



Department of

Health

An Roinn Sláinte

Máinnystrie O Poustie

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The Foster Placement & Fostering Agencies Regulations

(Northern Ireland)

Consultation Analysis Report

March 2024

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CHAPTER 1: INTRODUCTION

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).

The Department of Health ('the Department') launched an 8-week public consultation in respect of the draft Regulations from 27 October 2022 until 23 December 2022. Prior to this, a previous consultation exercise took place in 2014.

Overview of consultation process

Following approval from the then Minister of Health, stakeholders were emailed advising of the consultation which was published on the NI Direct Citizen Space platform, allowing respondents to consider and provide online responses.

Fostering Network engaged with foster parents and service users on behalf of the Department. They held online consultations and conducted a survey and held workshops with fostering agencies and foster parents with over 60 participants.

To ensure the voices of care experienced children and young people were considered in the response to the consultation, the Voice of Young People in Care (VOYPIC) undertook, on behalf of the Department, an online survey specifically drafted for children and young people, used their message platform to send text messages with the link to the survey to 120 children and young people, and also sent the link to VOYPIC's database of current foster parents to ask for their help to encourage children and young people to participate in the consultation. They also liaised with youth rights workers to seek their feedback.

It is important to note that while responses submitted by VOYPIC and Fostering Network are counted as two single responses in the quantitative analysis provided throughout this report, the Department acknowledges that the responses represent the views of a number of children and young people and foster parents.

In total, **17** responses to the consultation were received from a range of stakeholders, including individual foster parents, and representatives from the statutory, voluntary and community sectors, including fostering agencies and foster parent representative bodies. Of the **17** responses received, **12** were received using the online Citizen Space questionnaire and **5** were submitted via email or hard copy letter—3 of these did not follow the questionnaire format. Respondents were not required to respond to every question. The responses received were mainly supportive of the draft Regulations. The Department would like to thank everyone who participated in the consultation for their comments and feedback.

¹ In accordance with Article 2(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, 'fostering agency' means (a) an undertaking (other than an authority) which consists of or includes discharging functions on behalf of an authority in connection with the placing of children with foster parents; or (b) a voluntary organisation which places children with foster parents under Article 75(1) of the Children Order.

This report summarises the responses to the consultation and sets out the Department's response and planned next steps.

Since the consultation on the draft Regulations concluded, the report of an Independent Review of Children's Social Care Services in Northern Ireland has been published and the Department has established a programme of reform in children's social care. That Independent Review recommended that foster parents should be recognised and positioned as valued members of the children's social care workforce, as well as the implementation of a new model of foster care—Mockingbird. In addition, the Review identified payments to foster parents as a priority area for investment. The Review was also critical of delays in implementing previous reviews of foster care policies and services and recommended that these should be acted upon and updated without further drift. A consultation on the Department's response to the findings and recommendations of the Review closed in December 2023, and responses are currently being analysed.

The aim of the Reform Programme is to deliver reform within children's social care services to address a range of known service challenges. The Reform Programme consists of nine workstreams, including one focused specifically on foster care. A number of the comments received during the consultation on the draft Regulations relate to the wider context of foster care in Northern Ireland. The comments have been communicated to the Chairs of the fostering workstream to ensure that the views of children and young people and foster parents and their representatives shape that workstream's workplan.

The Department will now move to make new Regulations, updated and amended as appropriate in response to feedback received during this consultation, as soon as possible.

CHAPTER 2: QUANTITATIVE ANALYSIS OF CONSULTATION RESPONSES

Of the 17 responses received, 14 responded using the consultation questionnaire provided (12 of these responses were received via the online Citizen Space platform). The breakdown by type of response is as follows:

Type	Individual	Organisation	Total
Online Questionnaire (Citizen Space)	3	9	12
Email copy/ Letter	0	5	5
Total	3	14	17

Responses were received from individuals and organisations operating in the statutory, voluntary and community sectors. The following table provides a breakdown of the responses by category.

Category	Total
Individual	3
Statutory organisation	4
Fostering Agency	4
Foster Care Representative Body	2
Political Party	1
Charity	2
Other Voluntary Organisation	1
Total	17

Responses to the draft Regulations were broadly positive and supportive.

The next section of this report provides a qualitative analysis of the responses received. Each of the following sections is structured as follows:

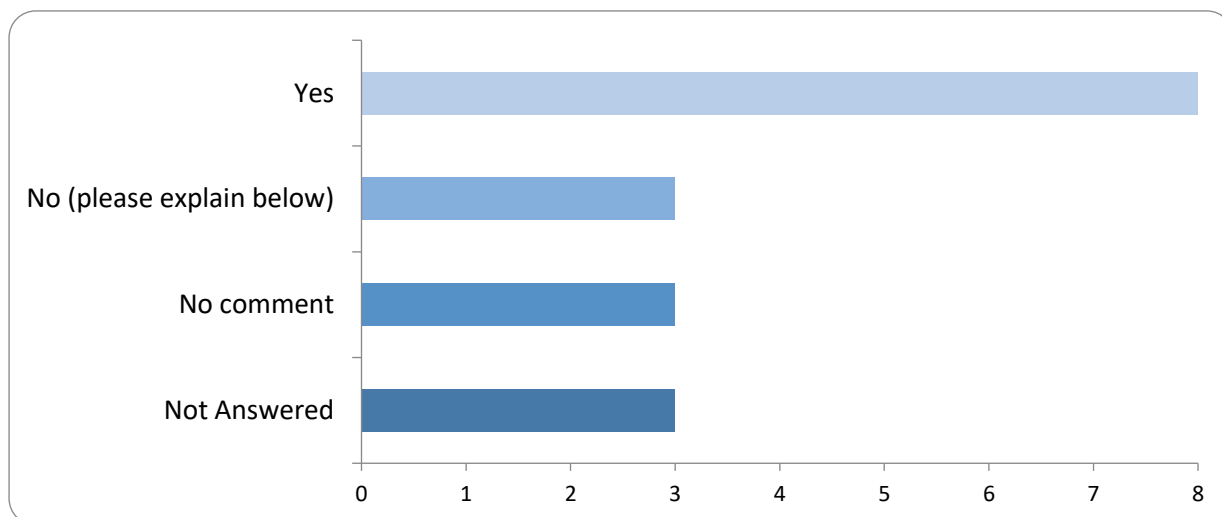
- What the consultation asked** – This provides a brief overview of each section of the consultation document and what stakeholders were asked; and provides a quantitative analysis of the responses received. For those responses provided in a format other than the consultation questionnaire, where a question has been directly addressed and it is apparent that the respondents either agree or disagree with the proposals, this is reflected in the quantitative analysis for each question. Otherwise, the quantitative analysis will record a ‘not answered’ response.

- A **summary of the key issues** raised by respondents in response to the questions posed in the consultation.
- The **Departmental response** to any issues raised.

CHAPTER 3: QUALITATIVE ANALYSIS OF CONSULTATION RESPONSES

Q1: Are you content with the definitions provided in the Interpretation? If no, what changes would you suggest?

There were 14 responses to this question.



Option	Total	Percent
Yes	8	47.05%
No (please explain below)	3	17.65%
No comment	3	17.65%
Not Answered	3	17.65%

Summary of Key Issues Raised

Several respondents raised queries on definitions. Concerns were raised, for example, about the use of the term 'foster parent' which some respondents considered could be confusing and risked undermining the role of the birth parent, particularly in circumstances where children are being cared for by other family members in kinship care placements. The Foster Care Workers Union expressed the view that it preferred the term 'foster carer' or 'foster care worker'.

Respondents also queried the use of the term 'area authority', suggesting instead that Health and Social Care Trust would be clearer, and some respondents considered that the term 'fostering agency' should be further clarified as 'independent' or 'regulated'.

A number of respondents expressed frustration that the Regulations do not make provision for the operation of foster panels, despite the fact that panels are operating in practice and that the same issue was raised in response to the previous consultation held in 2014.

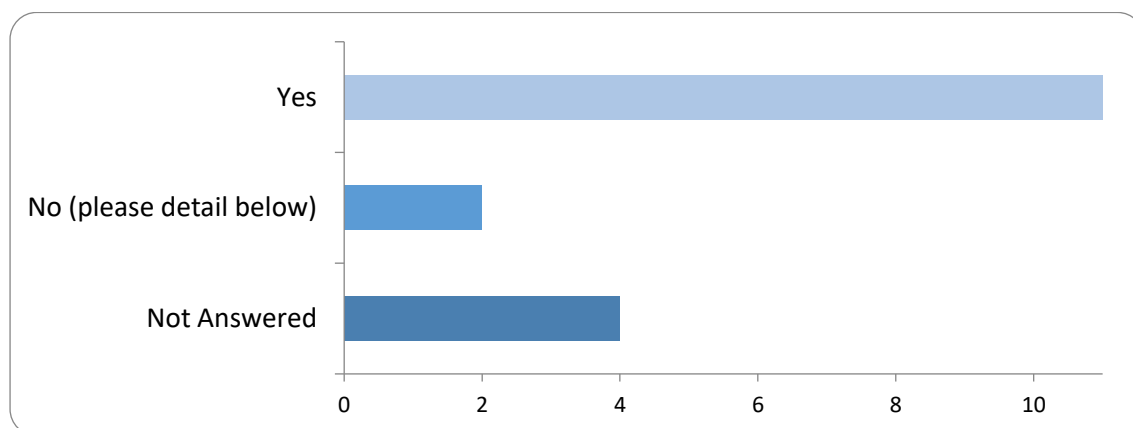
Departmental Response

The Department acknowledges the comments made. However, it is necessary that the terminology used in regulations is consistent with the primary legislation used to confer powers to make the secondary legislation. 'Foster parent' is the term used in the Children (Northern Ireland) Order 1995 and 'fostering agency' is defined by the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

In relation to foster panels, legal advice received by the Department is clear that the Regulations cannot make provision for their operation until such time as the relevant sections of the Adoption and Children Act (Northern Ireland) 2022 have been commenced. Section 124 of the 2022 Act, which makes provision for the establishment of foster panels, also makes provision for the establishment of an Independent Review Mechanism (IRM). As the IRM process relates to adoption as well as fostering, it cannot be introduced until all of the provisions relating to the new adoption framework are commenced. This will take some time given the volume of secondary legislation and guidance required—it is estimated that the adoption provisions in the 2022 Act will be commenced during 2025/2026. However, in recognition of the fact that foster panels are already operating in practice across fostering agencies and Trust fostering services, the Department will consider whether it is possible to provide guidance on their operation in advance of legislation.

Q2: Do you agree with the requirement to have a written agreement between a fostering agency and a Health and Social Care Trust before that agency can assess and approve foster parents on behalf of the Trust as stipulated in Regulation 4 and Schedule 1? If no, what changes would you suggest?

There were 13 responses to this question.



Option	Total	Percent
Yes	11	64.70%
No (please detail below)	2	11.77%
No comment	0	0.00%
Not Answered	4	23.53%

Summary of Key Issues Raised

A number of respondents pointed out that fostering agencies already have written agreements in place which enables them to assess and approve foster parents on behalf of HSC Trusts. While the majority of respondents agreed with the requirement, pointing out that written agreements represent good practice and are important to ensure clarity of roles and expectations of each party to the agreement, some respondents expressed the view that the requirement for a written agreement introduces an unnecessary layer of bureaucracy which in their view is not mirrored elsewhere. Some respondents seemed to have the impression that the requirement for a written agreement was equivalent to requiring fostering agencies to register with HSC Trusts, and that the decision around whether a fostering agency could register and approve foster parents would rest with Trusts. This is not the case, as explained in more detail below.

Further comments were also made in response to this question about the secure storage and transfer of records, with one respondent suggesting that this should be addressed by way of the Regulations.

Departmental Response

Regulation 8 of the existing Foster Placement (Children) Regulations (Northern Ireland) 1996 provides that an HSC Trust may make arrangements with a voluntary organisation to carry out duties on its behalf in respect of the approval of foster parents, subject to a written

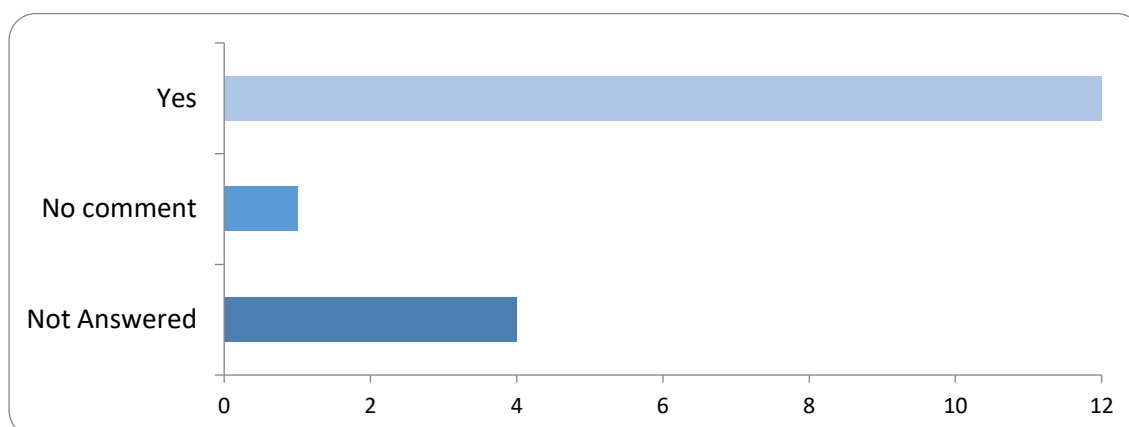
agreement. Current practice should be in accordance with the 1996 Regulations, and the Department does not therefore accept that the requirement in regulation 4 of the draft Regulations (that arrangements between HSC Trusts and fostering agencies to discharge duties on behalf of the Trust must be subject to a written agreement) represents an additional and unnecessary layer of bureaucracy.

The requirement for a written agreement does not mean that fostering agencies will need to register with HSC Trusts. Rather, the new Regulations will, when made, require fostering agencies to register with the RQIA.

Further detail on the management and transfer of records as well as the detail on the content of the written agreement required between HSC Trusts and fostering agencies will be considered for inclusion within the Standards that will be developed to support implementation of the draft Regulations.

Q3: Do you agree with the requirements detailed in Schedule 1?

There were 13 responses to this question.



