con-analysis-report-fpfar.pdf>

4 Agencies

People interested in fostering can contact their local Trust, Health and Social Care (HSC) NI Adoption and Foster Care, or an independent fostering agency. According to NI Direct:

The five Health and Social Care (HSC) Trusts have responsibility for the welfare of all Looked After Children in Northern Ireland. Each Trust provides a vital fostering service to the people in their community. Together, the five Trusts' fostering services are supported by HSC NI Adoption and Foster Care.

HSC foster carers in Northern Ireland are made up of emergency, short term, longer term, kinship and short break foster carers.⁶

There are also a number of independent fostering agencies in Northern Ireland:

- Barnardo's
- Action for Children
- Kindercare Fostering Northern Ireland
- Foster Care Associates Northern Ireland

5 Approval process

The following information on the approval process for foster care is taken from the website of Health and Social Care NI.

Table 2: Approval process for people wishing to apply as foster carers

Personal preparation

Do a little of your own foster care research by reading some books on the subjects, absorbing the profiles of our foster care community, and chatting to us to answer any initial questions you might have.

⁶ NI Direct: <https://www.nidirect.gov.uk/articles/becoming-foster-kinship-foster-carer>

Contact us

We are here to help you; by our online enquiry form, or over the phone. Just get in touch and our foster care recruitment team can help you to get started.

Receive a call from a social worker from your local team

Within two days of contacting us, a social worker from one of our local teams will contact you to take you through the process and offer you support with any queries you have.

Meet with your local foster care social worker in your own home

You can expect to meet with your social worker within ten days of the earlier phone call. Consider this your opportunity to ask any questions you may have and to get to know the foster care process better.

Preparation course (Skills to Foster)

All enquiries will be invited to attend a preparation course within the next four weeks to educate on all aspects of foster care and to give you the opportunity to feel confident in your decision.

Submit your application

You should have all the information you need to complete and submit your full application to foster

Social work interviews

At this stage you will meet with your allocated social worker to assess your background, your support network, your lifestyle, your skills and experience, your relationships, and your family set up.

Foster care panel

An assessment of your application will be presented by your social worker to the foster care panel for review. We would encourage you to attend the foster care panel.

The information available from the independent fostering agencies outlines a similar process.

Kinship care

Guidance on kinship care is available in *Looked After Children: Minimum Kinship Care Standards Northern Ireland*⁷, published by the Department of Health. The relevant excerpts are reproduced below:

Table 3: Guidance on kinship care

The [kinship care] policy is supported by an effective system of identifying kinship carers, including identification by: way of making an approach to family and friends who may be able to provide care for the child; and responding positively to family and friends who make an approach to the HSC Trust to offer to care for a looked after child or a child whom the HSC Trust considers at risk of becoming looked after...

Viability visit

In all kinship placements or proposed kinship placements an early viability visit is undertaken by a Kinship Social Worker. In circumstances requiring an immediate placement this visit occurs within two working days of the commencement of the placement. The visit is used to supply information about the mandatory assessment process and exchange information with a prospective kinship carer and give the carer an opportunity to consider the implications of the kinship placement for the family unit, including implications in the longer term.

In the course of the viability visit there will be discussion of:

- the assessment processes, the role and responsibilities of kinship carers; support including financial support for kinship carers and discussion about the implications of the looked after child status.
- as particular reference to the circumstances of the specific child concerned must be considered and information and advice provided, where possible the visit is undertaken jointly with the child's social worker.⁸

⁷ NI Department of Health kinship care standards: https://www.health-ni.gov.uk/sites/default/files/publication_s/health/doh-kinship-care-standards-amended-jan-2019.pdf

⁸ As above

Approval by Panel

Approval of kinship carers is undertaken by an appropriately trained Panel, which includes in its membership an independent person with a knowledge of and expertise in kinship care. The Panel is responsible for the approval of kinship carers and any subsequent decision-making about the continued suitability of approved kinship carers.

Review

Kinship carers are encouraged to attend relevant Panel review meetings. The child's social worker is kept fully informed of any issues/concerns. In the event of any significant change to the carer's registration or their de-registration being considered by the Panel, the kinship carer is provided with a written copy of the report to Panel at least two weeks before the relevant Panel meeting.

