

## CHAPTER 2 ARRANGEMENTS FOR THE PLACEMENT OF CHILDREN

### INTRODUCTION

- 1 This chapter gives guidance on arrangements for placement and planning to safeguard and promote the welfare of children looked after by the Department.
- 2 The “responsible authority”, in relation to the child, is the Department (or the children’s home if the child is not looked after but placed a children’s home).
- 3 The Placement of Children (General) Regulations 2002 and the guidance in this volume reflect the emphasis in the Act on partnership between:
  - a. parents, children and the responsible authority, and
  - b. the responsible authority and other agencies, as being the most effective means of meeting the needs of the individual child.
- 4 These regulations and guidance, together with the regulations and guidance relating to specific type of placement, including placement with family members and friends, provide the statutory framework within which the responsible authority should work with children and families.

CYPA 2001  
s.23(2)(b)  
The Placement of  
Children with  
Parents etc.  
Regulations, 2002

### CHILDREN WHO ARE LOOKED AFTER

- 5 For the purposes of this Act the Department is looking after a child when:
  - a. he is in the care of the Department or
  - b. the Department provides accommodation (other than accommodation in a health service hospital) for him under this Act or any other enactment for a continuous period of more than 24 hours.
- 6 Children under (a) are “in care” and children under (b) are “accommodated”. Both are “looked after”. Children accommodated under (b) can include for example those looked after by virtue of an Emergency Protection Order.

CYPA 2001 s.2

CYPA 2001  
s.26(2)

### WELFARE

- 7 The Department’s primary duty is to safeguard and promote the welfare of a child who is looked after, making such use of the services available for the child cared for by his or her own parents as appears to be reasonable.

CYPA 2001  
s.24(2)(d))

- 8 In planning for the child, his or her immediate and long-term needs should be considered and provided for. In undertaking the planning, the Department is required to give the same attention to the wishes and feelings of the child, his or her parents, and others when proposing to look after him or her as it must when actually looking after him.
- 9 The Department should also take full account of the child's religious persuasion.
- 10 A child with a disability should receive particular consideration. The accommodation provided should be suitable to his or her needs.

### **FAMILY LINKS**

- 11 The Department is required, unless it would be impractical or inconsistent with the child's welfare, to make arrangements for a child it is looking after to live with:
  - a. a member of his or her family,
  - b. a friend, or
  - c. another person who has parental responsibility, or
  - d. if he or she is in the care of the Department, the person named in a residence order with whom he was living immediately before the care order was made.
- 12 Unless the child is placed with his or her parents, the accommodation provided should be near his or her home as possible and consistent with the child's welfare.
- 13 The importance of family links is also emphasised by the requirement to accommodate siblings together, as long as this is practicable and consistent with each child's welfare.

### **PROTECTION OF THE PUBLIC**

- 14 If it is necessary to protect members of the public from serious injury, the Department may disregard the requirements of s.24(2) with reference to responsibilities towards looked after children, and s.24(3) to ascertain the wishes and feelings of the child and others before making any decisions about a child.

### **THE PLACEMENT OF CHILDREN (GENERAL) AND REVIEW OF CHILDREN'S CASES REGULATIONS**

- 15 The Placement of Children (General) Regulations place a duty on the Department to draw up and record an individual plan for the child when making placement arrangements.
- 16 The Review of Children's Cases Regulations 2004 and Schedule 2 paragraph 5 of the Act require that the plan is reviewed and

amended on a regular basis (see Chapter 8).

- 17 The guidance uses the term “plan” in place of “arrangements” which is used in the Regulations.
- 18 The primary purpose of planning and review is to safeguard and promote the welfare of a child living away from his or her family.
- 19 Planning is required from the earliest possible point after the possible need for accommodation has been recognised, whether on a voluntary or compulsory basis. The plan should then be reviewed regularly.
- 20 The plan should give due attention to all the considerations necessary for the child's welfare, including the wishes and feelings of:
  - a. the child,
  - b. his or her parents, and
  - c. any other people whose views the responsible authority is required to seek and take into account
- 21 There is no statutory requirement to plan, review and monitor the case of a child provided with a service other than accommodation. However, good practice requires that the same philosophy and principles be applied, especially when a significant level of services is provided.

## **PARTNERSHIP AND PARTICIPATION**

### **Parental responsibility**

- 22 Parents always retain their parental responsibility.
- 23 When the Department is looking after a child as a result of a court order it may limit parents' exercise of their parental responsibility, but only if necessary to safeguard and promote the child's welfare.

### **Principles**

- 24 Working in partnership is a key principle of the CYPA 2001. This includes, firstly, partnership with:
  - a. the parents of a child who is looked after, and
  - b. with the child him or herself, when
    - i. he or she is of sufficient understanding, and
    - ii. provided that this approach will not jeopardise his or her welfare, and
  - c. with other agencies.
- 25 Secondly, parents and children should participate actively in the

decision-making process.

- 26 The Department should work to achieve partnership with parents by telling them about and giving explanations of:
- a. its power and duties, and
  - b. the actions it may need to take, for example exchanging information with other agencies.

- 27 Based on these principles, there is a duty to consult his or her parents, the child and others before any decisions are made.

### **Working in partnership with parents**

- 28 Planning and review of the child's case with the involvement of parents should:

- a. provide the basis of a positive partnership between the Department the parents and the child, and
- b. avoid the need for care proceedings or emergency action.

- 29 Partnership will be achieved by:

- a. consulting and notifying the parents about decisions affecting the child,
- b. promoting contact between the child and his or her parents and family, when he or she is not placed with them, where this is practicable and consistent with the child's welfare, and, working with the parents to:
  - i. achieve a safe and stable environment at home for the child to return to, or
  - ii. find a satisfactory alternative placement.

### **PROVISION OF ACCOMMODATION BY AGREEMENT**

- 30 The provision of accommodation under voluntary agreement may result from:

- a. a suggestion from the parents,
- b. a specific request from the parents, or
- c. parents' acceptance of a proposal from the Department.