Option	Total	Percent
Yes	12	70.59%
No (please detail below)	0	0.00%
No comment	1	5.88%
Not Answered	4	23.53%

Summary of Key Issues Raised

The majority of the responses were in agreement with the requirements detailed in Schedule 1. However, those foster parents who responded expressed a strong view that the Regulations should make it a requirement of all fostering agencies to provide detailed information to foster parents as to the level of allowances and any fees to be provided in respect of each child in their care, arrangements for review of the fees and allowances payable, and the purpose of any fees and allowances payable.

One respondent also commented on the importance of the secure transfer of records and clarity in relation to information sharing, expressing the view that this should be addressed by way of the Regulations.

Departmental Response

Schedule 1 of the draft Regulations, to which this question relates, provides further detail on the content of the written agreement between an authority (i.e. a HSC Trust) and a registered person (i.e. the person who is the registered provider or registered manager of a fostering agency) relating to the discharge of the authority's functions. Paragraph 2(3) of Schedule 1 stipulates that—where the written agreement relates to a particular child—it must contain information about the terms of the agreement, including payment. Schedule 3 of the draft Regulations sets out the matters and obligations to be covered in foster care agreements between a fostering service provider (i.e. a fostering agency or a HSC Trust) and an approved foster parent. Paragraph 1(a) of Schedule 3 stipulates that the foster care agreement must record the terms of the foster parent's approval. The Department will consider an amendment be made to this paragraph to make it clear that this should include details of any fees or allowances payable. Schedule 4 of the draft Regulations sets out the matters and obligations to be covered in foster placement agreements between a responsible authority (i.e. the authority responsible for placing a child) and a foster parent relating to a specific child.

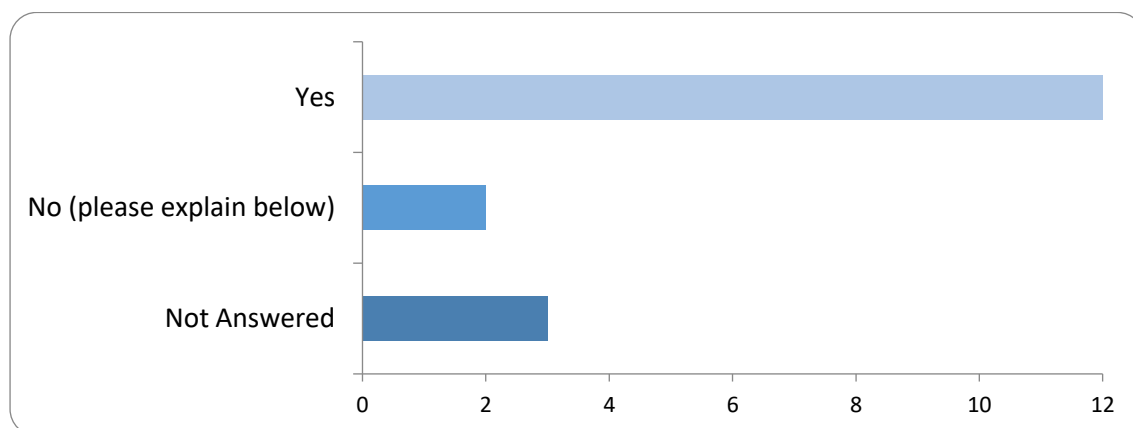
Paragraph 4 of Schedule 2 requires that a foster placement agreement must include details of the responsible authority's arrangements for the financial support of the child during placement.

It is proposed that further detail on the information to be provided to foster parents in relation to fees and allowances will be addressed in Standards to support the implementation of the Regulations. It is not for these Regulations to address in detail the levels of fees and allowances that foster parents should receive—it is important that legislation is sufficiently broad to remain applicable over a relatively long period of time, and including detail around levels of fees and allowances payable would mean that the Regulations would need to be reviewed and amended more often than would be appropriate. However, a summary of the comments received in relation to the issue of fees and allowances for foster parents have been passed to the Chairs of the fostering workstream being undertaken as part of the Children's Social Care Strategic Reform Programme. The Department acknowledges the significant role that foster parents play in the lives of children and young people. It is clear from the responses to this consultation that the issue of fees and allowances is, understandably, an important one for many foster parents and the Department expects the fostering workstream to take account of the comments made and use them to inform its recommendations.

Further detail on the secure transfer of records and clarity on information sharing will also be considered for inclusion within the Standards.

Q4: Do you agree with the requirements which must be satisfied during the assessment of a prospective foster parent, including the information to be gathered in relation to that person and any members of their household and family under Regulation 5 and Schedule 2? If no, what changes would you suggest?

There were 14 responses to this question.



Option	Total	Percent
Yes	12	70.58%
No (please explain below)	2	11.77%
No comment	0	0.00%
Not Answered	3	17.65%

Summary of Key Issues Raised

There was broad agreement with the requirements to be satisfied during the assessment of a prospective foster parent, albeit that one respondent expressed concern about the length of time currently taken to complete assessments of prospective foster parents.

In response to the requirement for an enhanced criminal record certificate for all members of the prospective foster parent's household aged 10 and over, several respondents raised concerns about the minimum age of criminal responsibility in Northern Ireland.

In relation to the requirement in the draft Regulations that a fostering service provider must interview at least two persons to obtain personal references in relation to a prospective foster carer, some respondents considered that it would be important to seek further references in order to evidence the prospective foster parent's ability to meet the needs of children.

One respondent queried the requirement at paragraph 8 of Schedule 2 that information should be obtained about a prospective foster parent's standard of living, considering that this is a subjective consideration which would be better replaced by 'financial circumstances'.

Comments were also received which suggested that approvals should look beyond the detail covered in Schedule 2 of the draft Regulations. For example, the young people who responded to the consultation felt strongly that a prospective foster parent's personality, skills and aptitude for supporting children and young people—particularly those who have experienced trauma—should be an important consideration as part of the assessment

process. They also pointed to other important considerations, including the interpersonal qualities of the prospective foster parent and members of his or her household, and whether pets were present in the household. The response from Women's Aid Federation NI highlighted the importance of assessing prospective foster parents and families for any history of domestic abuse and drew attention to domestic abuse as a significant safeguarding issue for children and young people.

Departmental Response

The Department recognises that assessments of prospective foster parents should be completed as quickly as possible, while at the same time ensuring that any assessment provides the necessary assurances as to the suitability of the prospective foster parent and their household. The fostering workstream established as part of the Children's Social Care Strategic Reform Programme will be considering the current assessment and approvals process and the make-up of foster care teams. In addition, work is also underway to address the workforce challenges impacting on children's social care teams, including fostering teams responsible for undertaking assessments of prospective foster parents.

The Department of Justice consulted on proposals to change the Minimum Age of Criminal Responsibility in Northern Ireland between October and December 2022. The outcome of that consultation exercise will be subject to agreement by Ministers following the restoration of the NI Executive. Any change resulting from this process will of be reflected in the Foster Placement and Fostering Agencies Regulations, but until then the draft Regulations need to reflect the current legislative requirements.

In relation to comments received about the number of references to be sought as part of the fostering assessment process, the Department considers that the wording of draft Regulation 5(2)(b)—which requires fostering service providers to interview at least two persons to obtain personal references for the prospective foster parent—provides sufficient flexibility to enable fostering service providers to seek addition references if they consider it necessary to do so.

The Department is not proposing to amend paragraph 8 of Schedule 2 to replace 'standard of living' with 'financial circumstances'. The use of the term 'standard of living' is consistent with the terminology used in the Fostering Services (England) Regulations 2011, and—while financial circumstances will be an important consideration—an assessment of a prospective foster parent's standard of living should encompass other important considerations including, for example, their lifestyle and the suitability of the foster home.

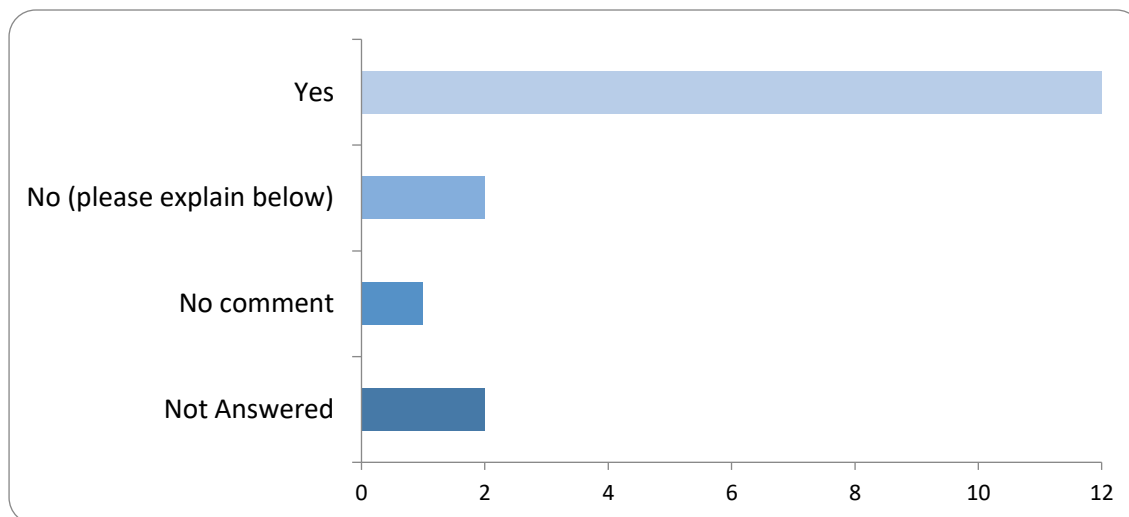
In relation to comments made by the children and young people who responded to the consultation, the Department accepts these points and agrees that it is important to assess a prospective foster parent's suitability in the broadest sense, taking into account their personality, skills, aptitude and ability to provide trauma-informed care that meets the needs of children who will be living with them. It is the Department's view that the draft Regulations provide for this in-depth assessment—as drafted they require, among other things, an assessment of a prospective foster parent's personality, and their skills, competence and capacity to care effectively for a child. On this basis, the Department is not proposing amending the draft Regulations, however it has noted the comments provided and will ensure that they are addressed in Standards to be developed to support the implementation of the Regulations.

In relation to the recommendation that any history of domestic abuse should form part of a prospective foster parent's assessment, any domestic abuse offence (and any offence aggravated by domestic abuse) will be disclosed on the required Enhanced check.

It is also important to note that for disclosure applications related to fostering, AccessNI will refer details to the PSNI to consider disclosure of other police (non-conviction) information – this could include details about ongoing investigations, previous investigations, unsuccessful prosecutions, etc. PSNI will include such information as they consider relevant in the interests of safeguarding.

Q5: Do you agree with the requirements set out in Regulation 6 and Schedule 3, which must be satisfied during the approval of a prospective foster parent, including the making of a 'foster care agreement'? If no, what changes would you suggest?

There were 15 responses to this question.



Option	Total	Percent
Yes	12	70.58%
No (please explain below)	2	11.77%
No comment	1	05.88%
Not Answered	2	11.77%

Summary of Key Issues Raised

Again, there was broad agreement about the content of the draft Regulation 6 and Schedule 3, with respondents noting the important role of the foster care agreement in providing clarity of roles and expectations.

Several respondents expressed concern that the draft Regulations do not govern the operation of foster panels.

One response queried the legal status of foster care agreements and suggested that these should include details of payment to be provided, and entitlement to holidays, leave and sick pay. The same response raised concerns about the requirement for a foster parent to allow a person authorised by the RQIA to visit the foster parent's home at any reasonable time.

Issues were also raised regarding the absence of timescales for fostering service providers to respond to representations made by prospective foster parents following a decision not to approve them, with some respondents referring to their own experience of significant delays in receiving information from fostering service providers about the decision-making process.

Some respondents were also of the view that the matters and obligations covered in foster care agreements would benefit from further elaboration to address practical issues such as insurance, advocacy and support; and the view was expressed that the terms of the foster care agreement should be subject to regular review.

Finally, the suggestion was made that the wording of paragraph 2(a) of Schedule 3 should be amended to place the emphasis on the child's assessed needs, rather than a requirement for a foster parent to care for a child 'as if the child were a child of the foster parent's family'.

Departmental Response

As stated above in the Department's response to Question 1, advice received by the Department is clear that the Regulations cannot make provision for the operation of foster panels until such time as the relevant sections of the Adoption and Children (Northern Ireland) Act 2022 have been commenced. However, in recognition of the fact that foster panels are already operating in practice across fostering agencies and Trust fostering services, the Department will consider whether it is possible to provide guidance on their operation within the Standards that will be developed to support implementation of the draft Regulations.

The Department accepts the point that the draft Regulations should include timescales within which fostering service providers should respond to representations from foster parents and prospective foster parents; and it will consider stipulating at Regulation 6 the timescale within which fostering service providers should notify prospective foster parents of the decision to approve or not approve a prospective foster parent.

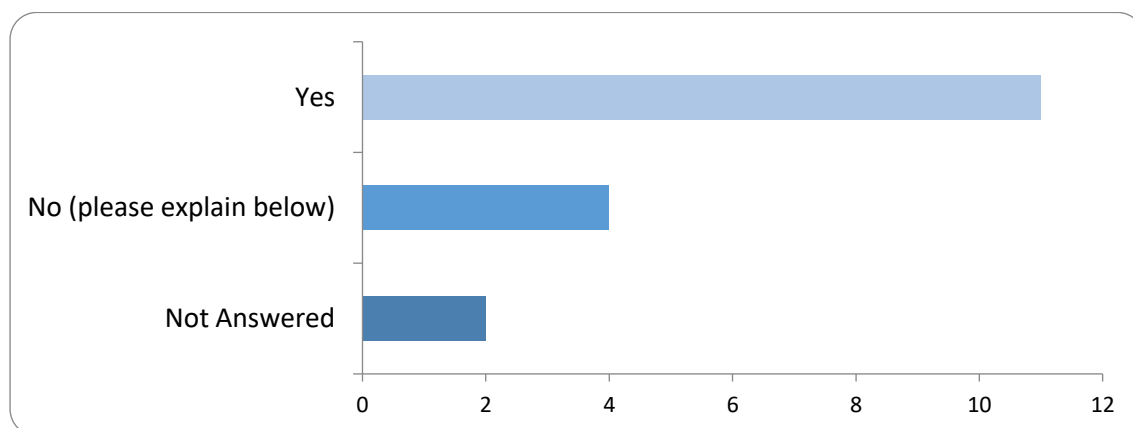
In relation to requests for further detail to be included in the Regulations around the content of foster care agreements, as explained above it is important the legislation is sufficiently broad as to be applicable for a reasonable period of time. However, the Department will consider whether it may be appropriate to include some of the additional detail in Standards being developed to support the implementation of the Regulations.

