

# CHAPTER 1

## INTRODUCTION

- 1 The Children and Young Persons Act 2001 brings the law relating to children up to date and largely in line with the UK Children Act 1989.
- 2 This volume is about family placements, that is to say care within a family, be it a member of the children's own family or otherwise, for children looked after by the Department of Health and Social Security arranged by the Department or a voluntary organisation.
- 3 Part 3 of the Act is concerned with the Department's general duties, including promoting the upbringing of children by their families.
- 4 The child's welfare is the Department's paramount consideration.
- 5 It must take steps to safeguard and promote the welfare of children who are:
  - a. suffering, or are likely to suffer, significant harm, or
  - b. in need.
- 6 This may including the provision of accommodation for a child in the care of the Department or a child in need.

CYPA 2001  
s.23(2)(b)

## DEFINITIONS

- 7 A "parent" is interpreted literally and is restricted to parents with parental responsibility only where indicated.
- 8 "Parental responsibility" is defined in. It means all the rights, duties, powers, responsibilities and authority which a parent of a child has by law in relation to the child and his or her property. It includes the rights, powers and duties which a guardian of a child's estate would have had.
- 9 "Family" includes anyone who has parental responsibility for a child, anyone with a residence order immediately prior to care, a relative friend or other person connected with him.
- 10 "Looked after" is the term used to cover all children accommodated by the Department, whether by voluntary arrangement or because they are subject to a care order.
- 11 A child "in care" is a child who is subject to a care order.
- 12 Emphasis is placed upon the need to make plans for children looked, in partnership with those who are important in the child's life, and to involve those people, and the child subject to his or her level of understanding, in reviewing the plans.
- 13 This is reinforced by the requirement that the Department should

CYPA 2001 s.2

CYPA 2001  
s.26(2)

	<p>provide a representations procedure.</p> <p>Guidance on residential placements can be found in Volumes B and F in this series.</p> <p>14 Child protection issues are referred to in this document, but readers should also refer to Volume A, which covers Part 5 of the Act, for detailed guidance on the court orders available under the Act.</p> <p>15 When reading this guidance, reference should be made to the full text of the relevant regulations.</p> <p>This volume should be read in conjunction with <i>Working Together to Safeguard Children</i> (The Stationery Office, 1999)</p>
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