- 31 In voluntary arrangements:

- a. the parents contribute their experience and knowledge of the child to the decision, and
- b. the Department its capacity to:
  - i. provide services
  - ii. co-ordinate the contribution of other agencies and

iii. plan for and review the child's needs.

- 32 Placements made by voluntary agreement fall within the scope of the Placement of Children (General) Regulations 2002 which require the Department to agree with the parents a plan for the child's placement.
- 33 The plan should always take account of the wishes and feelings of the child, where he or she is of sufficient understanding.
- 34 The plan must be reviewed regularly.
- 35 Accommodation may also be provided on a voluntary basis to a young person aged 16 or over, even if his or her parents object. The Department should work closely with the young person to agree the plan.
- 36 The parents' continuing involvement with the child should be the basis of the agreed arrangements and reflect the fact that they retain their parental responsibility.

### **CHILDREN LOOKED AFTER WHO ARE SUBJECT TO A COURT ORDER**

- 37 The Placement of Children (General) Regulations 2002 apply to all cases when a child subject to a court order is looked after by the Department on a compulsory basis.

### **SHORT-TERM PLACEMENTS**

- 38 A defined series of short pre-planned placements (e.g. for respite care, phased care and family link schemes) may be treated as a single placement for the application of these regulations.
- 39 A plan for the child is required and all the requirements of the Regulations apply, but need not be repeated for each episode of accommodation so as long as the conditions in Regulation 12 are met. The conditions in Regulation 12 are:
- a. all the placements occur within a period which does not exceed one year,
  - b. no single placement is for a duration of more than four weeks, and
  - c. the total duration of the placements does not exceed 120 days.

All the placements should take place with the same carer.

### **MAKING THE PLAN**

- 40 Responsible authorities are under a statutory duty to draw up a plan for a child whom they are proposing to look after or accommodate.

	<p>41 The following people must be consulted:</p> <ul style="list-style-type: none"><li>a. the child,</li><li>b. his or her parents, and</li><li>c. other important individuals and agencies in the child's life.</li></ul> <p>42 Planning for the child should begin before the placement is made whenever possible.</p> <p>43 After placement, the plan should be scrutinised and adjusted (if need be) at the review four weeks after the child is first looked after, and at subsequent reviews.</p> <p>44 If it is not possible to make a long term plan before placement, because of e.g. an emergency or immediate placement, a provisional outline plan must always be made. The firm plan should then be drawn up as soon as possible</p> <p><b>Notification</b></p> <p>45 Once a plan has been drawn up, the child and his or her parents should be notified.</p> <p>46 The people who have been consulted and other relevant individuals should be notified only on a need to know basis, specifically:</p> <ul style="list-style-type: none"><li>a. any person an indication of whose wishes and feelings have been sought under section 24(3) or section 54(2), as the case may be, of the Act (consultation before decisions),</li><li>b. the Department (where the Department is not the responsible authority),</li><li>c. the Department of Education,</li><li>d. the child's registered medical practitioner,</li><li>e. any person, not being an officer of the Department, who is caring for the child immediately before the arrangements are made,</li><li>f. except in a care case, any person in whose favour a contact order is in force with respect to the child, and</li><li>g. in a care case, any person who has contact with the child pursuant to section 33 of the Act or to an order under that section.</li></ul> <p>47 Notification should normally take place prior to placement. When this is not possible, it should be given as soon as possible afterwards.</p> <p>48 Any amendments made at the first or subsequent reviews should:</p> <ul style="list-style-type: none"><li>a. be recorded, and</li><li>b. notified to the child's parents, those with parental responsibility, any other person considered appropriate.</li></ul>
--	--

- 49 The Department must send a record of the arrangements to the above people but only to the extent that that person needs to know and will not prejudice the welfare of the child.

### **Agreements**

- 50 Where a child is provided with accommodation under voluntary arrangements, the plan will form the basis of a written agreement between the responsible authority and the parents.

- 51 Where the child is looked after under a court order, the Department should still seek to work in partnership and reach agreement with the parents, whether or not the child is to be placed with them or other family members. The arrangements made must be recorded and a copy given to the parents.

See p.28 on agreements

- 52 When the accommodation is provided for a young person of 16 or over as a result of self-referral the agreement should be between him or her and the Department.

See p.31 on the provision of information to others.

### **The purpose of planning**

- 53 The primary purpose of planning is to safeguard and promote the child's welfare.
- 54 Drawing up an individual plan for each child looked after will prevent drift and help to focus work with the child and the family. This will be achieved by:
- a. assessing the child's needs,
  - b. determining the objectives to be met to safeguard and promote the child's welfare,
  - c. consulting with parents, the child and others whom the Department considers relevant,
  - d. a full appraisal of the options for meeting the objectives,
  - e. making decisions following full consultation with the child, his parents and other agencies, and individuals with a legitimate interest,
  - f. identifying which individuals will undertake which tasks,
  - g. setting a timetable for achieving the tasks or reassessing them.

### **The welfare of the child**

- 55 Regulation 4 and Schedules 1-3 of the Placement of Children (General) Regulations 2002 list the matters to be considered by the responsible authority when drawing up the plan for the child. The list is not exclusive and should be considered in conjunction with the