The Department does not agree with the suggestion to remove the requirement for a foster parent to care for a child 'as if the child were a child of the foster parent's family'—this is of central importance to any fostering arrangement. However, the Department does agree with the need for a greater emphasis on the child's assessed needs and will consider amendments to Schedule 3 of the draft Regulations to ensure that this is adequately reflected.

In relation to the concerns raised about the requirement for a foster parent to allow a person authorised by the RQIA to visit the foster parent's home at any reasonable time, this is intended to facilitate the inspection of fostering agencies and to seek the views of children and young people and foster parents as part of that process. It is not intended to support an additional layer of checks on the foster parent or their household.

Q6: Do you agree with the requirements set out in relation to reviews and terminations of a foster parent’s approval, including the requirement to carry out reviews at intervals of not more than a year as stipulated in Regulation 7? If no, what changes would you suggest?

There were 15 responses to this question.



Option	Total	Percent
Yes	11	64.70%
No (please explain below)	4	23.53%
No comment	0	0.00%
Not Answered	2	11.77%

Summary of Key Issues Raised

A number of respondents were broadly content with the proposed requirements in relation to reviews and terminations of foster parent approvals, with some respondents indicating that the draft Regulations reflect current practice. One query was raised in respect of the timing of the review, specifically whether this should be signed off within a twelve-month period or commenced within a twelve-month period.

It is notable that a large proportion of foster parents engaged as part of the consultation did not agree with the proposals relating to reviews of foster parents or terminations of approval. The view was expressed that an annual review was too frequent, and the capacity of social workers to undertake reviews on an annual basis was questioned. Foster parents pointed to monthly visits required by the Regulations as providing sufficient opportunity to identify and act on any issues as they emerge. Others described annual reviews as ‘intrusive’ and ‘disruptive’, as something ‘done onto them’ rather than a collaborative process. Some foster parents also indicated that the process of review can cause anxiety for the foster parent, their family and the children living with them. Some of the foster parents who responded to the consultation expressed the view that foster parents should be registered as professionals, and that reviews should be conducted by independent persons rather than by the approving authority.

In relation to terminations of approval, some foster parents expressed the view that the wording of the draft Regulations was too subjective and that there should be clear criteria

(for example, a breach of regulations or the foster parent agreement) underpinning an approving authority's decision that a foster parent and their household is no longer suitable. Foster parents talked about a lack of security for them, a lack of respect for the important role that they perform, and the reputational damage that could result from termination of their approval as a foster parent. They also pointed to the potential instability for the children living with them. The importance of permanence and stability was echoed by a number of respondents, including children and young people emphasised the importance of providing support to children living with a foster parent whose approval is terminated, to help them understand the reasons for the decision and to support them through the move to a new placement.

Some foster parents noted that while the draft Regulations require the approving authority to seek and take account of the views of the foster parent as part of the review process, there is no detail prescribed as to how this should be done, including for example the timescale for seeking views and requiring the provision of information to foster parents to help inform their views. Concerns were raised about an apparent lack of fairness and transparency in the process to review and terminate approvals, with a number of respondents expressing the view that the Regulations should address the role of foster panels in overseeing the review process and should establish an independent mechanism to review decisions around approval and termination.

Departmental Response

The Department considers that reviewing a foster parent's approval at least once a year is necessary and appropriate from a safeguarding perspective. While acknowledging that the draft Regulations also require monthly visits in circumstances where a child is placed with a foster parent, the purpose of those visits is so that the responsible authority can satisfy itself that the welfare of the child continues to be suitably provided for by the placement. The purpose of the review provided for by Regulation 7 is to establish whether the foster parent continues to be suitable to act as a foster parent. It is the Department's view that both are essential in ensuring the welfare of children and supporting foster parents. The Department also notes the concerns raised in relation to termination of approvals. However, it is considered that the requirements set out in the draft Regulations are proportionate and have the child's welfare as the central consideration.

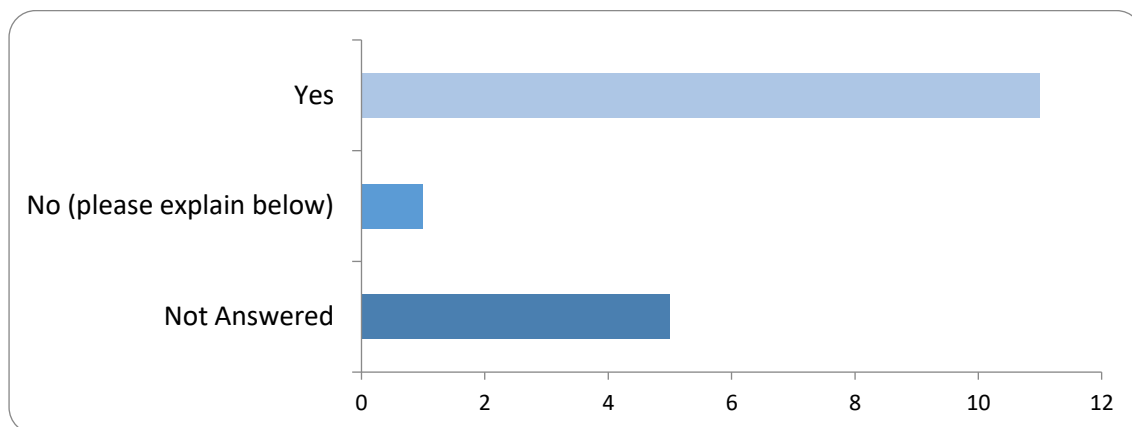
That said, it is disappointing to note that so many foster parents who responded to the consultation described not being fully involved in decisions about their approval and perceived the annual review process as intrusive and disruptive. This in turn has contributed to a perception among some of the foster parents who responded that they are not valued. This should not be the case. Foster parents are an important and valued member of the team around the child, and the Department agrees that the review process should be as transparent as possible. While the Department considers that the wording of the Regulations needs to be broad enough to provide the necessary flexibility to enable authorities to act in the best interests of the child at all times, the comments made by foster parents in response to this question will be taken into account in the development of Standards to accompany the Regulations. It is proposed that these will describe in more detail the conduct of annual reviews and decision making relating to the approval of foster parents, and the importance of ensuring that foster parents are engaged in a meaningful way throughout the process.

The views expressed by foster parents will also be shared with the co-Chairs of the Fostering Workstream established as part of the Children's Social Care Reform Programme to inform the development of proposals aimed at improving foster parent recruitment and retention.

As previously stated, the Department will consider whether the operation of foster panels and their role in relation to foster parent approvals can be addressed by way of Standards to accompany the Regulations.

Q7: Do you agree with the requirements set out in Regulation 8 and Schedule 4 in relation to the making of foster placements by a responsible authority, including the requirement for each foster parent to enter into a foster placement agreement with the responsible authority? If no, what changes would you suggest?

There were 12 responses to this question.



Option	Total	Percent
Yes	11	64.70%
No (please explain below)	1	5.88%
No comment	0	0.00%
Not Answered	5	29.42%

Summary of Key Issues Raised

The majority of respondents broadly agreed with the requirements set out in Regulation 8 and Schedule 4 in relation to the making of foster placements and the requirement for foster placement agreements. The consideration given to the cultural and linguistic background, racial origin and religious persuasion of both the child and the foster parent was welcomed, with one response noting the importance of placing a child with a family who understands what the child needs to thrive and develop and providing the necessary support to foster parents to enable them to meet the cultural, linguistic and religious needs of the child.

However, the point was made by a number of respondents that the agreement should be binding on both the foster parent and the responsible authority, with several foster parents expressing the view that the contents of the agreement should include more detail on the support—financial, practical and emotional—to be provided to the foster parent, and on arrangements for making day-to-day decisions about children (delegated authority). Some foster parents also considered that the agreement should focus more clearly on the creation of a suitable environment for the child. Some respondents also suggested that the foster placement agreement should be replaced with a contract.

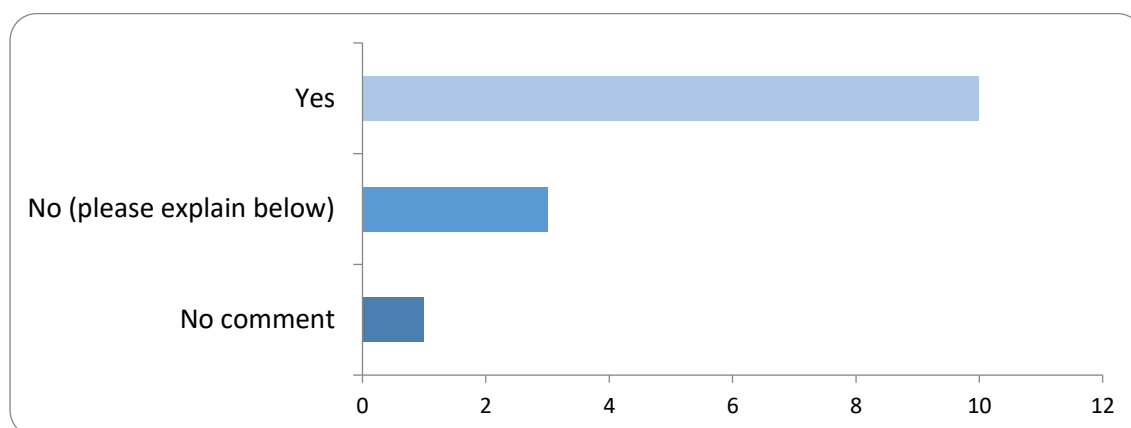
Departmental Response

The Department notes and will give further consideration to the responses provided. In relation to the suggestion that the foster placement agreement should include detail on the support to be provided to foster parents, the Department considers that the draft Regulations

already address this point—Regulation 6 and Schedule 3 of the draft Regulations require a fostering service provider to enter into a written agreement with an approved foster parent, covering specified matters including the support and training to be given to the foster parent. In making a foster placement agreement, Schedule 4 stipulates that this should include ‘all the information which the responsible authority considers necessary to enable the foster parent to care for the child’. The agreement must also include ‘the responsible authority’s arrangements for the financial support of the child during the placement’—this should include details of fees and allowances payable to the foster parent. In relation to the point made by respondents around delegated authority, Schedule 4 of the draft Regulations requires that the foster placement agreement should include ‘any arrangements for giving consent to the medical or dental examination or treatment of the child’ and ‘the circumstances in which it is necessary to obtain in advance the approval of the child to live, even temporarily, away from the foster parent’s home’. The Department will consider a further addition to this Schedule to clarify that the foster placement agreement should also include any other arrangements relating to day-to-day decisions in respect of the child.

Q8: Do you agree with the requirements set out in Regulation 9 in relation to the supervision of placements, including the requirement for an authorised person to visit a child within one week of the start of the placement, and at least once every month thereafter? If no, what changes would you suggest?

There were 14 responses to this question.



Option	Total	Percent
Yes	10	58.82%
No (please explain below)	3	17.65%
No comment	1	5.88%
Not Answered	3	17.65%

Summary of Key Issues Raised

The majority of respondents agreed with the requirements in Regulation 9 and recognised the importance of monthly visits for safeguarding purposes. However, some respondents expressed concern about the turnover and shortages of social workers and the capacity of responsible authorities to meet the requirement for monthly supervision visits. Foster parents in particular emphasised that visits should be conducted by the same social worker to ensure continuity, consistency, and accountability, noting that this is rarely the case in practice.

Some respondents suggested that the focus should be on the quality of supervision visits, rather than frequency, and drew attention to the importance of visits in supporting the child and ensuring that they have access to the services they need. Some respondents considered that monthly visits should not be universally provided, particularly where a child is well settled with a family on a long-term basis.

One response received suggested that the timescale, of one week, for a first supervision visit is too long, and that this initial visit should instead take place within 24 hours.

Some respondents expressed confusion at the roles and responsibilities for conducting supervision visits, and whether this rested with the child's social worker or the supervising social worker assigned to the foster parent. Similarly, concern was expressed that responsibility for supervision visits should not be delegated by the placing authority to another body.

Departmental Response

The Department recognises the significant workforce pressures in children's social care services and the need to for comprehensive and urgent action to address these pressures. These challenges were among those that prompted the Department to commission an independent review of children's social care in Northern Ireland and to establish a programme of reform to lead on the implementation of the independent reviewer's recommendations. A number of actions have already been taken to address workforce issues within Trust social work teams, including the decision to cease the use of agency staff and offer all social workers employed by recruitment agencies the opportunity to apply for roles within Trusts. A recruitment campaign targeted at newly qualified social workers has also been successful, and it is the Department's intention to continue to build on these successes to stabilise the children's social work workforce.

The Department acknowledges the impact that these workforce pressures have had on foster parents and the children they care for and recognises the importance of building and sustaining trusting relationships between social workers, foster parents and children. The views of foster parents provided to the Department by way of this consultation will also be shared with the co-Chairs of the fostering workstream established as part of the Reform of Social Care Services, so that they can be taken into account by that workstream in the development of proposals to shape the future of foster care in Northern Ireland.

