

## **CHAPTER 8 REVIEW**

### **INTRODUCTION**

- 1 This chapter deals with the review of children who are looked after or provided with accommodation by the Department in the exercise of its functions under the CYPA 2001.

### **THE PURPOSE OF THE REVIEW**

- 2 Reviews are part of the continuous planning process. Their purpose is to ensure that the child's welfare is safeguarded and promoted in the most effective way throughout the period he or she is looked after or accommodated.
- 3 This is to be achieved by reviewing decisions to date and planning future work.
- 4 Progress in safeguarding and providing for the child's welfare should be examined and monitored at every review and the plan for the child amended to reflect any significant change.
- 5 The Review of Children's Cases Regulations 2004 apply to the Department

### **WHAT IS A REVIEW?**

- 6 The concept of review as governed by the Reviews of Children's Cases Regulations is a continuous process of planning and reconsideration of the plan for the child who is looked after.
- 7 Review consists of the following components:
  - a. consultation and the gathering of information on an ongoing basis,
  - b. discussion of the information, and
  - c. decision making to amend the plan as necessary.
- 8 The agenda for meetings to review plans should include:
  - a. consideration of progress in implementing the plan,
  - b. the need for changes in approach in providing services,
  - c. a possible reallocation of tasks, or
  - d. a possible change in the status of the child (e.g. the need for care proceedings, or the discharge of a care order).
- 9 Whatever a meeting is called – e.g. a planning meeting, a review meeting - the purpose of the meeting determines whether or not it is in fact part of the review process. Any meeting convened for the purpose of considering any aspect of the review of a child's case

comes under the scope of the Review of Children's Cases Regulations.

### WHAT IS NOT A REVIEW

- 10 A review is not:
- a. a reconsideration after a complaint (see Chapter 5 of this volume for guidance on representations procedures), or
  - b. a part of line management supervision of a decision,

Although either a. or b. could indicate the need for a review of the child's circumstances

- c. It is not a Child Protection Review Conference or a Case Review as described in Parts 5 and 8 of Working Together in Safeguarding Children (Department of Health 1999).
- d. A review is different from a case conference, although:
  - i. a case conference could provide information to be considered in a review, and
  - ii. where the discussion at a case conference combines consideration of wider issues affecting the plan for the child, it constitutes part of a review and therefore falls within these Regulations.
- e. A review also differs from a case discussion undertaken as part of line management to review staff performance.

### REQUIREMENT TO REVIEW AND FREQUENCY

- 11 The Review of Children's Cases Regulations 2004 places a specific statutory duty on the Department to review the case of a child who is looked after or accommodated, in accordance with the Regulations.
- 12 The maximum intervals allowed between reviews are as follows:
- a. The first review should take place no later than 4 weeks after the date on which the child:
    - i. begins to be looked after, or
    - ii. is provided with accommodation.
  - b. the first review will bring together the assessment and planning that has been taking place since the child was identified as in need of the Department's services,
  - c. The second review should take place not more than three months after the date of the first review,
  - d. Thereafter, subsequent reviews should take place at intervals of not more than six months after the date of the previous review.

The frequency of reviews required by the Regulations is the minimum standard and a review of the child's case should take place as often as the circumstances of the individual case require. If the need arises for

substantial changes to the plan the date of the next review should be brought forward.

- 13 Parents and children should be consulted about the need for additional reviews on a regular basis. Serious consideration should be given to a request from a parent or a child for an additional review.

### **SHORT TERM PLACEMENTS**

- 14 Regulation 9 allows for a defined series of short pre-planned placements (e.g. for respite care or staying in contact) to be treated as a single placement as far as these Regulations are concerned.

- 15 All the requirements of the Review Regulations apply, but do not need to be repeated for each episode of accommodation so as long as the conditions in Regulation 9 are met.

- 16 The conditions are:
- a. "all the periods are included within a period which does not exceed one year,
  - b. no single period is for a duration of more than four weeks, and
  - c. the total duration of the periods does not exceed 120 days."

All the placements should take place at the same establishment.

### **A SYSTEM FOR REVIEWS**

- 17 The Department's system for review of children's cases must satisfy the requirements in the Children and Young Persons Act and Regulations 4 and 8 of the Review of Children's Cases Regulations as described below.

- 18 In revising existing arrangements or establishing new procedures responsible authorities should ensure that their review system provides for:
- a. the full participation of both children and parents in the decision-making process,
  - b. a structured, co-ordinated approach to the planning of child care work in individual cases,
  - c. the continuous collection of information as part of the planning system rather than as a separate exercise for each review meeting,
  - d. a monitoring system for checking the operation of the review process.

- 19 The regulation sets out the way in which cases should be reviewed. It requires that the arrangements are set out in writing and made known to:
- a. children,

- b. parents,
- c. other people who have parental responsibility,
- d. other people whose views the responsible authority considers relevant, and
- e. those involved in conducting reviews of children's cases.

20 The Department is required to co-ordinate review action and to appoint some one to be responsible for co-ordination. The Department must appoint one of its Officers to assist in co-ordinating all aspects of the review. It will usually be the allocated social worker for the child whose care is to be reviewed.