CYPA 2001  
25(5)(a)  
3 s.24

	<p>CYPA 2001.</p> <p>56 The Act and the Regulations together require that the following aspects of the child's welfare are covered in the plan:</p> <ul style="list-style-type: none"><li>a. his or her needs,</li><li>b. the ability of the parent to keep to an agreed plan (this is not as relevant in cases where the child is looked after subject to a court order),</li><li>c. parental responsibilities and the parents' capacity to provide for the child's needs,</li><li>d. the wishes and views of the child (taking account of his or her understanding),</li><li>e. the provision of services under Part 3 of the Act in respect of children looked after by the Department,</li><li>f. what is necessary to fulfil the responsible authority's duty under the Act to safeguard and promote the child's welfare,</li><li>g. the type of placement best suited to the child's needs (taking account of the Department's duty to place a looked after child near his or her home and with siblings if applicable),</li><li>h. what is necessary to make appropriate provision for the child's religious persuasion,</li><li>i. any needs the child may have because of disability. This may include considering the type of accommodation to be provided, the suitability of the carer, the need to arrange any specific assessments and any physical and/or sensory disability or learning difficulty,</li><li>j. the Department's duty under section 26(2) to enable the child to live with a parent, other person with parental responsibility or relative or friend someone in whose favour a residence order was in force immediately before the care order was made,</li><li>k. reunification issues not covered above,</li><li>l. the arrangements proposed for contact under the Department's duty to promote and maintain contact between the child and his family or contact under directions from the court,</li><li>m. the arrangements to be made for the child's health and education.</li></ul> <p>See page 16 below.</p> <p>57 All the factors relevant to the child's welfare must be taken fully into account in assessing his or her needs and making decisions.</p>
--	---

Although the factors will vary in importance in relation to different children, or to the same child at different times, no one factor should be allowed to override others.

## HEALTH CARE

- 58 The Department should act as a good parent in relation to the health of children looked after by them. The Regulations set out the matters which must be considered.
- 59 Health care implies a positive approach to the child's health including:
- a. general surveillance and care for health and developmental progress, and
  - b. treatment for illness and accidents.
- 60 The health care of the children looked after by the Department or on its behalf should be provided in the context of the services in the area designed to:
- a. provide child health surveillance, and
  - b. promote the physical, social and emotional health and development of all children.
- 61 A sensitive approach is required, and the health care for a child looked after by the Department should be the same as for any other child, whether he or she is placed with family members or friends or not.
- 62 The Department is required when drawing up a plan for a child as the responsible authority, to ensure that he or she is provided with health care. The Department must ensure that arrangements are made for each child to receive health care services during the placement, including medical and dental care and treatment.
- 63 This means:
- a. registering the child with a GP or notifying the current GP of the placement,
  - b. ensuring the child has check ups and any appropriate dental treatment from a dentist,
  - c. ensuring that any specifically recommended and necessary immunisation is carried out,
  - d. use of the same NHS provision and school health services as any other child.
- 64 In the case of children with disabilities or special needs, consideration must be given to continuity of specialist care.
- 65 The responsible authority's plan for the child should include health

	<p>care arrangements which should be kept under review.</p> <p>66 The responsible authority and the health authority should arrange for professional advice to be available to the responsible authority to:</p> <ul style="list-style-type: none"><li>a. interpret health reports and information,</li><li>b. assist in preparing and reviewing the arrangements for health care, and</li><li>c. assist in decisions relating to the child's care.</li></ul> <p><b>Health care needs of children from minority ethnic communities</b></p> <p>67 The responsible authority should be alert to the health care needs of children from minority ethnic groups and make sure that these are met appropriately.</p> <p>68 Ideally a named health professional should be found who can provide an understanding of conditions such as sickle cell disease and thalassaemia and help in responding appropriately.</p> <p><b>Health care assessment</b></p> <p>69 In order to provide a comprehensive health profile of the child and a basis for monitoring his or her development, the responsible authority is required to:</p> <ul style="list-style-type: none"><li>a. arrange for the child to be medically examined before a placement is made, or if that is not reasonably practicable, as soon as practicable afterwards, and</li><li>b. require the practitioner to make a written assessment of the state of health of the child and his or her need for health care, unless:<ul style="list-style-type: none"><li>i. the child has been examined and an assessment made within the preceding three months, or</li><li>ii. the child is of sufficient understanding and she or he refuses to be examined.</li></ul></li></ul> <p>70 In the case of an immediate placement, the Department should arrange for a health assessment as soon as possible afterwards. This may be:</p> <ul style="list-style-type: none"><li>a. an initial assessment when a child is first placed, or</li><li>b. a reassessment in the case of a child who has been placed for some time, or has been placed again after an interval.</li></ul> <p>71 Medical examination and written health assessment of children during placement should take place:</p> <ul style="list-style-type: none"><li>a. at least once every six months up to the second birthday, and</li><li>b. at least once in every twelve months after that.</li></ul>
--	---

- 72 It is also recommended that:
- a. below school age, medical examination and written health assessment should take place and, wherever possible, use the information gained from the prescribed developmental surveillance;
  - b. medical examination and written health assessment should take place before each change of school or at intervals specified in the plan for the child.
- 73 Arrangements for ensuring that children receive proper health care during placement will involve the following:
- a. the Department,
  - b. the parents,
  - c. the child,
  - d. the carers,
  - e. the GP,
  - f. the health visitor,
  - g. the school health service and,
  - h. if the child's needs require it, specialist and domiciliary services.
- 74 The child's registered medical practitioner must be notified of each placement. Both the Department and the health authority should have effective arrangements for communicating information about the child's health to all the health professionals involved.

### **CONSENT TO MEDICAL EXAMINATION OR TREATMENT**

- 75 The responsible authority should have clear policies and procedures about consent to medical examination and treatment of children who are placed by them.
- 76 These policies and procedures should be made known to:
- a. the health authority, and
  - b. the child's carer.

#### **Parental consent**

- 77 The arrangements will vary depending whether or not the responsible authority has parental responsibility for the child.
- 78 The arrangements should enable the carer (if appropriate) to get done without delay:
- a. any specifically recommended immunisation, and
  - b. medical and dental treatment.

