

CHAPTER 2 ARRANGEMENTS FOR PLACEMENT OF CHILDREN

INTRODUCTION

- 1 This Chapter gives guidance on arrangements for placement and planning to safeguard and promote the welfare of children.
- 2 It applies to children who are either:
 - i. looked after by the Department, or
 - ii. accommodated by a voluntary organisation or home without the involvement of the Department.

THE RESPONSIBLE AUTHORITY

- 3 The agency looking after or accommodating the child is referred to in this Chapter as the responsible authority unless otherwise stated. The statutory framework within which it must work is provided by the regulations and guidance in this volume

The responsible authority will usually be the Department of Health and Social Security. When a registered children's home is accommodating a child who is not looked after by the Department the person carrying on the home would be the responsible authority.

- 5 Partnership between:
 - a. parents, children and the responsible authority, and
 - b. the responsible authority and other agencies,is the most effective means of meeting the child's needs.

THE PROVISION OF ACCOMMODATION FOR CHILDREN

- 6 The Department has a duty to provide accommodation for a child in the following circumstances:
 - a. he or she is in the Department's care, that is to say under a court order,
 - b. he or she is in need because:
 - i. no one has parental responsibility for her or him,
 - ii. he or she is lost or abandoned, e.g. an orphan,
 - c. someone who has been caring for her or him is prevented, e.g. because of an accident or illness, from providing suitable accommodation or care,
 - d. where:
 - i. he or she is removed or kept away from home under

Placement of
Children (General)
Regulations 2002

PA 2001 s.26
c)
PA 2001 s.26
PA 2001 s.76

Part 5 of the Act, e.g. the Department has had to take emergency action where the child is believed to be in danger,

- ii. the Department is asked to receive him or her under section 45 or section 41 (6) of the Police Powers and Procedures Act 1998, or
 - iii. he or she is remanded to accommodation provided by the Department.
- e. he or she is the subject of a supervision order imposing a residence requirement CYP A 2001 Schedule 9, paragraph 5, although this can only be done with the Department's consent.

See p.61 for information on the provision of accommodation on a voluntary basis

Family Links

- 7 Children looked after by the Department should be brought up by their own families wherever possible. The Department is therefore required to make arrangements for any child it looks after to live with a member of his or her family unless this would not be practical or would be inconsistent with the child's welfare.
- 8 "Family" in this context means any person falling within the scope of section 26(2), that is to say:
- i. his or her parent, or
 - ii. another individual who has parental responsibility
 - iii. if in the care of the Department someone who had a residence order immediately before the care order.
 - iv. a relative, friend or other person connected with him.
- 9 The accommodation provided should:
- a. be near the child's home so far as is reasonably practicable and consistent with the child's welfare,
 - b. enable siblings to be accommodated together as long as this is practicable and consistent with each child's welfare, and
 - c. be suitable to the needs of a child who is disabled

Welfare

- 10 When a child is accommodated in a children's home it is the duty of the person carrying on the home to:
- i. safeguard and promote his or her welfare,
 - ii. to make such use of the services and facilities available for children cared for by their own parents as appears reasonable, and

- iii. advise, assist and befriend the child so as to promote his or her welfare when he or she ceases to be accommodated.
- 11 Both the immediate and the long-term needs of the child should be planned for. Before making any decisions the person carrying on the home should, as far as possible, ascertain the wishes and feelings of:
- i. the child,
 - ii. his or her parents,
 - iii. anyone else who has parental responsibility for the child,
 - iv. anyone else whose wishes and feelings that person considers to be relevant.
- 12 In making decisions the person carrying on the home should give due consideration to:
- i. the child's wishes and feeling, as far as he or she has been able to ascertain, having regard to the child's age and understanding,
 - ii. the wishes and feelings of the other people mentioned under the paragraph above that he or she has been able to ascertain, and
 - iii. the child's religious persuasion.
- 13 The child's racial origin, and cultural and linguistic background should also be full consideration in decisions about accommodation.
- 14 Children with a physical and/or sensory disability, or a mental handicap, require particular consideration. The accommodation provided for them should be suitable to their needs.

Protection of the public

- 15 If it seems to be necessary in order to protect the public from serious injury because of the actions or behaviour of a child, the Department may exercise its powers in a manner which is not necessarily consistent with its duties under section 24.
- 16 That is to say it may, in these circumstances, be necessary for the Department to give lesser emphasis to its duty to eg. advise, assist and befriend a child (s. 24(2)(c)), and to ascertaining his or her wishes and feelings (s.24(3)(a)) than would normally be required.

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

- 17 The Regulations cover the obligation of the Department and other organisations providing accommodation in homes to draw up and record a plan for each child.
- 18 The Review of Children's Cases Regulations require that the plan is

regularly reviewed and amended.