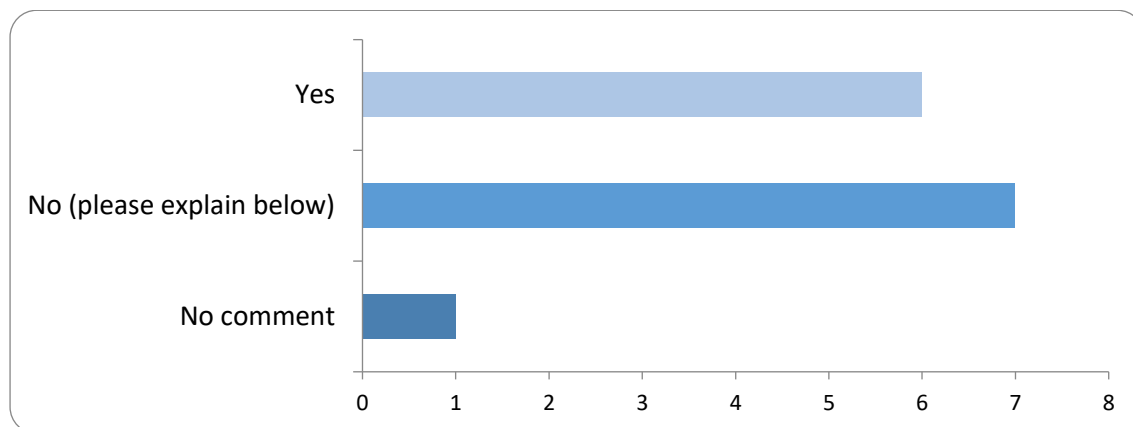
The suggestion that the frequency of supervision visits could be determined by the circumstances of the placement (for example, the extent to which the child is settled and doing well in a long-term placement) was a view echoed by Professor Jones in his review of children's social care services in Northern Ireland. That review referred to the potential for more discretion about statutory visiting requirements for children in long-standing, settled placements². At the present time, Northern Ireland—unlike England—does not have a legislative definition of long-term foster care and a proposal to introduce such a definition would require consultation. It is the Department's intention to proceed to make the draft Regulations without this amendment. However, as part of the implementation of the Adoption and Children Act (Northern Ireland) 2022, the Department intends to consult on new regulations relating to care planning. It is proposed that this consultation will enable the Department to seek views on proposals to introduce a category of 'long-term fostering' and consider visiting requirements accordingly.

The Department considers that the requirement for a first supervision visit to take place within one week from the start of the placement is reasonable and allows time for the child and foster parent to settle in and begin to build a relationship. However, there is the scope for visits to take place sooner should the responsible authority consider it necessary.

² Jones, R. The Report of the Independent Review of Northern Ireland's Children's Social Care Services (June 2023), p.193.

Q9: Do you agree that a Health and Social Care Trust should arrange for a child who has been placed in its area by a voluntary organisation to be visited by one of its officers within the timescales as outlined in Regulation 10, including within 7 days if there are safeguarding or welfare concerns relating to that child? If no, what changes would you suggest?

There were 14 responses to this question.



Option	Total	Percent
Yes	6	35.29%
No (please explain below)	7	41.18%
No comment	1	5.88%
Not Answered	3	17.65%

Summary of Key Issues Raised

Several respondents considered that a visit within seven days was too long in circumstances where there are concerns that the welfare of the child may not be being safeguarded or promoted, and that visits in these circumstances should take place, and the child must be seen and spoken to, within 24 hours in line with Regional Child Protection Policy and Procedures. Respondents also considered that in such cases, visits should be prioritised and depending on the seriousness of the concern, it may be necessary for this visit to take place immediately. Respondents considered that in circumstances where it hasn't been possible to see the child, the visiting social worker should make a record of this along with the reasons why it wasn't possible.

Respondents also queried why the draft Regulations include provisions relating to the placement of children by voluntary organisations, in view of the fact that this no longer happens in practice in Northern Ireland.

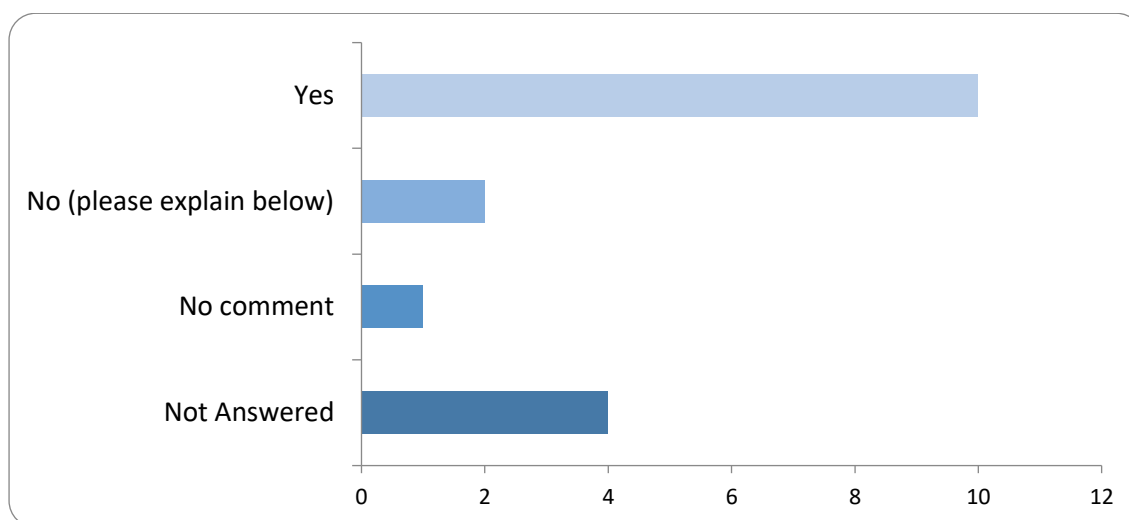
Departmental Response

The Department notes the concerns expressed by respondents about the timescales for visiting children in circumstances where an authority is informed that the welfare of the child may not be being safeguarded or promoted. The Department will consider an amendment to the draft Regulations to ensure that timescales are in keeping with Regional Child Protection Policy and Procedures.

In relation to comments about the need to regulate for the placement of children by voluntary organisations, the Department is clear that this does not happen in practice in Northern Ireland and there are no plans for that to change. However, advice received by the Department during the development of the Adoption and Children Bill was that it was not possible to revoke the provisions of the Children (Northern Ireland) Order 1995 relating to the placement of children by voluntary organisations. Therefore, while the provisions remain in the primary legislation, it is necessary to ensure that such placements would be covered by Regulations.

Q10: Are the requirements relating to the termination of placements as set out in Regulation 11 sufficiently robust? If no, what changes would you suggest?

There were 13 responses to this question.



Option	Total	Percent
Yes	10	58.82%
No (please explain below)	2	11.77%
No comment	1	5.88%
Not Answered	4	23.53%

Summary of Key Issues Raised

A number of respondents suggested that this Regulation should be amended to provide for a more measured approach to ending a placement, recognising that the sudden ending of a foster placement can cause serious disruption and distress to a child, the child's education, the foster parent and the foster parent's household. Reference was made to the Care Planning, Placement and Case Review (England) Regulations 2010, which provide for the termination of placements only after a review of the child's care plan, unless there is an immediate risk of significant harm to the child or it is necessary to terminate the placement to protect others from serious injury. Further suggested amendments were to stipulate that any decision to move a child out of a placement should only be taken when it is in the child's best interest. It was also noted that clear reasons should be given as to why the child has been moved, that this should be included in the child's care plan and discussed during the review of the child's care. A number of respondents made the point that at all times the best interests of the child must be at the centre of decision making.

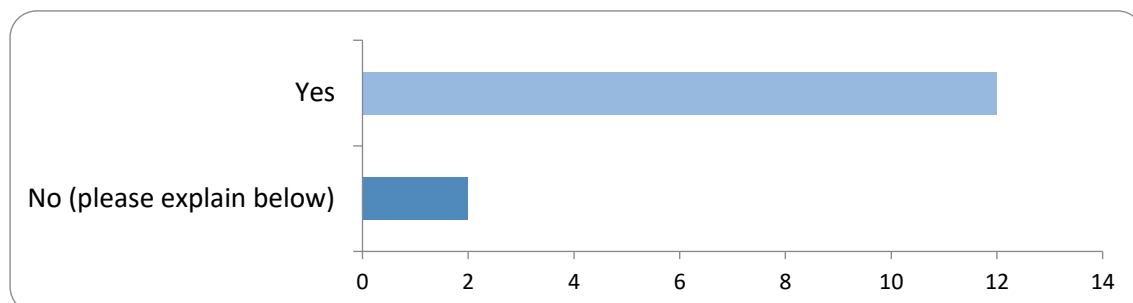
Departmental Response

The Department agrees that safety and stability are fundamental to a child's wellbeing. The Regulations as drafted are grounded in the general duty of an authority to safeguard and promote the welfare of children being looked after, and no decision should be taken to terminate a child's placement unless this is consistent with that duty. The Department will emphasise this point by way of Standards being developed to support the implementation of the draft Regulations. Northern Ireland does not currently have the equivalent of the Care Planning, Placement and Case Review (England) Regulations 2010. However, it is

the Department's intention to develop and consult on Care Planning Regulations as part of the implementation of the Adoption and Children (Northern Ireland) Act 2022. Further consideration will be given at that stage to including similar provision relating to the termination of placements for all children who are looked after.

Q11: Do you agree with the requirements set out in Regulation 12 in relation to short-term placements? If no, what changes would you suggest?

There were 14 responses to this question.



Option	Total	Percent
Yes	12	70.58%
No (please explain below)	2	11.77%
No comment	0	0.00%
Not Answered	3	17.65%

Summary of Key Issues Raised

Some respondents indicated the need for further clarity on what constitutes a ‘short-term’ placement and how such short-term placements relate to ‘short-breaks’ or ‘respite’ placements.

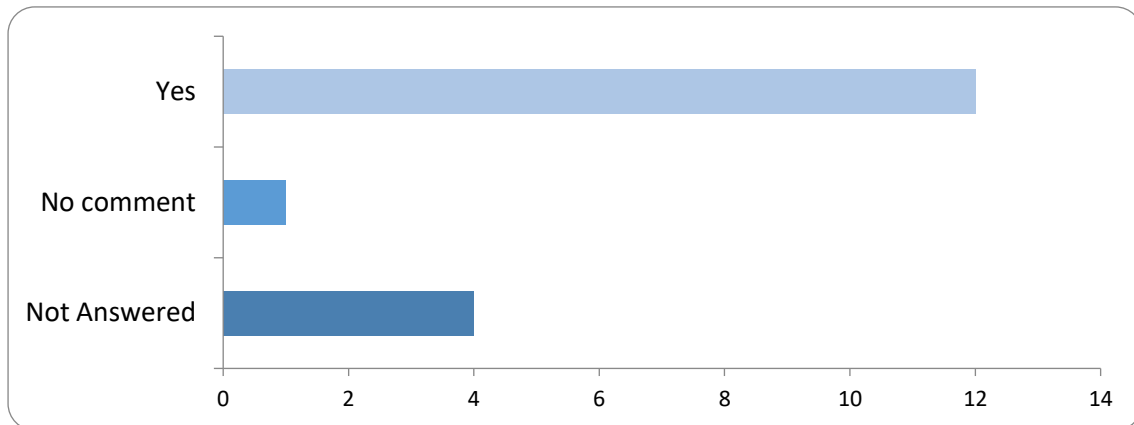
Departmental Response

The purpose of Regulation 12 is to modify the application of the draft Regulations where a child is placed in a series of short-term placements with the same foster parent, providing that no single placement lasts for more than 4 weeks, and where the total duration of the placements does not exceed 90 days in any 12 month period. In these circumstances, a series of short-term placements may be treated as a single placement for the purposes of Part IV of the draft Regulations, subject to the modifications set out at Regulation 12(3) and 12(4).

This Regulation would apply to children being provided with short breaks in a foster care placement, providing that the conditions set out in Regulation 12(1) are satisfied.

Q12: Do you agree with the requirements set out in Regulation 13 in relation to the making of foster care placements outside Northern Ireland? If no, what changes would you suggest?

There were 13 responses to this question.



Option	Total	Percent
Yes	12	70.59%
No (please explain below)	0	0.00%
No comment	1	5.88%
Not Answered	4	23.53%

Summary of Key Issues Raised

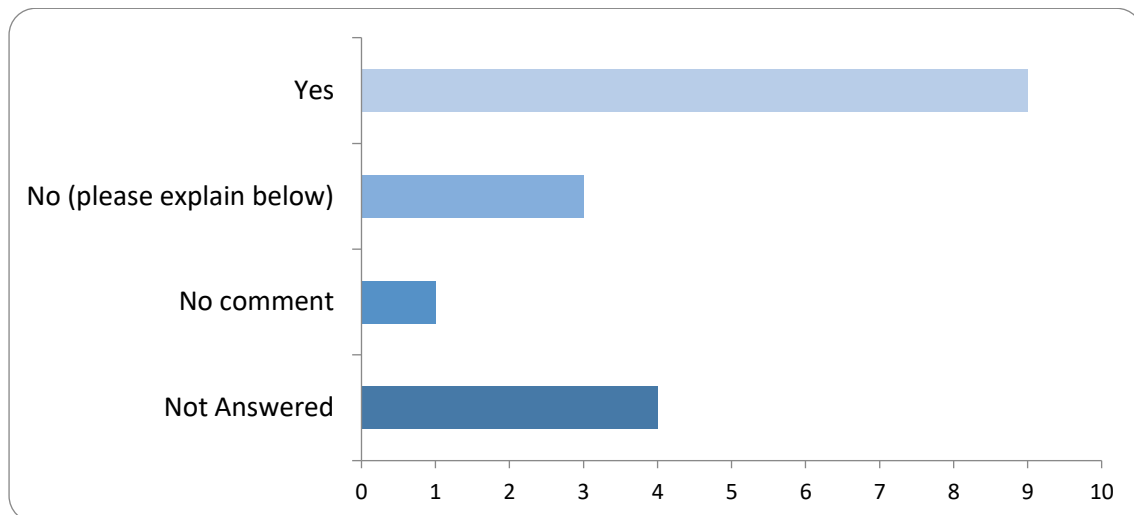
No comments were received.

Departmental Response

The Department notes that the majority of respondents to the consultation were in agreement with this Regulation and made no comment.

Q13: Regulation 14 - Do you agree that six working days is an appropriate maximum period of time that a Health and Social Care Trust should be able to make an emergency placement with an approved foster parent, including circumstances where the placement is not consistent with the foster parent's terms of approval? If no, what changes would you suggest?

There were 13 responses to this question.



Option	Total	Percent
Yes	9	52.94%
No (please explain below)	3	17.65%
No comment	1	5.88%
Not Answered	4	23.53%

Summary of Key Issues Raised

Respondents to this question commented on the absence of regulations governing the operation of foster panels, pointing to the important role of panels in providing oversight and monitoring of decisions to place a child with a foster parent outside the terms of that foster parent's approval. It was also suggested that a decision to place a child with an approved foster parent outside of the terms of their approval should result in a written variation of those terms. In addition, concern was expressed by one respondent that foster parents should not feel pressured to accept a child outside the terms of their approval.