	<p>79 Should the parents refuse consent to medical examination or treatment, and the child is not of sufficient understanding to make the decision, the Department has two possible courses of action, depending on whether or not the child is in care:</p> <ul style="list-style-type: none"><li>a. If the child is in care the Department should act to restrict the parents' exercise of parental responsibility in this respect to comply with these Regulations and to ensure that necessary medical examinations and treatment are made available to the child.</li><li>b. If the child is not in care and the parents refuse consent, the Department may have to obtain an appropriate court order, such as an order under s.11(d), an emergency protection order or a child assessment order.</li></ul> <p>80 These arrangements should be set out clearly in the plan or agreement for the child, and the relevant health professionals should be made aware of the arrangements for examining and treating the child.</p> <p>81 The parent or the Department may delegate authority to consent to routine treatment and minor procedures to the carer. If the parent holds the child's health record, it may be appropriate for it to be given to the person caring for the child for the duration of the placement.</p> <p>82 The need for operations and major treatment should be discussed with the parents, and their consent obtained, subject to the Department exercising its powers under s.32(2)(b).</p> <p>83 Parents should be kept informed of their child's state of health. It should be agreed in each case whether the carer or the Department should do this.</p> <p><b>Consent by children and young people</b></p> <p>84 Children aged sixteen and over give their own consent to medical treatment.</p> <p>85 Younger children who are judged able to give consent cannot be medically examined or treated without giving it.</p> <p>86 The responsible authority should draw the child's attention to his or her rights to give or refuse consent to examination or treatment -</p> <ul style="list-style-type: none"><li>a. if the child is over 16, and</li><li>b. if the child is under 16 and the doctor considers him or her to be sufficiently able to understanding the consequences of consent or refusal.</li></ul> <p>87 It is the responsibility of the Department, and part of the carer's role (where relevant) to encourage young people to understand the importance of health care and take responsibility for their own</p>
--	---

health.

- 88 Placement will not be prohibited if it is impossible to persuade a child to be medically examined.

## EDUCATION

- 89 The Regulations set out the considerations about a child's educational needs which form part of the planning process.
- 90 In planning, the aim should be to help a child achieve his or her full potential and equip her or himself as well as possible for adult life.
- 91 Children who are looked after have the same rights to education as all children, including further and higher education, and to other opportunities for development.
- 92 The Department should act as a good parent in relation to the child's education. It should:
- a. have regard to the importance of continuity of education,
  - b. take a long term, realistic view,
  - c. provide educational opportunities and support,
  - d. promote educational achievement, and
  - e. recognise the value of peer group relationships made at school and college.
- 93 Special care and support is needed when a change of school cannot be avoided.
- 94 Children should be given opportunities for development so that they can benefit as far as possible from the placement, even if it is for a relatively short period. These should include opportunities to:
- a. pursue leisure interests,
  - b. develop any special gifts they may have, and
  - c. share in the activities of their peers.

### The Department's role

- 95 The child's educational progress must be kept under review, along with other aspects of his or her welfare.
- 96 Difficulties should be explored and help provided, including where appropriate, arrangements for access to the specialist services the Department of Education can provide.
- 97 The Department of Health and Social Security and the Department of Education should collaborate to safeguard the interests of children
- 98 The Department should act in consultation with parent and carer as relevant, whether or not it has parental responsibility.

	<p>99 The Department should see that the parent's rights are exercised in respect of requests for assessment, monitoring and reviews.</p> <p>100 Regulation 5 requires the responsible authority to notify the Department of Education of placements.</p> <p>101 The social worker is responsible for clarifying arrangements with the school, and for ensuring that it understands the carer's role and responsibilities towards the child.</p> <p>102 Information should reach the school and others who need it in good time.</p> <p><b>The carer's contribution</b></p> <p>103 The importance of the carer's role in relation to the child's development and educational progress should be recognised and supported. This includes their observations and the scope they have to help to identify and assess the child's capabilities, and any difficulties, fears and developmental deficits.</p> <p><b>ETHNICITY, CULTURE, RELIGION AND LINGUISTIC BACKGROUND</b></p> <p>104 Full consideration should be given to the child's ethnic origin, cultural background and religion.</p> <p>105 As a principle of good practice, placement with a family of similar ethnic origin and religion is most likely to:</p> <ol style="list-style-type: none"><li>meet a child's needs most fully,</li><li>safeguard his or her welfare most effectively,</li><li>provide the child with continuity in life and care, and</li><li>provide a familiar environment in which the child will be able to share the culture of his or her own ethnic group.</li></ol> <p>106 When it is not possible to place the child with carers of the same ethnic origin and culture, an independent visitor of his or her ethnic origin and culture may be able to provide appropriate links.</p> <p>The criteria for appointing an independent visitor should apply - see Chapter 7.</p> <p>107 The importance of religion as an element of culture should never be overlooked.</p> <p>108 Children of mixed ethnic origin should be helped to understand and take pride in both or all elements of their cultural heritage, and to feel comfortable about their origins.</p> <p>109 When the aim of the placement is to reunite the child with his or her</p>
--	---

own family, contact and work with the family will in most cases be more comfortable for all, and carry a greater chance of success, if the staff involved are of the same ethnic origin as the family.

## THE PLANNING PROCESS

- 110 If a plan to meet the child's needs does not already exist, the planning process must begin as soon as it appears that a child in need is likely to require accommodation.
- 111 The process should be co-ordinated with practice under the *Framework for Assessment*, as appropriate.
- 112 Planning for the possible accommodation of a child should begin while efforts continue to support his or her parents and family and keep the child at home. This is intended to minimise the disturbance for the child should accommodation become necessary.
- 113 The planning process consists of: inquiry, consultation, assessment and decision-making.

### Inquiry

- 114 This is to be co-ordinated with the *Framework for Assessment* and the Child Protection Procedures as appropriate.
- 115 Inquiry consists of:
- a. Obtaining the views of:
    - i. the child,
    - ii. the parents,
    - iii. other members of the family, and other involved adults.
  - b. Starting to develop partnership with the parents, to encourage active continuation of the parental role, and help the child and parents share in decision making,
  - c. Collecting information about the child and his family. Depending on the circumstances the extent of consultation may include:
    - i. the GP,
    - ii. teacher,
    - iii. health visitor,
    - iv. police,
    - v. child psychologist, and
    - vi. other people who know the family in a private or professional capacity.