### **PREPARATIONS FOR THE REVIEW**

- 21 Before the review is arranged the field social worker responsible for the case, in discussion with his or her line manager, should identify whom to invite. These people should include:
- a. those who have been consulted (including the child and his parents) in drawing up the initial plan, and
  - b. those who may need to contribute to the review.

Only in exceptional cases should a parent or a child *not* be invited.

- 22 The first review meeting should:
- a. make clear that planning and review are part of a continuous process, and
  - b. confirm formally that the plan is meeting the child's needs.

### **Consultation – in person**

- 23 There should be full consultation with all the relevant people before the review meeting is held.
- 24 A written record should be made on the child's case record of the results of the consultation exercise before each review meeting.
- 25 Appropriate provision should be made for:
- a. children and parents with communication difficulties and
  - b. those whose first language is not English.
- 26 The Act requires that before it makes any decisions about a child it looks after the Department should obtain and take account of the wishes and feelings of:
- a. the child (subject to his or her age and understanding and so far as this is in his or her best interests,
  - b. the child's parents,
  - c. any person who is not the child's parent but who has parental responsibility for him or her,

d. any other person whom the Department considers ought to be consulted.

27 "Any other person" may include:

- i. his or her current carer (residential social worker or foster carer,
- ii. the independent visitor (if one has been appointed),
- iii. the relevant health care professionals from Health Department;
- iv. the child's (GP),
- v. the appropriate local authority where it is proposed (or it is already the case) that the child be looked after in its area,
- vi. the Education Department,
- vii. the child's teacher, where appropriate,
- viii. any other person whose views the Department considers should be sought, e.g. a representative from a voluntary agency, a police child protection liaison officer, a housing officer, or community leader.

See Chapter 2 p.60 for guidance on consultation in relation to the Arrangements for Placement of Children (General) Regulations, which also applies to the Review of Children's Cases Regulations.

### **Consultation - by writing**

28 Where written views or reports are considered adequate these should be obtained in good time before the review. Any information which needs to be circulated before the meeting should be sent out with the agenda.

See the section below.

### **WHO CHAIRS A REVIEW?**

29 A meeting to review a child's case will usually be chaired by a senior social worker who does not have line management of the case.

30 The role of the chairperson is to bring a degree of oversight and objectivity to the monitoring of the Department's practice and decision-making in relation to the plan for the child.

31 The field social worker responsible for the child's case and that person's supervisor should attend the review.

### **AGENDA**

32 An agenda or checklist of items for discussion at the review meeting should be circulated in advance to all those who will be attending, including the parent and the child.

33 Items for the agenda will arise out of the considerations for discussion

listed in the regulations.

See Matters for Consideration, p.132.

- 34 The purpose of the agenda is to ensure that:
  - a. no issues are overlooked,
  - b. the people attending the meeting are prepared to discuss and consider the relevant issues.
- 35 The use of an agenda should ensure that those present are free to raise the issues they consider to be important. It should not be allowed to become exclusive or inhibiting.

## WHO SHOULD ATTEND?

### Parents and children

- 36 The Department is required to involve the child and his or her parents in review meetings, where it considers it appropriate.
- 37 The involvement of the child is subject to his or her understanding and welfare.
- 38 Involving the parents and the child in review meetings reflects the Act's philosophy of participation, and seeking the wishes and feelings of the child and his parents, and the spirit of partnership between the Department and parents.
- 39 Where a child's welfare would be prejudiced by his or her parent's attendance, separate attendance may be arranged. The attendance of the child and his or her parents at review meetings will be the norm rather than the exception (subject to any reservations about the best interests of the child).
- 40 The parents and the child (if he is of sufficient understanding) should normally be present at the whole of the review, depending on the circumstances of each case.
- 41 The flexibility over attendance provided in the Regulations recognises that there are a few cases where the attendance of both parents and child will not be appropriate or practicable, e.g. where there is a clear conflict of interest.
- 42 Before either child or parents are excluded alternative arrangements should be considered. These might include the possibility of a child being accompanied by someone able to provide friendly support.
- 43 A decision to exclude the child or the parents from a meeting (or part of it) should be discussed and agreed with the Chairperson.
- 44 If either a parent or child is excluded from a review, he or she should be given a written explanation. A copy of this should be put on the child's case record.

### **Other people who should attend reviews**

- 45 In addition to the parent and child, the child's carer – if different to the parent - should be invited.
- 46 Other people with a legitimate interest should also be invited if they have a contribution to make to the review meeting. These people might include:
- i. the child's GP,
  - ii. community health doctor,
  - iii. health visitor,
  - iv. child psychologist,
  - v. school teacher,
  - vi. residential care social worker,
  - vii. independent visitor (if appointed), or
  - viii. ethnic minority representative.
- 47 The child's views on the possible attendance of any of these people should always be discussed with the child before invitations are made.
- 48 If their contribution would be strictly factual it may be preferable for the information to be provided in writing.
- 49 When a long-term plan has been set up, a small group of those consistently and constantly involved with the child should be identified as essential to attend review meetings. The group will vary according to the case but is likely to consist of:
- i. the social worker,
  - ii. the child,
  - iii. the parents,
  - iv. the chairperson and
  - v. the carer (if different from the parent).