There were a small number of differing views on whether six working days is an appropriate maximum period of time for an emergency placement. Linked to the comments made about foster panels, one respondent suggested that extending the time period from six to 14 days would allow sufficient time to bring the emergency placement to a foster panel. One respondent expressed concern that an emergency placement lasting only six working days may cause further instability for young people, particularly in the context of a shortage of appropriate foster placements. On the other hand, another respondent considered that extending the time period beyond six working days would potentially lead to greater disruption for the child as a result of the subsequent placement move.

A number of respondents highlighted the importance of stability for children and young people, including in particular the importance and priority that should be given to the child's education.

Departmental Response

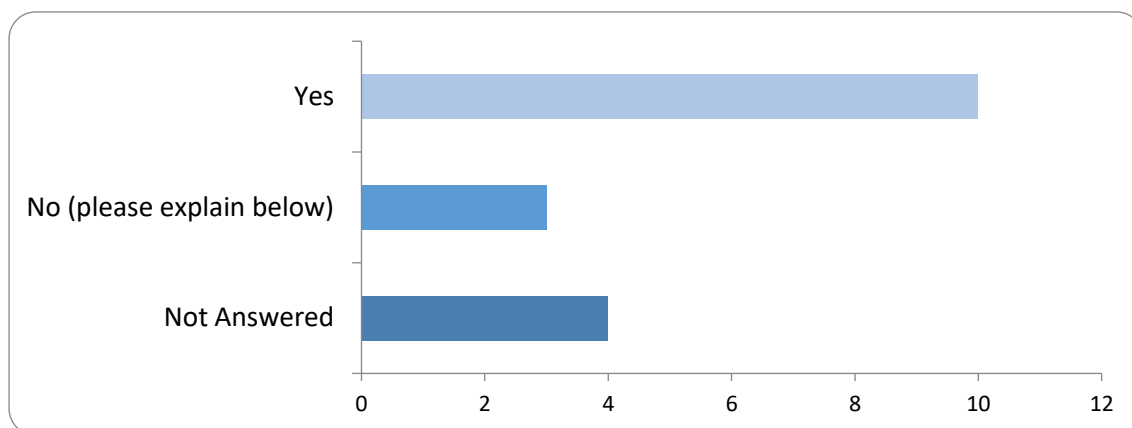
As previously stated, advice received by the Department is clear that the Regulations cannot make provision for the operation of foster panels until such time as the relevant sections of the Adoption and Children (Northern Ireland) Act 2022 have been commenced; and that commencement of the provisions relating to foster panels is contingent on the commencement of provisions relating to the independent review mechanism and the new adoption framework. However, in recognition of the fact that foster panels are already operating in practice across fostering services in Northern Ireland, the Department will consider whether it is possible to provide guidance on their operation within the Standards that will be developed to support implementation of the draft Regulations.

On the basis that the majority of respondents agreed with the provision in question, the Department is not proposing to change the wording of Regulation 14 as it relates to the emergency placement of children with an approved foster parent, outside of the terms of that foster parent's approval. However, the Department notes the points made about the need for a written variation to the foster parent's approval and will consider amending the Regulations to reflect this.

The Department notes and agrees with the comments regarding the importance of maintaining stability for children who are looked after, including ensuring that—as far as practicable—placement moves do not disrupt a child's education. The Adoption and Children Act (Northern Ireland) 2022 introduces a duty on HSC Trusts to promote, facilitate and support a child's learning and development, and achievement in relation to education or training; and that when providing accommodation for a child a Trust must, so far as is reasonably practicable and consistent with the child's welfare, ensure that the child's education or training will not be disrupted. It is expected that this provision will come into effect during 2024/25.

Q14: Regulation 14 - Do you agree that the maximum period for an immediate placement of a child with a person who is not yet approved should be extended to 16 weeks? If no, what changes would you suggest?

There were 13 responses to this question.



Option	Total	Percent
Yes	10	58.82%
No (please explain below)	3	17.65%
No comment	0	0.00%
Not Answered	4	23.53%

Summary of Key Issues Raised

The majority of respondents were largely in agreement with the proposal to extend to 16 weeks the maximum period for a placement of a child with a family member or friend who is not an approved foster parent. However, a number of respondents expressed concern about the frequency with which such placements are made, and the potential impact on children and their carers. The children and young people consulted emphasised that the foster parent should be approved at the earliest opportunity within the 16-week period and made the point that the child should be able to remain in the placement beyond 16 weeks if that has been assessed as being in their best interests.

Recognising the pressures in fostering teams, one respondent proposed a further extension from 16 weeks to 20 weeks as a more realistic timescale for completion of assessments and the necessary approvals to be made.

One respondent expressed concern around decision-making relating to the immediate placement of children with family or friends and commented that all fostering service providers (HSC Trusts and fostering agencies) should be regulated to monitor how these powers are applied in practice.

Departmental Response

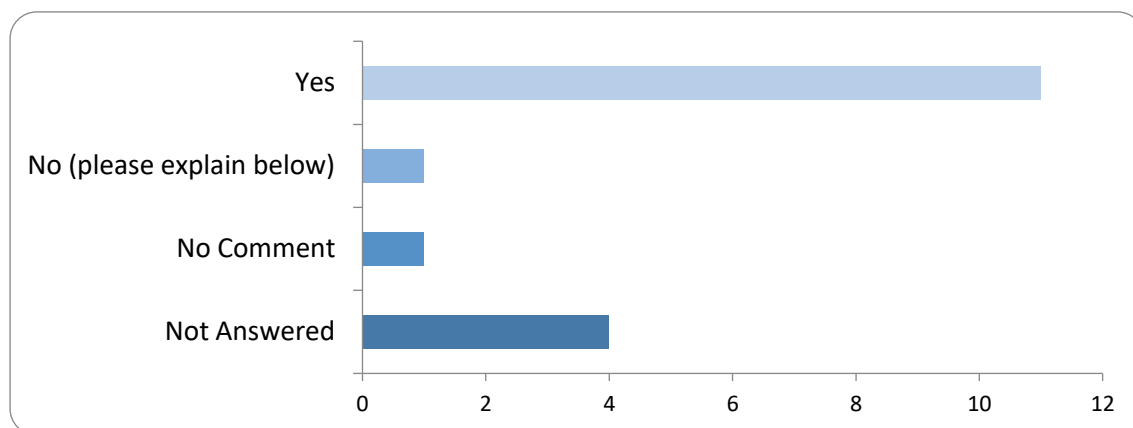
The proposal to increase the maximum period for an immediate placement of a child with a family member or friend who is not an approved foster parent, from 12 weeks to 16 weeks, was based on evidence provided by an audit carried out by HSC Trusts. While recognising the ongoing pressures across children's social care services, and the range of actions being

taken to address these pressures as outlined above, the Department is of the view that 16 weeks is a reasonable time in which to complete the necessary assessments of prospective foster parents and make decisions as to their approval or otherwise. While the draft Regulations build in important safeguards for the making of immediate placements—for example, requiring checks of the proposed accommodation, interviewing the proposed carer, obtaining relevant information about the carer and his household, and visits at least once a week—it is in the best interests of the child to provide stability and clarity about where they will be living as quickly as possible. That stability is also important for the child’s carer. The Department therefore intends to retain the 16-week timescale in Regulation 14.

The Department notes the comments made, both in response to the formal consultation exercise and during engagement sessions, that registration with the Regulation and Quality Improvement Authority (RQIA) should be a requirement for all fostering service providers and should not be limited to fostering agencies as required by the draft Regulations. The primary legislation governing the registration and regulation of services by RQIA—the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003—provides for the registration and regulation of establishments and agencies. This does not extend to services provided by HSC Trusts. However, the 2003 Order does enable the Department to request advice, reports or information relating to the provision of services by HSC Trusts. It is the Department’s intention that all fostering service providers should meet the same standards. The Department therefore intends to liaise with RQIA regarding reviews of HSC Trust fostering services in line with Standards developed to support the implementation of the Regulations.

Q15: Do you agree with the requirements placed upon fostering service providers in Regulations 15 and 16, in relation to the keeping of records? If no, what changes would you suggest?

There were 13 responses to this question.



Option	Total	Percent
Yes	11	64.71%
No (please explain below)	1	5.88%
No comment	1	5.88%
Not Answered	4	23.53%

Summary of Key Issues Raised

There was broad agreement about the requirement placed upon fostering service providers in relation to the keeping of records. Respondents recognised the importance of keeping accurate and complete records and retaining this for an appropriate period of time.

A number of foster parents who responded emphasised the need for transparency in records kept about them. Some respondents also suggested that information should be sought and retained from foster parents leaving the service as part of an exit interview, in order to aid understanding of and learning from issues which impact on retention of foster parents.

In addition, 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.

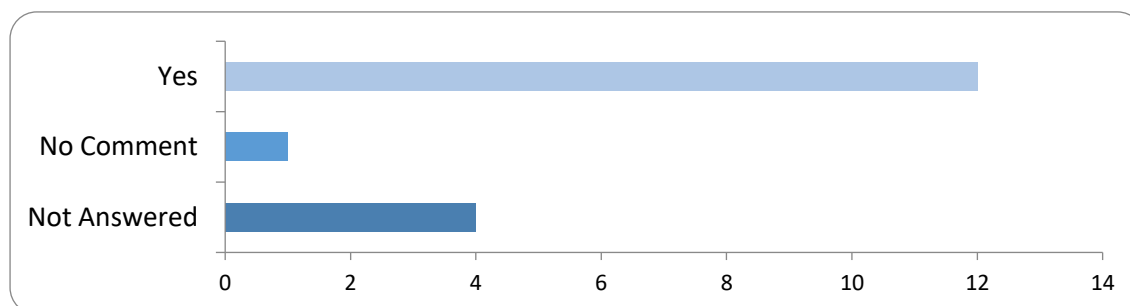
Departmental Response

The Department notes the comments made. Suggestions relating to gathering information from exit interviews will be shared with the fostering reform workstream for consideration. While the Department agrees that this information would be useful for service improvement purposes, it is not considered appropriate to legislate for its inclusion in the formal placement records relating to foster parents by way of the draft Regulations.

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.

Q16: Do you agree with the requirements set out in Regulation 17 in relation to the retention and confidentiality of records by each fostering service provider? If no, what changes would you suggest?

There were 13 responses to this question.



Option	Total	Percent
Yes	12	70.59%
No (please explain below)	0	0.00%
No comment	1	5.88%
Not Answered	4	23.53%

Summary of Key Issues Raised

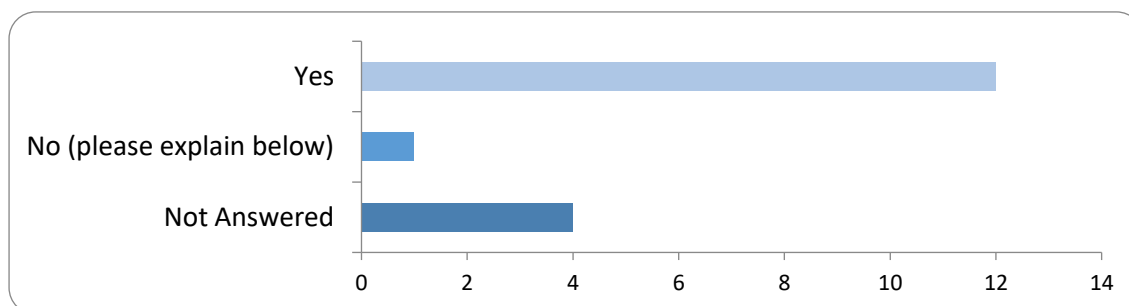
Respondents were supportive of the requirements as set out in Regulation 17 and commented on the importance of robust and timely record keeping and retention for appropriate timeframes.

Departmental Response

The Department notes the comments received from respondents. Standards developed to accompany the implementation of the Regulations will also address the importance of accurate and timely record keeping.

Q17: Do you agree that the minimum period suggested i.e. 40 years, should be extended to 75 years in keeping with other care settings such as Adoption records? If no, what changes would you suggest?

There were 13 responses to this question.



Option	Total	Percent
Yes	12	70.59%
No (please explain below)	1	5.88%
No comment	0	0.00%
Not Answered	4	23.53%

Summary of Key Issues Raised

Most respondents were supportive of extending the retention period for records relating to an approved foster parent from 40 years to 75 years, in keeping with the retention periods for looked after children’s case records and adoption records. Respondents identified the importance of information about childhood and personal history to an individual’s health and wellbeing and agreed that 75 years was a reasonable retention period. However, some foster parents were not in favour of this proposal, expressing the view that 75 years was too long, and seemed excessive and unnecessary. The view was expressed that records kept about approved foster parents should be retained for the same length of time as employees within a fostering service.

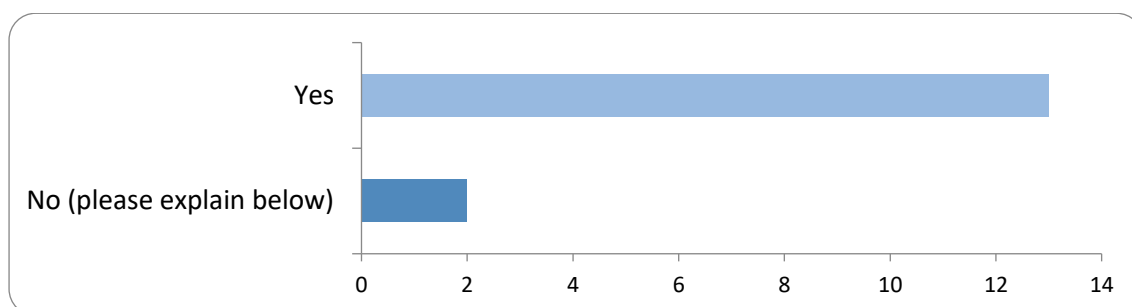
Departmental Response

As previously advised the Department is considering extending the retention period for foster records to 75 years in line with the retention period for looked after children and adoption records. Any amendment to retention periods in the draft Regulations will be reflected in the accompanying Standards.

In relation to retaining records for the same length of time as employees within a fostering service, this is not considered sufficient as employee records are only retained for 15 years in line with the retention and disposal schedule Good Management, Good Records. As a number of respondents have noted, there are clear reasons why records relating to approved foster parents should be maintained for a longer period of time, including the potential for historical allegations and the importance of evidence to assist in the investigation of same.

Q18: Do you agree with the duties that are placed upon the responsible authority in Regulations 18-20? If no, what changes would you suggest?