### Consultation

- 116 The Department has a duty to consult before making any decision

about a child it is looking after or proposing to look after or accommodate.

- 117 The people whose wishes and feeling must be sought and taken account of are:
- a. the child,
  - b. his or her parents,
  - c. any person who is not the child's parent but who has parental responsibility for him or her, and
  - d. any other person whose wishes and feelings the Department considers to be relevant.

See p.22 below.

- 118 The need for consultation should be explained to the parents and the child.
- 119 The Department should co-ordinate the involvement of the other agencies and individuals so that the plan meets the child's particular needs.

#### *Consulting the child*

- 120 The child's or young person's views should be sought in direct discussion with him or her, subject to his or her level of understanding.
- 121 What the child says must be recorded and given due consideration before a placement decision is made, and at every review meeting and case conference subsequently.
- 122 The options to be put forward in the plan and their implications should be:
- a. explained,
  - b. discussed and, if necessary,
  - c. reassessed in the light of the child's views.
- 123 If there are differences between the child's views and those of his or her parents or the Department, the social worker should acknowledge that there may be good reasons.
- 124 The social worker should make every effort to communicate with a younger child and discover his or her real feelings. Differences in age and maturity should be taken into account.
- 125 The older and more mature the young person:
- a. the more fully she or he will be able and wish to engage in discussion,
  - b. the more differences in perception between the young person and his or her parents should be expected, especially

	<p>in cases of self-referral.</p> <p>126 All children and young people need to be given information and appropriate explanations so that they can develop views and make choices.</p> <p>127 Providing children with reassurance and helping them with their anxieties is essential to the success of a placement.</p> <ul style="list-style-type: none"><li>a. The child should feel that he or she has been properly consulted, and enabled to participate as a partner in the decision-making process, without having to carry too much of the burden of decision-making,</li><li>b. If the child chooses not to attend a meeting the social worker should explore the reasons with him or her, and enable her or him to understand the reasons for attending,</li><li>c. The possibility of the child being accompanied to a meeting by a person who is able to provide friendly support should be considered.</li></ul> <p>128 A child who has communication difficulties should be offered appropriate specialist help so that he or she can express his or her views and those views can be considered. Provision could include:</p> <ul style="list-style-type: none"><li>a. a sign language interpreter,</li><li>b. an interpreter for the relevant language for a child whose first language is not English.</li></ul> <p><i>Consulting the family</i></p> <p>129 The Act requires that the parents should generally be involved in all planning for their child. The only exception is when their involvement would not be in the best interests of the child.</p> <p>130 The child's family, parents, grandparents and other involved relatives should be invited to participate actively in planning and to make their views known on:</p> <ul style="list-style-type: none"><li>a. the objectives of the plan, and</li><li>b. how the responsible authority proposes to achieve them.</li></ul> <p>131 The extent to which the parents' views influence the outcomes will depend on the circumstances of the case:</p> <ul style="list-style-type: none"><li>a. Where the child is to be accommodated by voluntary agreement, the Department should work with the parents in the child's best interests,</li><li>b. In child protection cases, parents' views about the proposed plan should be considered but not allowed to prevent the Department from carrying out its duty to protect the child,</li><li>c. Where voluntary agreement with the parents cannot be reached, and lack of agreement makes it impossible to</li></ul>
--	---

implement a suitable plan, it may be appropriate to apply for an order under Parts 4 or 5 of the Act.

*Others to be consulted*

132 To meet the requirements of the Act, the responsible authority will need, before the child is looked after or accommodated, to use its discretion to consult:

- a. all the relevant statutory agencies which are involved with the child and his or her family, and
- b. have been previously involved with the child and his or her family, and
- c. other relevant agencies and persons.

133 It is essential that other agencies involved with the child are consulted so that the plan is based on as complete an assessment as possible.

134 The responsible authority should explain and make sure that the parents and child understand:

- a. why it is necessary to consult, and
- b. what the process will involve, and
- c. obtain their consent.

135 The other agencies and people to be consulted may include:

- a. the health authorities,
- b. the child's GP,
- c. the Education Department and the school, and
- d. anyone else whose views the responsible authority considers should be sought.

136 The latter might include:

- a. the child's extended family,
- b. a guardian ad litem,
- c. a worker in a voluntary agency involved with the child and his family,
- d. a former foster parent,
- e. the officer in charge of a home where the child has previously been placed,
- f. a teacher who has been significantly involved with the child, or
- g. a community leader.

137 If it is proposed that the child be placed in another area and he or she is not looked after by that authority, that local authority should

also be consulted.

- 138 The Department should aim to contact specific staff in the other agencies who will consult their colleagues who have been directly involved with the child and report back.
- 139 The parents and the child, if he or she is sufficiently able to understand, should be told:
- a. who will be consulted, and
  - b. that the information gathered will be properly safeguarded.
- 140 Existing carers, e.g. foster parents, the head of a community home, should already be involved in day to day planning for the child. Whether or not this is the case, a specific opportunity should be arranged for them to contribute formally to the planning, or to review matters.

### ***Recording consultation***

- 141 The information obtained during consultation must be clearly recorded on the child's case record in order to:
- a. make it easy for anyone not familiar with the case to see:
    - i. the matters considered in arriving at decisions,
    - ii. how the objectives of the plan were decided on, and
    - iii. how the proposals for achieving the objectives were reached;
  - b. help the responsible social worker to ensure that all the necessary factors are considered fully;
  - c. inform the line management supervision process.

### **Assessment**

- 142 This is to be co-ordinated with the *Framework for Assessment* and other assessment processes as appropriate
- 143 The information gathered during the inquiry process should be used to make a full assessment of the child's needs:
- a. in relation to safeguarding or promoting his welfare, and
  - b. taking into account any services the responsible authority or other agencies may already provide.
- 144 Joint assessment should be considered with education, health or other relevant bodies in appropriate cases. This will help to ensure that:
- a. the child is looked at 'in the round', and needs are not addressed in isolation, and
  - b. the Department and the other agencies will work in partnership to best meet the child's needs.