### **VENUES FOR REVIEW MEETINGS**

- 50 Meetings should be arranged at a place and time most likely to provide a setting conducive to the relaxed participation of all those attending. The child should always be asked his or her views about the venue, and particular attention should be paid to his or her needs.
- 51 Arrangements should be made to secure the attendance of those identified as necessary to the review and allow serious discussion and planning to take place.
- 52 Consideration should be given to assisting parents with travelling costs or the provision of support such as childcare, if it would otherwise be

difficulty for them to attend.

## **MATTERS FOR CONSIDERATION AT THE REVIEW**

- 53 The primary consideration is the plan for safeguarding the child and promoting his or her welfare (under the general welfare duties placed on authorities by the Act).
- 54 At the first review this will be done by examining and confirming the plan, with or without amendments.
- 55 Subsequent reviews must always:
- a. monitor the progress made since the previous one,
    - i. assessing whether the goals and tasks set have been achieved, and
    - ii. if not, asking why not, and what action is required, and,
  - b. make any decisions to amend the plan in the light of changing knowledge and circumstances.
- 56 The detailed matters to be considered are listed in the Review Regulations, which provides a checklist. This sets the minimum requirements. The review must also consider matters specified in the Act relating to the welfare of the child.
- 57 The relevant issues for reviews are:
- a. In the case of a child who is in care, whether an application should be made to discharge the care order,
  - b. Whether they should seek a change in the child's legal status,
  - c. Arrangements for contact, and whether there is any need for changes in the arrangements in order to promote contact with the child's family and others so far as is consistent with his welfare,
  - d. Any special arrangements that have been made or need to be made for the child, including the carrying out of assessments either by the Department or other persons, such as those in respect of special educational need,
  - e. The Department's immediate and long term arrangements for looking after the child or providing the child with accommodation (made pursuant to the provisions of the Placement of Children (General) Regulations 2002) whether a change in those arrangements is needed and consideration of alternative courses of action,
  - f. Whether an independent visitor should be appointed if one has not already been appointed,
  - g. The child's educational needs, progress and development,

- h. Whether arrangements need to be made for the time when the child will no longer be looked after or provided with accommodation by the Department,
- i. Whether plans need to be made to find a permanent substitute family for the child,
- j. The child's state of health,
- k. The child's health history,
- l. The effect of the child's health and health history on his development,
- m. Existing arrangements for the child's medical and dental care and treatment and health and dental surveillance,
- n. The possible need for an appropriate course of action which should be identified to assist necessary change of such care, treatment or surveillance,
- o. The possible need for preventative measures, such as vaccination and immunisation, and screening for vision and hearing.

### **REPORT OF THE REVIEW**

- 58 The Regulations require that a written record of each review is drawn up and put on the child's case record for further reference.
- 59 This should have attached to it the results of the consultation exercise, including any written reports.
- 60 It should also include the agenda with:
  - a. a note of the discussion under each item,
  - b. what was decided, and
  - c. who is responsible for implementing particular decisions.
- 61 The record should note clearly:
  - a. whether the child and his or her parents were invited to the review, and
  - b. if they were not, the reason why not,
  - c. whether they attended, and
  - d. what views they expressed on each agenda item.
- 62 Any dissenting opinion should be recorded with an explanation of the rationale of decisions taken.
- 63 The chairperson should check the record of the review to ensure that an accurate, comprehensive record is placed on file and, in particular, that any necessary action has been correctly identified and tasks

allocated.

## **NOTIFICATION OF REVIEW RESULTS**

- 64 The following people must be notified of the result of the review and the decisions taken:
- i. the child,
  - ii. his or her parent,
  - iii. others with parental responsibility, and
  - iv. any other persons considered appropriate.
- 65 It may be necessary to notify third parties of the result of the review. Only the information which third party needs to know should be given.
- 66 The notification of the results should consist of a summary of the main points of the review. It should make clear:
- a. who is responsible for implementing the decisions taken, and
  - b. the relevant time-scales.

### **Notifying the child and parents**

- 67 The field social worker responsible for the case should explain to the child and the parents the decisions taken at the review and the reasons for them, whether or not they attended the meeting, and particularly if they did not. If possible, this should take place before the child and parents receive the written record.
- 68 It is recommended that the notification be sent no later than 14 days after the review has been held. It should say whom the child or parent should contact if there is disagreement about any of the decisions taken.

## **DISAGREEMENTS**

- 69 Where disagreements arise in the course of the review process between:
- a. the child and parents,
  - b. the child and the Department, or
  - c. the parents and the Department,
- the Department should make every effort to resolve them by explaining fully the reasons for the decisions.
- 70 When a disagreement cannot be resolved, the Department should ensure that the following people are aware of the representations procedure required by the Act:
- i. the child (where he or she is of sufficient understanding),
  - ii. the parents,

	<ul style="list-style-type: none"><li>iii. the carers and</li><li>iv. others involved with the child</li></ul>
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