There were 15 responses to this question.



Option	Total	Percent
Yes	13	76.46%
No (please explain below)	2	11.77%
No comment	0	0.00%
Not Answered	2	11.77%

Summary of Key Issues Raised

Regulations 18 to 20 of the draft Regulations place duties on the responsible authority (that is, the HSC Trust responsible for placing the child) in respect of the health, development and education and leisure activities of children in foster placements; and in respect of support, training and information to be provided to foster parents.

Respondents made a number of helpful suggestions. It was suggested, for example, that responsibilities in relation to improving wellbeing should also be included alongside health and education, in keeping with the aim of the Children’s Services Cooperation Act (Northern Ireland) 2015. However, respondents also noted the difficulties in accessing health and support services and requested further clarity on responsibility for delivering the requirements set out in these Regulations. Similarly, some of the children and young people who responded to the consultation thought that the Regulations should clarify that, in addition to ensuring that foster parents promote the leisure interests of children placed with them, the placing Trust should also ensure that participation in those interests should be facilitated by the Trust, including through the provision of financial support where appropriate (for example to purchase equipment).

A number of foster parents commented on the quality of training they receive and poor engagement with foster parents about the training they need. Foster parents and their representatives were clear about the need for more tailored, trauma-informed training and support, and better-quality information, to help meet the needs of the children living in foster care. It was suggested that the draft Regulations should be amended to include a requirement for each foster parent to have an agreed annual training and development plan.

In its response, the Foster Care Workers Union expressed concern that the Regulations do not address the handling of allegations made about foster parents and suggested that Regulation 20 should be extended to clarify that foster parents are able to choose their own preferred means of support, including their trade union. It also suggested that the Regulations

stipulate a requirement to provide foster parents with additional information about a child to be placed, including whether the child has any criminal offences, specific traumas, or a history of making allegations.

The issue of delegated authority was also raised in response to this question, with some respondents suggesting that this should be a core part of any foster placement agreement. One respondent expressed the view that all members of the team around the child should have a shared understanding of the decisions that a foster parent could make, to ensure that children living in foster care are not treated differently from their peers.

Some respondents also drew attention to the importance of collaboration across professionals, disciplines and agencies in delivering the aims and objectives of Regulations 18 to 20. It was suggested that the draft Regulations should be amended to include reference to Personal Education Planning as part of the overall care plan for the child.

Departmental Response

In relation to comments around the need for clarity about the responsibility for meeting the requirements set out at Regulations 18 to 20, the draft Regulations are clear that these requirements rest with the HSC Trust responsible for placing the child. However, it is acknowledged that foster parents will have a lead role to play in promoting the health, development, education and leisure interests of any child placed with them, and comments made by children and young people, foster parents and their representatives will be considered in the development of Standards to accompany the Regulations.

The Department will consider amending the legislation to include reference to wellbeing, alongside health and development.

As previously stated, the legislation does not use the term delegated authority however Schedule 4 specific arrangements in relation to medical and dental treatment, and temporary accommodation are covered. The Department will consider a further amendment to this Schedule to include a reference to responsibility for other day-to-day decisions as part of the foster placement agreement.

In relation to comments related to handling of allegations, there is a currently a review of the 'Regional Policy for Managing Allegations and Complaints made in respect of Foster Carers in Northern Ireland' underway. The Review will consider the support provided to foster carers who have been subject to an allegation / complaint throughout the process. Subject to the completion of that work, the Department will consider referencing in the development of Practice Guidance for Fostering Agencies.

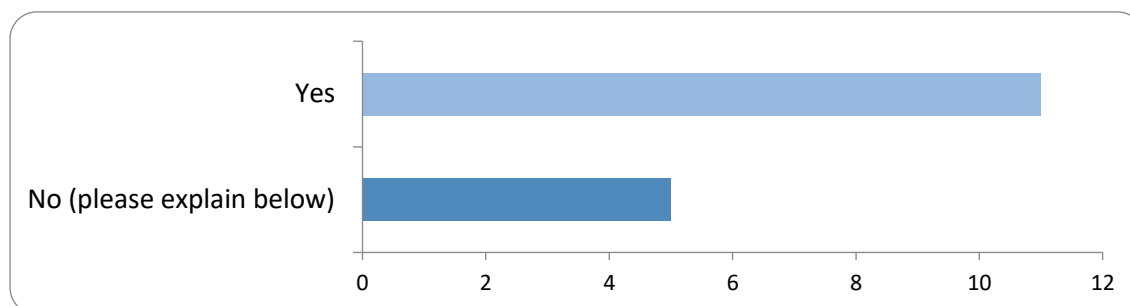
The Department considers that the current Regulations (Regulation 20) fully addresses the issue of providing information about a child being placed. Whilst some specifics are detailed this does not preclude other information being provided. Clarification on this will be considered in the development of Practice Guidance.

The Department agrees that foster parents need a package of support and training to understand and meet the needs of children living with them. This point was made by Professor Jones in his Independent Review of Children's Social Care Services in Northern Ireland and is a core aim of ongoing work to implement a Framework for Integrated Therapeutic Care across all settings where looked after children are cared for. While many

of the comments made in response to this question cannot be addressed by way of Regulations, the Department will ensure that they are shared with the Chairs of the Fostering workstream established as part of the Children's Social Care Reform Programme.

Q19: Do you agree with the duties that are placed upon the registered provider of a fostering agency in Part VII of the Regulations (Regulations 21-46)? If no, what changes would you suggest?

There were 16 responses to this question.



Option	Total	Percent
Yes	11	64.70%
No (please explain below)	5	29.42%
No comment	0	0.00%
Not Answered	1	5.88%

Summary of Key Issues Raised

The majority of respondents were in broad agreement with the duties to be placed on registered providers of fostering agencies by Regulations 21-46, subject to some suggested amendments. However, while respondents were largely content that these provisions clearly set out what is required of registered providers of fostering agencies, a number expressed the view that the requirements should also apply to Trust fostering services. Respondents were concerned that this approach had the potential to lead to a two-tier system, with fostering agencies held to a higher standard than Trust fostering services. The Fostering Network in particular pointed to developments in Wales over recent years which have resulted in regulations being made for fostering agencies and local authority fostering services.

Comments were made in relation to specific Regulations as follows:

- Regulation 23(4) requires the production of a children's guide, to include specified information about the fostering agency – the children and young people consulted welcomed the information to be included, with some recommending that this should also include information about how to access the Regional Independent Advocacy Service.
- Regulation 24, which requires the registered provider to keep under review the fostering agency's statement of purpose – one respondent has suggested that a timeframe (possibly yearly) should be included for the completion of such a review.
- Regulation 25, which is concerned with arrangements for the protection of children and requires the preparation and implementation of a written safeguarding policy to include the procedure to be followed in the event of any allegation of abuse or neglect

– a suggestion has been made that Regulation 25(2)(b) should be amended to make clear that this should provide for referral in line with regional child protection policy and procedures.

- Regulation 26, which is concerned with behaviour management and children missing from a foster parent's home – a number of respondents expressed significant misgivings about the content of this Regulation as drafted and were clear that the language used and the intent of the Regulation does not reflect evidence and best practice about understanding and responding to a child's challenging behaviour in a way which recognises the root causes of that behaviour. Respondents also suggested that there was a need for an agreed multi-agency protocol for responding to cases where a child goes missing from foster care, consistent with that in place for children who go missing from residential care.
- Regulation 27 requires the registered provider to establish a written procedure for considering complaints made by or on behalf of a foster parent, children placed with a foster parent, or a person deemed not suitable to be a foster parent – one response expressed concern that this Regulation was too vague and did not include sufficient detail on the complaints process and the protections available for foster parents when raising a complaint.
- Regulation 33 relates to staffing of fostering agencies and requires the registered provider to ensure that there is a sufficient number of suitably qualified, competent and experienced staff – a suggestion has been made that this Regulation should be amended to include reference to 'qualified and registered social workers'.
- Regulation 35, which relates to the employment of staff by fostering agencies including a requirement to operate a disciplinary procedure which would be enacted in the interests of the safety and welfare of children, including in circumstances where an employee fails to report an incident of abuse or neglect (or suspected abuse or neglect) to an appropriate person. Regulation 35(3) specifies appropriate persons, and a suggestion has been made that NSPCC should be added to those persons specified.
- Regulation 39, which requires a registered provider to establish and maintain a system for reviewing the quality of care provided by the fostering agency, and supplying a report of any review to the RQIA – it was suggested that guidance should be provided on the format and content of such reviews to ensure that they are effective at identifying learning and actions taken.

Departmental Response

The Department is grateful for the comments received in response to this question.

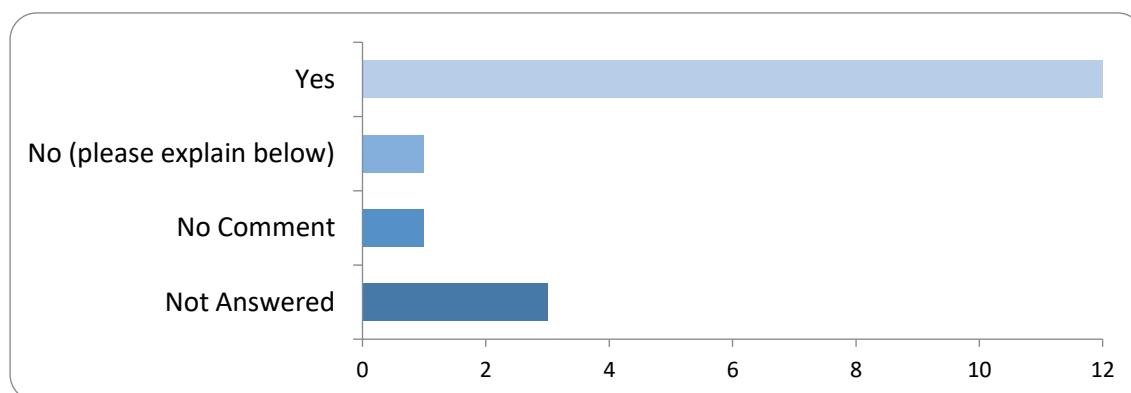
The Department will consider amendments to Regulation 26 and associated Schedule 6, to ensure that this aligns with evidence-based best practice. The Department will also consider any changes that may be necessary to ensure that the requirements set out in the draft Regulations align with regional child protection policies and procedures.

There are well-established arrangements in place which require the relevant agencies to take the necessary actions to safeguard any child who goes missing from care and to prevent future risk of harm. These include a joint HSC/PSNI Protocol that is underpinned by a robust risk management and safety planning approach. Standards will provide a reference to the Missing Child Protocol already in existence.

Where the comments made relate to a level of detail which would not be appropriate for inclusion in Regulations—for example, the detail of complaints processes, referencing a specific service or the role of schools in assessing the impact of contact—the Department will consider providing this detail in Standards. The Department will also share some of the comments made with workstreams and projects established under the Children’s Social Care Strategic Reform Programme – including the fostering workstream and the project currently underway to review care planning and statutory looked after child review arrangements.

Q20: Do you agree with the duties that are placed upon the registered manager of a fostering agency in Part VII of the Regulations (Regulations 21-46)? If no, what changes would you suggest?

There were 14 responses to this question.



Option	Total	Percent
Yes	12	70.59%
No (please explain below)	1	5.88%
No comment	1	5.88%
Not Answered	3	17.65%

Summary of Key Issues Raised

The majority of those who responded to this question were in agreement with the duties placed on the registered manager of a fostering agency in Part VII of the draft Regulations. In relation to the duty on registered managers to promote contact (Regulation 22), respondents noted the role foster parents can play in facilitating relationships between children and members of their family, and the importance of supporting foster parents—financially and emotionally—to do so. It was suggested that the Regulations should also include a duty to promote children’s relationships with their former foster parents where this is in the child’s best interests, and to support foster families to maintain relationships with the children they have previously cared for. Another respondent pointed to schools as an important source of evidence about the impact of contact on a child and it was noted that revised guidance on the completion of personal education plans for primary aged children includes an observation template for this purpose. In its response, Women’s Aid Federation (NI) pointed to evidence that contact may present risks for the child and can cause distress and should not be presumed to be in the child’s interests. The importance of listening to the views of the child was emphasised.

Further comments received were in relation to placing these duties and responsibilities upon Fostering Managers within the HSC Trust to ensure there is equivalent scrutiny and safeguarding processes in place across all fostering service providers.

Departmental Response

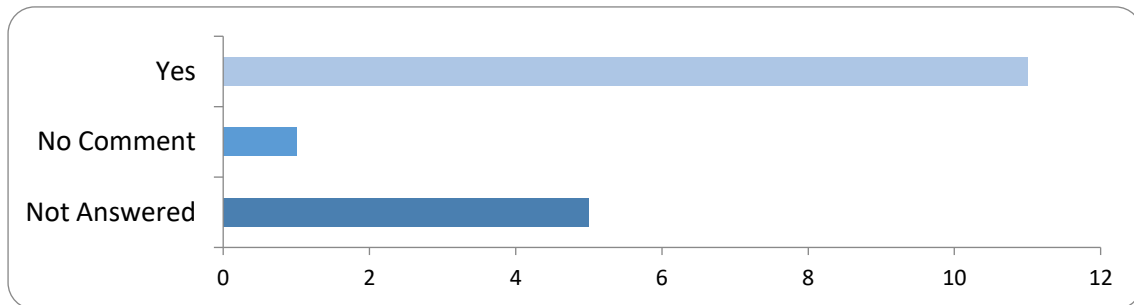
The Children (Northern Ireland) Order 1995 already includes provision which requires a HSC Trust looking after a child to promote contact between the child and any person connected with him, unless it is not reasonably practicable or consistent with the child’s welfare. The Department will consider whether the Standards developed to accompany the Regulations

should include more detail on the potential role of foster parents in supporting children and young people after they have left their care. In relation to the comments made expressing concern about the duty to promote contact (Regulation 22), the Department considers that as drafted the Regulations recognise the role of the court in making decisions about contact and that, in accordance with the Children (Northern Ireland) Order 1995, the welfare of the child must be the paramount consideration and the court must have regard to the wishes and feelings of the child.