### ***Factors to be taken into account when deciding on services***

- 145 The factors include:

- a. the child's individual needs in relation to health; disability; education; religion; racial origin, cultural and linguistic background; special needs; family experience;
- b. the extent to which the needs are currently being met, and
- c. which agencies are best suited to meeting the child's needs.

***Individual needs – children from minority ethnic communities***

146 Necessary experience and expertise to meet the needs of children from minority ethnic communities should be provided through:

- a. staffing of services,
- b. relationships with other professions and services, and
- c. relationships with the community.

147 If either:

- a. the Department rarely needs to provide a service for a child from a minority ethnic group, or
- b. the local community includes too great a variety of ethnic groups to be reflected appropriately in the composition of the staff

it will need to identify sources of advice and help which can be called on when needed.

The terms "Black" or "black family" should not be used by themselves in a way that obscures a child's characteristics or needs.

***Individual needs – children with communication difficulties***

148 In assessing the needs of:

- a. a child with communication difficulties or
- b. a child with a parent with communication difficulties, appropriate assistance may be needed to ensure that communication is effective.

149 Appropriate assistance might be:

- a. a sign language interpreter,
- b. large print,
- c. tape, or
- d. Braille.

**Decision making**

150 This is to be co-ordinated with the *Framework for Assessment* and the Child Protection Procedures as appropriate.

151 During this process the social worker will be forming a view on the best approach to the case by:

- a. identifying the child's needs,
- b. obtaining and taking into account the wishes and feelings of

	<p>the child, his or her parents and the other people involved, and</p> <p>c. seeking the advice of other professionals in the consultation process.</p> <p>152 The social worker should consider if the most appropriate service would be:</p> <p>a. accommodation by voluntary agreement,</p> <p>b. child protection action, possibly including accommodation by voluntary agreement, or</p> <p>c. compulsory care (subject to a court order).</p> <p>153 Decision-making calls for:</p> <p>a. translating the assessed needs into aims and general objectives;</p> <p>b. listing and appraising the specific options available (or which may need to be created) for achieving these objectives;</p> <p>c. deciding on the preferred option, setting out the reasons for the decision.</p> <p>154 The proposed plan should explain in detail:</p> <p>a. how the objectives for the child will be achieved i.e. if accommodation is needed and what sort,</p> <p>b. what other services for the child, the family or the child's carer need to be provided,</p> <p>c. services which might be provided by other agencies e.g. the Department of Health or a voluntary organisation,</p> <p>d. the likely duration of the placement, and</p> <p>e. the arrangements for sustaining family links, promoting contact and (if possible) reunification of the family.</p> <p><b>CONTENTS OF THE PLAN</b></p> <p>155 The format of a care plan is not prescribed (but see LAC (99) 29 for guidance).</p> <p>156 The plan should be recorded in writing and contain:</p> <p>a. the child's and his or her family's social history,</p> <p>b. the child's identified needs (including those arising from ethnic origin, culture, religion language, special educational or health needs),</p> <p>c. how these needs might be met,</p> <p>d. the aims and timescale of the plan,</p>
--	---

- e. the proposed placement (type and details),
- f. other services to be provided to the child and or the family, by the local authority or other agencies,
- g. the arrangements for contact and reunification,
- h. support in the placement,
- i. the likely duration of placement in the accommodation,
- j. a contingency plan, should the placement break down,
- k. arrangements for ending the placement (if made under voluntary arrangements),
- l. who is to be responsible for implementing the plan (specific tasks and overall plan),
- m. the parents' role in day to day arrangements, in specific detail,
- n. the extent to which the wishes and views of the following parties have been acted upon:
  - i. the child,
  - ii. his parents, and
  - iii. anyone else with an interest in the child (including representatives of other agencies)
  - iv. the reasons supporting this, or
- o. explanations as to why wishes/views have been discounted,
- p. arrangements for input by parents, the child and others, to the ongoing decision-making process,
- q. arrangements for notifying the responsible authority of disagreements or making representations,
- r. the arrangements for health care (including consent to examination and treatment),
- s. the arrangements for education, and
- t. dates of reviews.

## **AGREEMENTS**

157 The regulation which governs the making of arrangements, i.e. the plan, requires that the responsible authority should draw up a plan in writing.

	<p>158 Where a child is not in care the responsible authority should reach agreement on the plan with:</p> <ul style="list-style-type: none"><li>a. those with parental responsibility, or</li><li>b. if there is no such person, the person caring for the child.</li></ul> <p>159 Regulation 4 governs the considerations on the making and contents of arrangements for children not in the care of the Department but who are/to be accommodated. It requires that where practicable the plan should include details of the matters specified in Schedule 4 to the Regulations.</p> <p>160 Schedule 4 covers:</p> <ul style="list-style-type: none"><li>a. type of accommodation,</li><li>b. details of services to be provided,</li><li>c. the responsibilities of the Department, the child, the parents and anyone else with parental responsibility,</li><li>d. delegation of parental responsibility,</li><li>e. involvement in decision making, and</li><li>f. arrangements for contact,</li><li>g. notification of changes,</li><li>h. the application of s.25(6) to young people over 16,</li><li>i. the duration of the arrangements.</li></ul> <p><b>Voluntary agreements</b></p> <p>161 When a child is provided with accommodation by voluntary agreement, the plan should form the basis of a written agreement between the responsible authority and:</p> <ul style="list-style-type: none"><li>a. the parent, or</li><li>b. the person who cared for the child prior to the provision of accommodation.</li></ul> <p>162 The agreement must set out the role for the parent in the day to day life of the child. This should be discussed and agreed between the responsible authority and the parents with the involvement of the current carer.</p> <p><b>Copies of agreements</b></p> <p>163 The regulations also require the responsible authority to produce a written copy of the agreement, which incorporates the detail of the plan for the child and the arrangements made.</p> <p>164 There is no requirement for the agreement to be signed, but if the parent does not wish to sign, even though he or she consents to it, the responsible authority should sign the document to indicate its</p>
--	---

commitment to the plan for the child.

