

# MIDDLESBROUGH COUNCIL

## Corporate Parenting Board

### CARE PLANNING, PLACEMENT AND CASE REVIEW (ENGLAND) REGULATIONS 2010

Executive Member for Children, Families & Learning: Cllr Mike Carr

Director of Children, Families & Learning: Gill Rollings

31 March 2011

#### PURPOSE OF THE REPORT

1. To provide the Corporate Parenting Board with a summary of new regulations relating to Care Planning, Placements and Case Reviews for Looked After Children. The regulations will be implemented on the 1 April 2011 and update earlier regulations implemented under the Children Act 1989.

#### SUMMARY OF RECOMMENDATIONS

2. It is recommended that the Corporate Parenting Board advise the Executive to note the requirements of the Care Planning, Placement and Case Review Regulations to change procedures and practice in relation to the Local Authority's responsibilities for Looked After Children. These regulations will also apply to Children's Trust partner agencies and to providers of services to looked after children, including private, voluntary and public sector providers.

#### IF THIS IS A KEY DECISION, WHICH KEY DECISION TEST APPLIES?

3. It is over the financial threshold (£75,000)   
It has a significant impact on 2 or more wards   
Non Key

#### DECISION IMPLEMENTATION DEADLINE

4. For the purposes of the scrutiny call in procedure this report is

Non-urgent   
Urgent report

If urgent, please give full reasons.

## **BACKGROUND AND EXTERNAL CONSULTATION**

5. The guidance clearly states that Looked After Children deserve the best experiences in life, from excellent parenting which promotes good health and educational attainment, to a wide range of opportunities to develop their talents and skills in order to have an enjoyable childhood and successful adult life.

## **THE REGULATIONS**

6. These Regulations make provision about care planning for looked after children (i.e. children who are looked after by a local authority (LA), whether or not they are in the care of the LA by virtue of a care order) and associated matters. They come into force on 1 April 2011.
7. They are made under new provisions in the Children Act 1989 (the 1989 Act) – sections 22C, 23ZA, 23ZB, 25A, 25B and paragraphs 12A-E of Schedule 2 – inserted by the Children and Young Persons Act 2008 (the 2008 Act) and under sections 23D, 23E, 26 and 104 of the 1989 Act, which were amended by the 2008 Act. They are also, in part, consolidating regulations which revoke and replace provisions in earlier regulations dealing with care planning.
8. Part 1 introduces the guidance and discusses the key principles from the Children Act 1989, principles relating to children and their families, the UN Convention and the European Convention on Human Rights, the child's wishes and feelings, corporate parenting and multi agency involvement. This chapter also includes information on the legal content, a definition of what constitutes a looked after child and definitions of terminology within the Regulations.
9. Part 2 deals with the LA's arrangements for looking after the child. It prescribes when the LA's plan for the care of the child (the care plan) must be produced (regulation 4), its content (regulation 5) and makes provision for the LA to revise the plan and provide copies (regulation 6). It makes provision for an assessment of the child's health, and for the provision of health care (regulation 7). It sets out the steps to be followed when a LA makes a decision under section 34(6) of the 1989 Act to refuse to allow contact with a child (regulation 8).
10. Part 3 contains general provisions about placements. It contains provisions about the placement plan to be prepared by the LA (regulation 9), about steps to be taken to avoid disruption of a child's education as a result of a change in placement (regulation 10), special provisions about placements outside England and outside England and Wales (regulations 11 and 12), provision about notification of a placement (regulation 13) and about the circumstances in which a placement may be terminated (regulation 14).
11. Part 4 makes provision about particular types of placement – with parents (regulations 15 to 20), with local authority foster parents (regulations 21 to 26) and about other arrangements under section 22C(6)(d) of the 1989 Act (regulation 27).

12. Part 5 prescribes arrangements for a child to be visited by a representative of the LA, the frequency, conduct and consequences of such visits (regulations 28 to 30), and the advice, support and assistance that must be made available to the child between visits (regulation 31).
13. Part 6 contains provisions about the LA's reviews of the child's case – their general responsibility for carrying out reviews (regulation 32), the timing and conduct of reviews, including the role of the Independent Reviewing Officer (regulations 33 to 36) and arrangements for implementing decisions and keeping records of reviews (regulations 37 and 38).
14. Part 7 sets out arrangements to be made by the LA for ceasing to look after a child. This part is a re-enactment of provisions in the Children (Leaving Care) (England) Regulations 2001 relating to eligible children. An 'eligible child' is defined in paragraph 19B of Schedule 2 to the 1989 Act, and in regulation 41 of these Regulations, and is a child who is looked after by a LA, is aged 16 or 17, and has been looked after by a LA for a total of at least 13 weeks beginning after the age of 14 and ending after the age of 16.
15. Part 8 deals with the additional functions, qualifications and experience of Independent Reviewing Officers (regulations 45 and 46) and with the definition of an independent visitor appointed under section 23ZB of the 1989 Act (regulation 47).
16. Part 9 deals with miscellaneous matters including the application of the Regulations to short break placements, record keeping and consequential revocations.

## **STRATEGY FOR IMPLEMENTATION**

17. The Department for Education has developed a range of training materials for multi agency training and has clear expectations that the requirements of the regulations are rolled out to Chief Executives and Corporate Management Teams, Corporate Parenting Boards, Children in Care Councils and partner agencies through the Local Safeguarding Children Board and the Children and Young People's Trust Board. There will be a particular focus on Schools and Health agencies, as their contributions to the health and welfare of looked after children has been redefined and re-emphasised.

## **EQUALITY IMPACT ASSESSMENT**

18. An Impact Assessment level has been undertaken, this in turn led to Level 2 Full Impact Assessment, as there are implications for Human Rights, Equality and Organisational Management/transformation. These regulations have been introduced to ensure that children, young people and their families will not experience discrimination.

## **OPTION APPRAISAL**

19. It is too early to identify the implications of implementing these regulations, however, it is clear that there will be an impact on resources across a number of agencies and institutions, for example, within the Safeguarding Service, the

regulations prescribe more frequent visiting patterns for children in placement; this will have a significant impact on the Looked After Children Team, as they will be required to visit out of borough children on a more frequent basis.

## **FINANCIAL, LEGAL AND WARD IMPLICATIONS**

20. These regulations are under section 7 of the Local Authority Social Services Act 1970. There are implications for every ward across the town.
21. It is too early to determine the financial implications of implementing these regulations.

## **RECOMMENDATION**

22. It is recommended that the Corporate Parenting Board advise the Executive to note the requirements of the Case Planning, Placement and Case Review Regulations to change procedures and practice in relation to the Local Authority's responsibilities for Looked After Children.

## **REASONS**

23. Looked After Children deserve the best experiences in life, from excellent parenting which promotes good health and educational attainment, to a wide range of opportunities to develop their talents and skills in order to have an enjoyable childhood and successful adult life.

## **BACKGROUND PAPERS**

24. The following background papers were used in the preparation of this report:
  - The Children Act 1989 Guidance and Regulations Volume 2 Care Planning, Placement and Case Review.

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