Unlike fostering agencies currently, HSC Trusts already have clear statutory duties in relation to the welfare and safeguarding of children, including those children in foster care, and Trusts are already accountable for the exercise of these duties. Each Trust has its own internal governance policies, roles and responsibilities of Senior Managers within Fostering are clearly outlined, and there are clear lines of accountability within each service. In turn, each Trust is accountable to the Department for the fulfilment of its statutory duties. However, to ensure that both Trust and fostering agency services are held to the same standards, the Department intends applying relevant standards to Trust fostering services and to consider introducing a programme of reviews of HSC Trust foster care services by RQIA.

Q21: Do you agree with the requirements set out in Regulation 44, in relation to the appointment of liquidators to a fostering agency? If no, what changes would you suggest?

There were 12 responses to this question.



Option	Total	Percent
Yes	11	64.70%
No (please explain below)	0	0.00%
No comment	1	5.88%
Not Answered	5	29.42%

Summary of Key Issues Raised

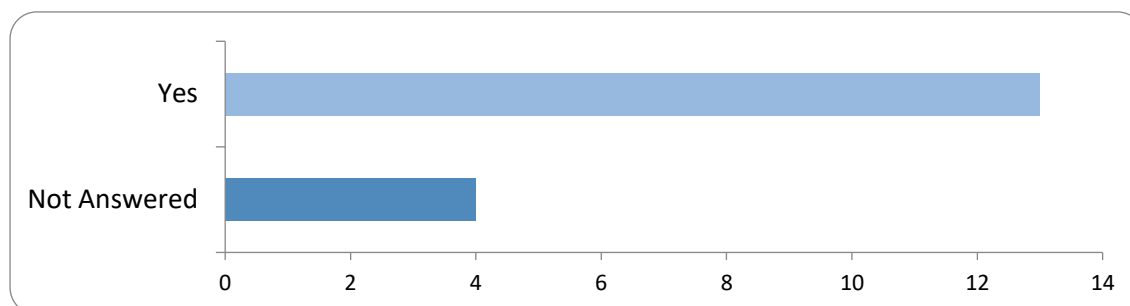
No comments were received.

Departmental Response

It is not proposed to make any amendments to the requirements set out at Regulation 44.

Q22: Do you agree that it should be an offence to contravene any of the provisions of Regulations 23 to 43, as set out in Regulation 45? If no, what changes would you suggest?

There were 13 responses to this question.



Option	Total	Percent
Yes	13	76.47%
No (please explain below)	0	0.00%
No comment	0	0.00%
Not Answered	4	23.53%

Summary of Key Issues Raised

While those consultees who responded to this question were in agreement that it should be an offence to contravene the provisions of Regulations 23 to 43, which place particular duties on fostering agencies, one respondent was of the view that there should be parity of consequence for staff performing similar roles with similar responsibilities in HSC Trusts.

One respondent also requested clarity as to whether an offence under Regulation 45 would be a civil or criminal offence.

Departmental Response

The Department is bound to act within the parameters of Articles 23 and 25 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003. Article 23 of the 2003 Order provides that the Department may make regulations relating to establishments and agencies; Article 25(1) provides that such regulations may provide that contravention of any specified provision shall be an offence. The Department has no power to impose offences on HSC Trusts, as they are not fostering agencies as defined by Article 2(2) of the 2003 Order. However, the 2003 Order—while not subjecting HSC Trusts to registration by RQIA for the delivery of fostering services, does provide powers at Article 35 for RQIA to conduct inspections of services delivered by the HSC, and to make a report to the Department where services are of an unacceptably poor quality, or there are significant failings in the way the service is being run. As described above, the Department is considering putting in place a program of RQIA reviews of HSC Trust foster care services.

In relation to the requested clarity as to whether an offence under Regulation 45 would constitute a criminal or civil offence, Article 25 of the 2003 Order applies. Article 25(2) of the 2003 Order specifies that ‘a person guilty of an offence under the regulations shall be liable

on summary conviction to a fine not exceeding level 4 on the standard scale'. The reference to 'summary conviction' denotes a criminal offence.

Q23: What data do you think will be required to ensure effective monitoring of these Regulations following implementation?

There were 12 responses to this question.

Summary of Key Issues Raised

Several respondents raised the issue of data being kept up to date and under scrutiny and expressed the view that the development of robust fostering standards was essential.

Some respondents proposed the development of annual reports to include a range of data, including information on foster parent recruitment, assessments, approvals and terminations; data on safeguarding and complaints and allegations made about foster parents; and information about the placement of children and their longer-term outcomes.

Departmental Response

The Department has noted the helpful suggestions provided. A range of data is already collected in respect of children's social care services—for example, information on recruitment of foster parents, numbers of foster parents and the placement of children with foster parents—and the Department will give further consideration to information requirements in the development of Standards to accompany the Regulations. The fostering workstream of the Children's Services Reform Programme will also consider the data requirements necessary to monitor the delivery of fostering services.

Q24: Do you have any other comments on these Regulations?

Respondents provided a number of additional comments and suggestions in relation to the draft Regulations.

Respondents reiterated comments about the need to ensure parity of accountability, regulation and inspection between fostering agencies and HSC Trust fostering services. Some respondents considered that the Regulations marked a missed opportunity to signal the value and importance of foster parents by including requirements relating to, for example, remuneration, support and training available to them. Some respondents also proposed the development of regional guidance on managing allegations made about foster parents.

As raised elsewhere in the consultation, a number of respondents expressed disappointment that the Regulations do not deal with foster panels or provide for an independent review mechanism of decisions relating to foster parent approval. Respondents also considered that there was scope for the Regulations to provide clarity on the roles of children's social workers and supervising/fostering social workers. It was also noted that the Regulations were silent on the role of profit in the provision of fostering placements and services.

A number of specific comments and queries were also provided, as follows:

- paragraph 1(d) of Schedule 3 (*Matters and obligations to be covered in foster care agreements*) should stipulate that placement plans should be drawn up within five days of a child being placed with a foster parent, including where a child regularly attends respite care, and these plans should be reviewed regularly.
- Schedule 7 (*Notifications to be made following certain events*) should also require notification to RQIA in the event that there is an allegation that a child placed with foster parents has committed a serious crime.

Those respondents who did not reply using the consultation questionnaire also made a number of additional comments, over and above those already reflected in the preceding analysis. The point was made that the Regulations should be made without further delay, and that work to develop Standards to accompany the Regulations must include the voices of care experienced children and young people. Women's Aid Federation (NI), like many other respondents, highlighted that the child's welfare must be the paramount consideration in all aspects of foster care, and highlighted the importance of relationships—including sibling relationships—in providing security and stability to children and young people.

Departmental Response

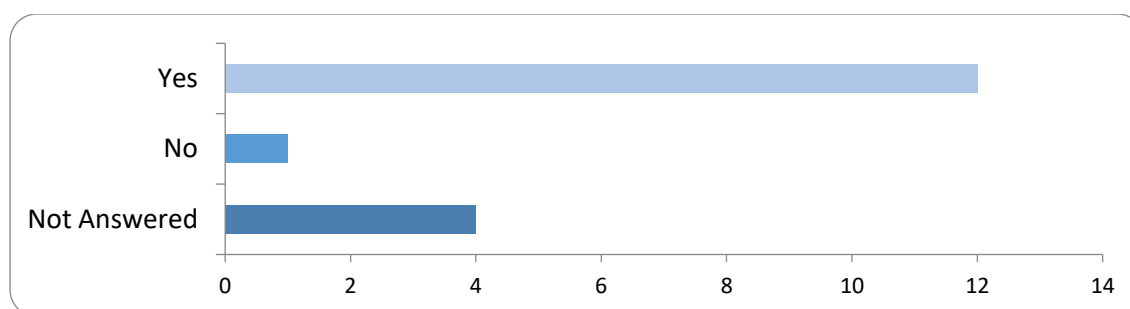
The Department welcomes the further suggestions that have been provided and will consider these suggestions in finalising the Regulations and developing associated Standards. However, the first bullet point above would be more appropriately dealt with when developing the Care Planning Regulations as part of the implementation of the Adoption and Children (Northern Ireland) Act 2022. Comments provided on the terms and conditions of foster parents including transparency in respect of remuneration (allowances and fees), support, training, and access to short breaks will be provided to the Children's Social Care Reform Programme – Fostering Workstream for consideration and to inform its work.

The Department intends to develop Standards to align with Regulations, and a working group will be established comprising representation from all key stakeholders, including children and young people and foster parent representatives.

In respect of the role of profit-making organisations in the delivery of children's social care services in Northern Ireland, the Children's Social Care Services Review Report published in June 2023 made a formal recommendation not to allow the privatisation of the care of children. The Department's current policy is to provide children's social care within the state sector wherever possible and it is intended to continue to adopt this policy position. This is on the basis that it is considered that, having made a decision to intervene in the lives of children and families, it is the primary responsibility of the state to provide services to/for them. Where care is provided by the private/independent sector, mechanisms like inspection are put in place to determine whether it is at the expected standard of quality and safety. The intention is to limit the use of private provision to service areas requiring high levels of specialism only or where there are issues of critical mass. The Department has sought views on this policy position as part of the public consultation on the Review's recommendations, which closed in December 2023. The responses to that consultation are in the process of being analysed.

Q25: It is planned to make changes to the Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005 in relation to the frequency of inspections of foster agencies in the near future. Are you content with the proposal that fostering agencies are inspected a minimum of every three years in line with similar organisations such as Adoption Agencies? If no, what timeframe would you suggest?

There were 13 responses to this question.



Option	Total	Percent
Yes	12	70.59%
No	1	5.88%
No comment	0	0.00%
Not Answered	4	23.53%

Summary of Key Issues Raised

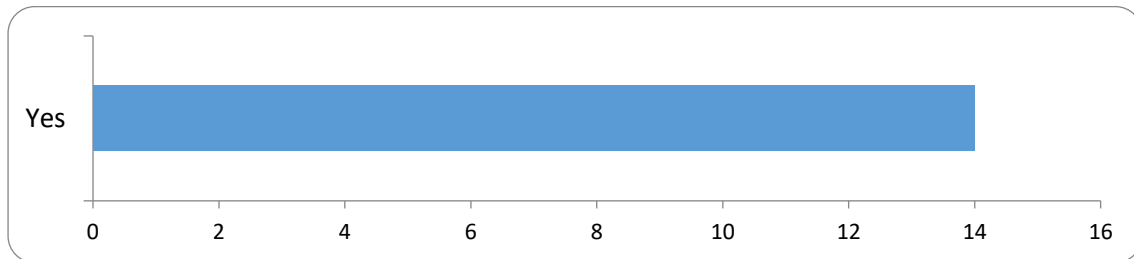
While the majority of those who responded to this question were in agreement with the proposed inspection timeframe, one respondent noted the relatively small proportion of children who are adopted, in comparison to the fact that 80% of looked after children in Northern Ireland live with foster parents—as such, it was suggested that it may be appropriate for inspections to take place more frequently than every three years, or additional safeguards put in place for more regular or additional reviews or inspections where concerns arise.

Departmental Response

The Department considers that inspection frequency of three years is proportionate and considers that the Regulations and other children’s legislation already include a range of measures to safeguard children placed with foster parents. The Department notes the comments received regarding additional safeguards where specific concerns arise. Under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, RQIA may enter premises at any time which would enable more frequent inspections should they be required. RQIA also have the ability serve improvement notices on agencies in the event that they have concerns.

Q26: Are you content for a copy of your response to be made available, if requested? Please note that if you ask for your response to be kept confidential this will only be possible if it is consistent with our obligations under the Freedom of Information Act 2000.

There were 14 responses to this question.



Option	Total	Percent
Yes	14	82.35%
No	0	0.00%
Not Answered	3	17.65%

Summary of Key Issues Raised

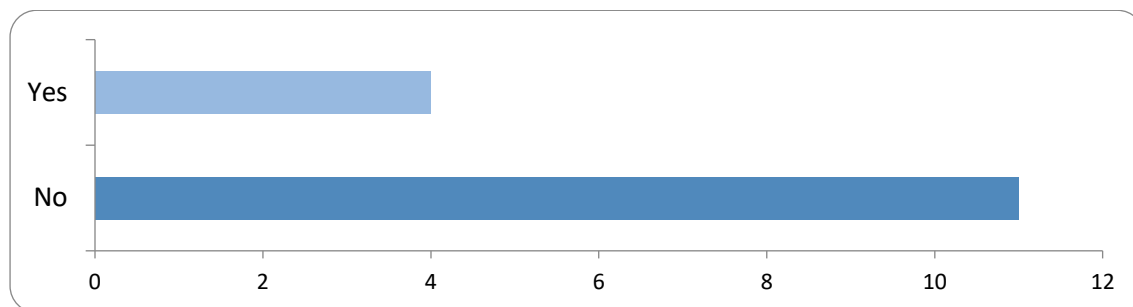
No comments were received.

Departmental Response

The Department notes the responses received.

Q27: Are the actions/proposals set out in this consultation document likely to have an adverse impact on any of the nine equality groups identified under Section 75 of the Northern Ireland Act 1998? If yes, please state the group or groups and provide comment on how these adverse impacts could be reduced or alleviated in the proposals.

There were 15 responses to this question.



Option	Total	Percent
Yes	4	25.00%
No	11	75.00%
Not Answered	2	0.00%

Summary of Key Issues Raised

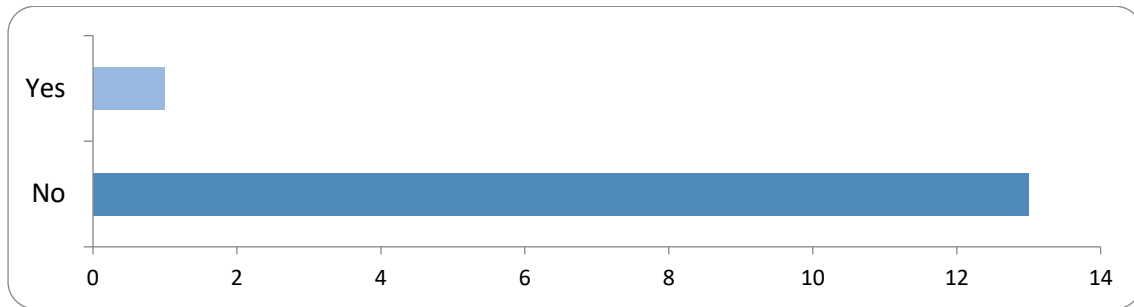
The Foster Care Workers Union queried whether the screening conducted on the draft Regulations included consideration of data on the foster parent population in Northern Ireland.