165 A copy should be sent to the person with whom the agreement is made.

166 The child should also receive a copy in a form appropriate to his or her understanding.

### **Agreements with young people**

167 A young person of 16 or over who has referred him or herself, and is to be provided with accommodation by the Department, should be encouraged to sign the agreement personally, although there is no requirement that she or he should do so.

### **Agreements with people with parental responsibility**

168 When agreement is reached with a person with parental responsibility for the child, the responsible authority is entitled to act on that if that parent has a residence order in his or her favour.

169 In other cases, the Department can act to provide accommodation unless another person with parental responsibility is willing and able to provide or arrange accommodation for the child, and objects to the arrangement proposed by the Department.

170 If accommodation is already being provided in accordance with an agreement, and a person who has parental responsibility objects and can provide or arrange accommodation, the Department must comply with their request.

171 The advice in the paragraph above would not apply in the case of arrangements for a young person aged 16 or over who can make their own decisions.

### **Arrangements for leaving accommodation**

172 An agreement should include the arrangements to be made for the child's leaving the accommodation.

173 A period of notice should, where practical, and especially if the child has been accommodated for a long period, allow time to:

- a. prepare the child,
- b. ensure that the child's wishes and feelings are taken into account, and
- c. promote stability and security for both the child and the carer and his or her family.

### **Changing arrangements**

174 An agreement should also state the steps each party would take if another party decided to change the agreement. For example,

- a. if the Department can no longer provide a service it has

agreed to provide, or proposes to move the child to another carer, the agreement might state that the parent would withdraw the child from accommodation, or

- b. if the parent decides to take action which would be harmful to the child, the agreement might state that the Department would consider applying for an emergency protection order.

### **Partnership with parents**

- 175 So far as is practicable and in the child's best interests, arrangements should be made in partnership with parents.
- 176 A child's interests are usually served best if his or her parents are encouraged to keep in touch and take an active and continuing role in planning for the child. This should apply even if the long-term plan for the child is that he or she remains in care.
- 177 If the interests of the child, or lack of co-operation on the part of the parents, necessitate initial arrangements being made without agreement being reached, the planned work should include trying to establish a working relationship with the parents for the future.

### **NOTIFICATION**

- 178 Those involved in the decision-making process should be notified of the decision, so that they can make arrangements for their involvement in the placement, or make their views on the placement decision known.
- 179 Regulation 5(3) deals with the notification of third parties
- a. Notification should contain only the information it is strictly necessary to divulge,
  - b. The Department will need to identify other people who were not involved in the decision-making process, but who will be involved with the child and need to know the placement arrangements,
  - c. The Department should consider in each case which other people to notify. These will be people who have been involved in the child's life but not specified in Regulation 5.
- 180 If the child is placed off the Island, the Department should notify the local authority in whose area he or she is placed, providing sufficient information for that authority to fulfil its duties in respect of registration of placements.
- a. The person to notify in such a case is the specific person in the other agencies already identified and consulted about the placement,

See Consultation, paragraph 5 above)

- b. These people should be asked to disseminate the information as appropriate to their colleagues who:
  - i. are or will be involved with the child, and
  - ii. where a child protection case conference has been consulted, the members of the case conference.

181 Once the plan has been decided upon, it should be notified in writing to:

- a. the parents,
- b. the child,
- c. other carers,
- d. representatives of other agencies involved with the child and
- e. others who have an interest in the child.

182 The social worker should explain personally to the parents and the child what the plan entails and the reasons for reaching the decisions. This explanation is additional to any given during the assessment and planning process.

183 Appropriate provision should be made for a child or parent with a communication difficulty. This could include:

- a. an interpreter in the appropriate language for a child or parent whose first language is not English,
- b. a specific format for formal written notification to a child or adult who has a sensory impairment, for example:
  - i. for blind or visually impaired people it could be Braille, tape or large print,
  - ii. for people who are deaf or hearing impaired, a method which meets their needs appropriately such as a clear speaker with understanding and knowledge of the speech and language difficulties of hearing impaired people, or an accredited sign language interpreter.
- c. Interpretation resources will also be required for a child who uses the Makaton system.

#### **Format of notification**

184 The written agreement (or of the plan if no agreement has been reached) should include:

- a. a summary of the proposed arrangements and the objectives, covering details of the placement and its likely duration;
- b. arrangements for contact;

- c. who is responsible for implementing the plan;
- d. the role of the child's parent on a day to day basis;
- e. arrangements for or issues of reunification;
- f. contingency plans if the placement proves unsuccessful.

- 185 When a child is provided with accommodation by voluntary agreement, the notification should also set out the arrangements for the ending of the placement.
- 186 The oral explanation given by the responsible social worker to the parents and the child will supplement this.
- 187 In exceptional circumstances when a child is in care or subject to an emergency protection order, the name and address of the placement may be omitted from the notification.
- 188 This should only be done when the Department has reasonable cause to believe that informing a person would prejudice the child's welfare.
- 189 When it is necessary to take this exceptional decision to safeguard a child's interests, the circumstances and reasons should be recorded on the child's case record and notified to the parent in writing.

### **Complaints**

- 190 The letter of notification should also refer to the representations procedure, which the Act requires the Department to set up. An information leaflet can be enclosed so that the parents, the child and others notified of the arrangements are aware of the channels open to them for making representations or complaints.

The representation procedure and the people who may make complaints are listed in Chapter 10.

## **IMPLEMENTATION OF DECISIONS ARISING FROM THE PLAN**

- 191 Effective implementation of the plan must be facilitated by providing clear information to all those involved in the planning and subsequent review process about:
- a. who is responsible for implementing which decisions, and
  - b. by when.

## **MONITORING THE SUPPORT AND SUPERVISION OF THE PLACEMENT**

- 192 It is good practice to support and supervise foster placements, including those where the child is placed with a family member or friend. Volume 3, Family Placements, of the Guidance to the

Children Act 1989, for example, requires arrangements to be made for line management supervision and monitoring of the social worker's performance in supporting and supervising the placement.

- 193 The line manager should examine records both before and during periodic discussions with the social worker about the placement.

## **PLACEMENT OF CHILDREN OFF THE ISLE OF MAN**

- 194 A placement by the Department outside the Island is subject to the provisions of Paragraph 6, Schedule 2, CYPA 2001. If a child is accommodated the Department may arrange for him to live outside the Isle of Man if every person with parental responsibility agrees.

- 195 When the Department makes arrangements to place a child outside the Island it must take steps to ensure that, so far as is reasonably practicable, requirements similar to those which would apply on the Island are complied with.

- 196 The Department may only arrange for a child who is the subject of a Court Order to live outside the Isle of Man if:

- a. it is in the child's best interests,
- b. suitable arrangements have been or will be made for his reception and welfare in the country in which he will live,
- c. the child has consented to living in that country (unless the child does not have sufficient understanding to give or withhold consent), and
- d. every person who has parental responsibility has consented to him living in that country, unless that consent is not forthcoming as the person cannot be found, is incapable of consenting or is withholding consent unreasonably.

## **RECORDS**

- 197 Accurate, comprehensive and well organised records should be kept.

- 198 As staff change this will provide social workers and foster carers with a basis for:

- a. a clear and common understanding of the plan for the child, including:
  - i. the arrangements made,
  - ii. agreements which have been reached,
  - iii. the decisions which have been made and the reasons for them, and
- b. the monitoring of implementation of the planning decisions.

- 199 They are also necessary as an important source of information for

the child who is permanently placed away from his or her birth family.

- 200 The records should include the agreements and decisions relating to:
- a. the plan for the child
  - b. the aim of the placement, and
  - c. the child's progress in the placement.
- 201 They must include:
- a. a copy of the arrangements referred to in Regulation 3 (Placement of Children (General) Regulations 2002),
  - b. a copy of any written report in its possession concerning the welfare of the child,
  - c. a copy of any document considered or record established in the course of or as a result of a review of the child's case,
  - d. details of arrangements for contact, of contact orders and of other court orders relating to the child, and
  - e. details of any arrangements whereby another person acts on behalf of the responsible authority.

## REGISTERS

- 202 The Department is also required to keep a register of the identity and whereabouts of every child placed by the Department on the Island or otherwise
- 203 The register is intended to be a source for quick reference to basic information, such as details of:
- a. the child,
  - b. the date of the placement and with whom,
  - c. the legal provisions under which the child is cared for.

## CASE RECORDS

- 204 A child's case record should include all the information relevant to the child being looked after or accommodated.
- 205 The case record must be an integrated case record for all purposes and cover:
- a. the family history,
  - b. the child's involvement with the Department, and
  - c. the child's progress
- 206 The material to be kept in the record includes:
- a. a copy of the arrangements made for the child (the plan),

- b. copies of any written reports in the responsible authority's possession about the welfare of the child, including:
  - i. family history and home study reports,
  - ii. reports made at the request of a court
  - iii. reports of visits to the child, his family or his carer,
  - iv. health and other reports.
- c. copies of all the documents used to:
  - i. seek information,
  - ii. provide information or
  - iii. record views given to the Department in the course of planning and reviewing the child's case, and
  - iv. review reports.
- d. contact orders and any other court orders relating to the child,
- e. details of any arrangements made for another authority, agency or person to act on behalf of a local authority or organisation which placed a child.

207 The record should also include any contribution the child may wish to make such as written material, photographs, or school certificates.

### **The organisation of case records**

208 The case record should be organised in such a way as to make it easy to:

- a. trace the process of decision-making, and
- b. find the views of the child and his or her parents and see how they relate to the sequence of decisions taken and arrangements made.

209 Any papers which belong to the child, and are placed temporarily in the record, should be identified as such and marked for return to the child at the appropriate time.

210 The child's record should be separate from:

- a. management records,
- b. records relating to residential care matters, or
- c. records which are not solely concerned with the individual child. Where some of the information on one of these other records is relevant to the child a duplicate entry should appear in the child's record.

211 Records should not be amalgamated even in the case of siblings, although a certain amount of cross-reference and duplicate entry will be necessary.

**Keeping records safe**

- 212 The Department is required to take steps to ensure the safekeeping of records. This covers:
- a. arrangements for their physical security, and
  - b. effective procedures to restrict access to the records to those who:
    - i. need access in order to fulfil their duties in relation to a case, and
    - ii. are given proper authority to consult them.

**Access to records**

- 213 The responsible authority should act in accordance with its own legal advice in matters relating to the disclosure of information held in the records.
- 214 Information held about an individual should be shared with him or her unless there are special reasons for withholding it covered by the legislation and guidance referred to below.
- 215 Regulation 9(3) requires the Department to take steps to ensure that information contained in children's case records are treated as confidential.
- 216 The Regulation states two broad limits to the confidentiality of case records:
- a. any provision made by statute to give access, and
  - b. any court order under which access may be obtained or given.

**Retaining case records and entries in the register**

- 217 Children's case records must be kept:
- a. until the seventy-fifth anniversary of the child's date of birth or
  - b. for fifteen years from the date of death of a child who dies before reaching the age of eighteen.
- 218 It is permitted to keep case records in any of the following forms:
- a. the original record,
  - b. a paper copy of the original record, or
  - c. some other accessible form e.g. a computer copy of the original record.
- 219 Entries in the register must be kept by the responsible authority until:
- a. the child to whom the entry applies reaches the age of 23, or
  - b. if the child dies before reaching 23, for five years from the

	date of his or her death.
--	---------------------------