Departmental Response

The Department notes the responses received and will review and finalise the draft equality screening exercise published as part of the consultation. The draft equality screening exercise drew primarily on information about the population of looked after children in Northern Ireland, and the Department will review the screening exercise to incorporate available information about the foster parent population.

Q28: Are you aware of any research or evidence — qualitative or quantitative — that the actions/proposals set out in this consultation document may have an adverse impact on equality of opportunity or on good relations? If yes, please give details and comment on what you think should be added or removed to alleviate the adverse impact.

There were 14 responses to this question.



Option	Total	Percent
Yes	1	5.88%
No	13	76.47%
Not Answered	3	17.65%

Summary of Key Issues Raised

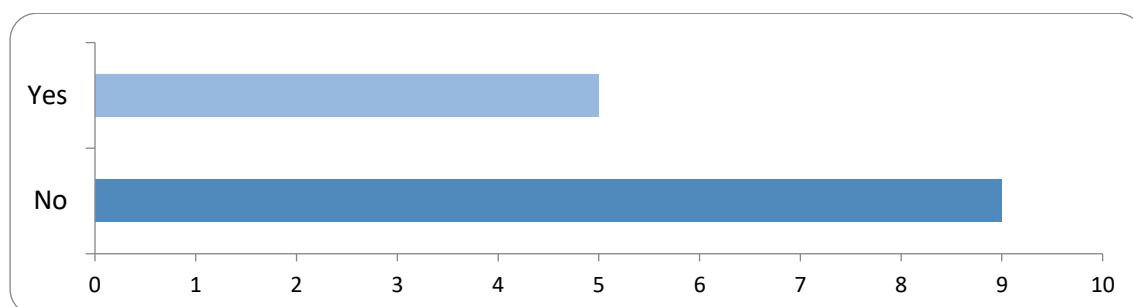
No comments were received.

Departmental Response

The Department notes the responses received and will review and finalise the draft equality screening exercise published as part of the consultation.

Q29: Is there an opportunity to better promote equality of opportunity or good relations? If yes, please give details as to how.

There were 14 responses to this question.



Option	Total	Percent
Yes	5	29.41%
No	9	52.94%
Not Answered	3	17.65%

Summary of Key Issues Raised

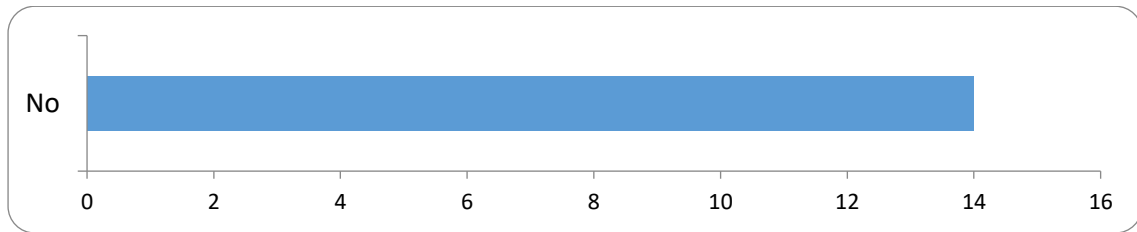
Some respondents noted that there are always opportunities to promote equality of opportunity and good relations, and to ensure ongoing engagement with children, other service users and representative bodies. One response referred to the importance of taking into account factors such as religious beliefs, culture, sexual orientation, and racial origin/linguistic background when placing children with prospective foster parents.

Departmental Response

The Department notes the comments received and will review and finalise the draft equality screening exercise published as part of the consultation. The draft Regulations require HSC Trusts to give due consideration to the religious persuasion, racial origin, and cultural and linguistic background of both the child and prospective foster parent when placing a child in foster care. This expands the existing provision in the Foster Placement (Children) Regulations (NI) 1996 which only requires consideration of religious persuasion.

Q30: Are any of the proposals likely to interfere with or limit the rights of looked after children and young people? If yes, please give details as to how.

There were 14 responses to this question.



Option	Total	Percent
Yes	0	0.00%
No	14	82.35%
Not Answered	3	17.65%

Summary of Key Issues Raised

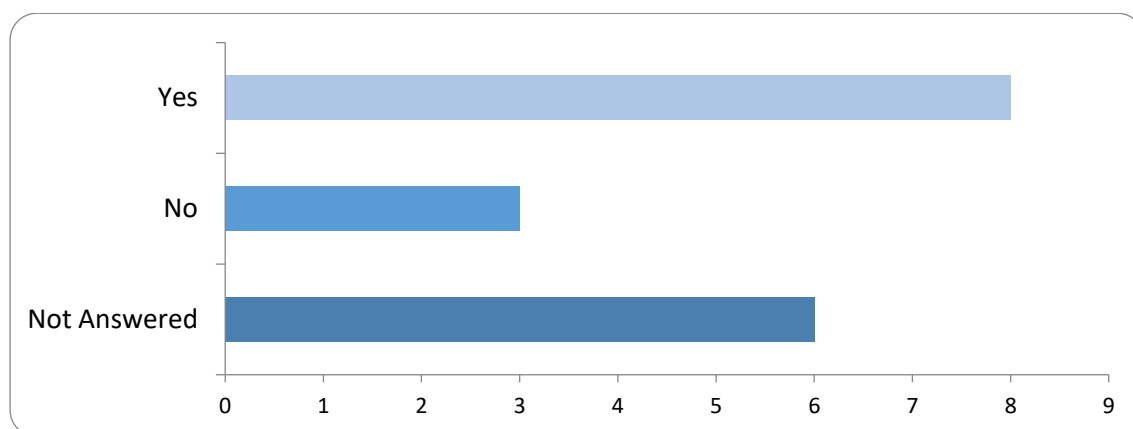
No comments were received.

Departmental Response

The Department notes and welcomes the responses received.

Q31: Does the policy in any way promote positive attitudes towards disabled people and/or encourage their participation in public life? Please explain your response.

There were 11 responses to this question.



Option	Total	Percent
Yes	8	47.06%
No	3	17.65%
Not Answered	6	35.29%

Summary of Key Issues Raised

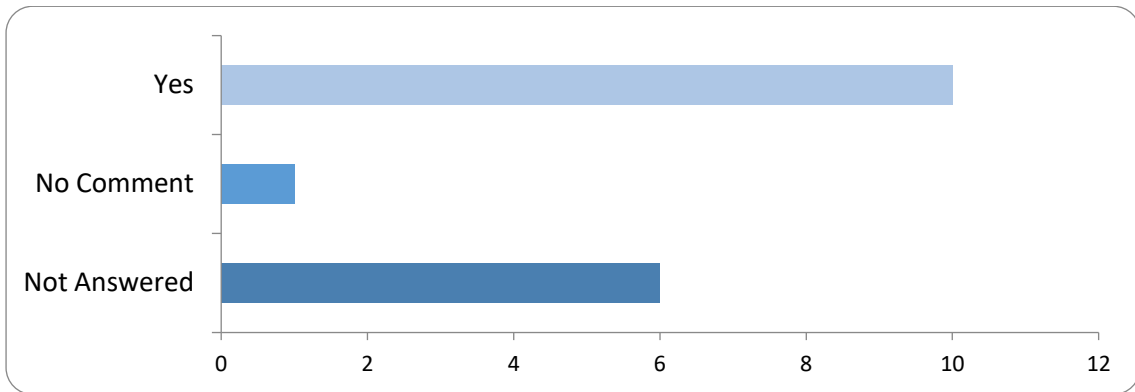
Respondents welcomed the consideration given in the consultation materials and draft Regulations to a range of needs and diverse groups. It was suggested that when developing accompanying standards or guidance, the Department should ensure that the needs of diverse cultures, and the needs of those with disabilities are taken into account.

Departmental Response

The Department welcomes the comments received and these will be taken into account in the development of accompanying Standards.

Q32: Do you agree with the outcome of the draft Data Protection Impact Assessment?
If no, please explain.

There were 11 responses to this part of the question.



Option	Total	Percent
Yes	10	58.83%
No	0	0.00%
No Comment	1	5.88%
Not Answered	6	35.29%

Summary of Key Issues Raised

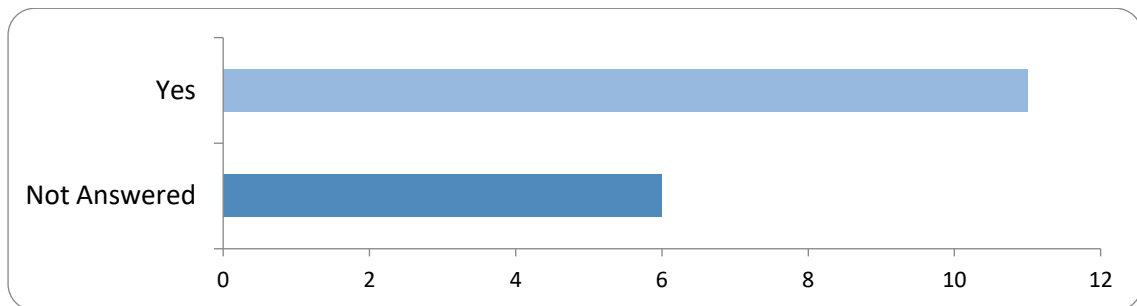
No comments were received.

Departmental Response

The Department notes and welcomes the responses received.

Q33: Do you agree with the outcome of the Rural Needs Impact Assessment? If no, please explain.

There were 11 responses to this question.



Option	Total	Percent
Yes	11	64.71%
No	0	0.00%
Not Answered	6	35.29%

Summary of Key Issues Raised

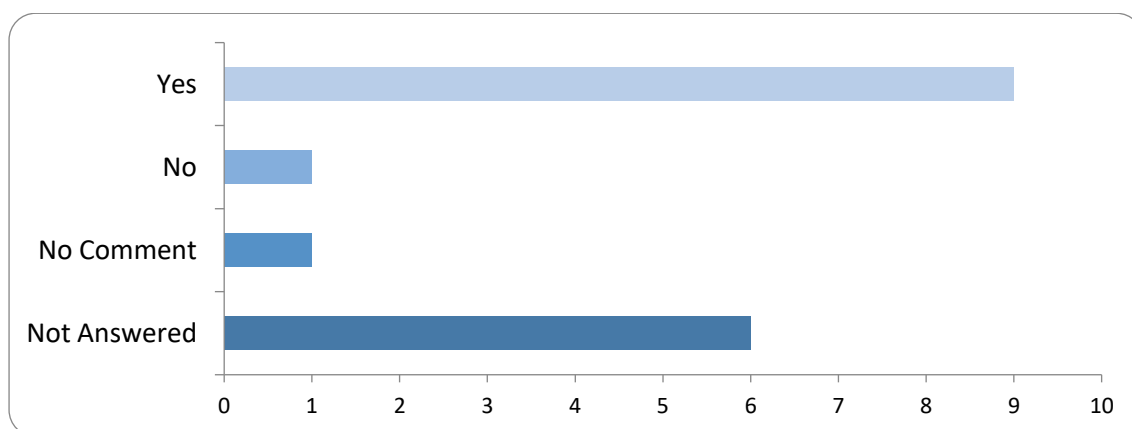
No comments received.

Departmental Response

The Department notes and welcomes the responses received.

Q34: Do you agree with the outcome of the Regulatory Impact Assessment screening?
If no, please explain.

There were 11 responses to this question.



Option	Total	Percent
Yes	9	52.94%
No	1	5.88%
No Comment	1	5.88%
Not Answered	6	35.30%

Summary of Key Issues Raised

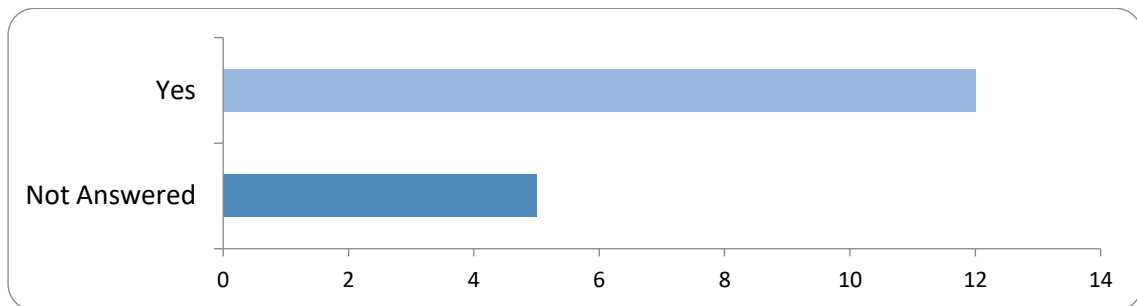
While the majority of respondents agreed with the conclusion of the Regulatory Impact Assessment (RIA) screening, that a full RIA was not required on the basis that the policy proposals will impose negligible costs on businesses or the voluntary and community sector, one response expressed the view that the Regulations as drafted introduce a two-tier system which will require fostering agencies to be registered and inspected by RQIA, but will not place similar requirements on Trust fostering services.

Departmental Response

As previously stated, the primary legislation governing the registration and regulation of services by RQIA—the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003—provides for the registration and regulation of establishments and agencies. This does not extend to services provided by HSC Trusts. However, the 2003 Order does enable the Department to request advice, reports or information relating to the provision of services by HSC Trusts. It is the Department's intention that all fostering service providers—whether fostering agencies or HSC Trusts--should meet the same standards and the Department is considering having RQIA carry out reviews of HSC Trust fostering services in line with Standards developed to support the implementation of the Regulations.

Q35: Do you agree with the outcome of the Child’s Rights Impact Assessment? If no, please explain.

There were 12 responses to this question.



Option	Total	Percent
Yes	12	70.58%
No	0	0.00%
Not Answered	5	29.42%

Summary of Key Issues Raised

No comments received.

Departmental Response

The Department notes and welcomes the responses received.

CHAPTER 4: NEXT STEPS

The Department is grateful for the detailed comments submitted in response to the consultation and would like to thank all those who took the time to respond and contribute. The views shared have been extremely helpful and constructive and will inform the final Regulations to be introduced.

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

These Standards will form the basis of inspection and review of all fostering service providers by RQIA. As referenced elsewhere in this report, while the Department does not have the power in primary legislation to subject HSC Trust fostering services to inspection by RQIA, it is considering putting in place a schedule of reviews of statutory fostering services to ensure that providers in the statutory and independent sectors are subject to the same standards.

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