- 19 The primary purpose of planning and review is to safeguard and promote the welfare of a child living away from his family.
- 20 Planning is required from the earliest possible time after the possible need for accommodation has been recognised, whether on a voluntary or compulsory basis.
- 21 The plan should give due attention to all the considerations necessary for the child's welfare, including the wishes and feelings of:
 - i. the child,
 - ii. his or her parents, and
 - iii. any other people the responsible authority is required to seek and take into account

PARTNERSHIP AND PARTICIPATION

Principles

- 22 One of the key principles of the CYPA 2001 is that responsible authorities (see definition above) should work in partnership. This includes partnership with:
 - a. the parents of a child who is being looked after, and
 - b. with the child him or herself, where:
 - 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.
- 23 Secondly, parents and children should participate actively in the decision-making process.
- 24 Although a care order gives the Department parental responsibility for the child, his or her parent or guardian still retain their parental responsibility. They may continue to exercise their parental responsibility as long as their actions are compatible with the care order and not overridden by the Departments powers under Section 32.

For Provision of accommodation on a voluntary basis, see p. 61 onwards.

Duties of responsible authorities

- 25 The general duties of responsible authorities in sections 24 and 54 of the Act are primarily based on these principles.
- 26 These duties require the responsible authority to consult:
 - i. the parents and others, and

- ii. the child, where he or she is of sufficient understanding,
- iii. before any decision is made affecting a child who is about to be or is already being looked after by the Department, or
- iv. who is accommodated in a registered children's home.

27 The Department may limit parents' exercise of their parental responsibility when a child is the subject of a care order but only if it is necessary to safeguard and promote the child's welfare.

Promoting partnership with parents

28 Partnership with parents may avoid the need for care proceedings or emergency action. Where it is necessary to look after the child partnership should enable the placement to proceed positively so that the child's welfare is safeguarded and promoted.

- 29 To promote partnership in either case parents should be:
- i. advised about and given explanations of the Department's power and duties and the actions it may need to take, for example exchanges of information between relevant agencies,
 - ii. involved in the planning and review of a child's case,
 - iii. consulted and notified about decisions affecting the child,
 - iv. encouraged to have contact with the child where it is reasonably practicable and consistent with the child's welfare,
 - v. worked with to achieve a safe and stable environment for the child to return to when ever this is feasible, or by finding a satisfactory alternative placement for the child.

THE PROVISION OF ACCOMMODATION ON A VOLUNTARY BASIS

- 30 The Department also has the power, but not a duty, to provide accommodation for a child if:
- a. it considers that this would safeguard or promote his or her welfare, and
 - b. those who have parental responsibility for him or her are willing.

31 The Act sets out the limits to the Department's powers in respect of voluntary provision of accommodation.

- 32 Voluntary agreement for the Department to provide accommodation for a child occurs when:
- a. the parents suggest that kind of arrangement to the Department,

- b. specifically request such provision, or
- c. accept proposals made by the Department.

33 In reaching such a decision:

- a. the parents contribute their experience and knowledge of the child to the decision, and
- b. the Department brings its capacity to provide services, to coordinate the contribution of other agencies, and to plan for and review the child's needs.

Planning

34 The Regulations require the Department to agree a plan with the parents for the placement of the child. The plan should take into account the wishes and feelings of the child where he or she is of sufficient understanding.

Reviewing

35 The plan must be reviewed regularly.

Accommodating young people aged 16 and over

36 Accommodation may also be provided to a young person aged 16 or over who wishes it, despite parental objection. In these cases, the Department will work closely with the young person to agree the plan for providing accommodation.

Continuing parental responsibility

37 Agreements between parents/and the responsible authority should reflect the fact that the parents retain their parental responsibility.

38 The responsible authority's responsibilities under the Regulations should not detract in any way from the parents' continuing parental responsibility. Everyone involved in the arrangements should be made aware that the parents' continuing responsibility is the basis of the agreement.

39 One agreement may cover several short-term placements, such as a respite care arrangement if the conditions in the Regulations are satisfied.

The Department's duties

40 If the Department is looking after a child under voluntary arrangements it does not assume parental responsibility but must still comply with the relevant regulations.

CHILDREN LOOKED AFTER WHO ARE SUBJECT TO A CARE ORDER

41 A child is looked after by the Department if:

- a. he or she is in the care of the Department (i.e. the subject of a

ulation 3

ulations 7 & 8
iew of Children's
es Regulations
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care or interim care order), or

- b. he is provided with accommodation for more than 24 hours under the CYPA 2001.

42 The Placement of Children (General) Regulations 2002 apply, inter alia, to all cases where a child subject to a court order is looked after by the Department on a compulsory basis.

SERIES OF SHORT-TERM PLACEMENTS

43 Regulation 12 allows for a defined series of short pre-planned placements (e.g. for respite care, phased care and family link schemes) to be treated as a single placement as far as these regulations are concerned.

44 A plan for the child is required.

45 All the requirements of the Regulations apply, but need not be repeated for each episode of accommodation so long as the conditions in Regulation 12 are met. The conditions are:

- a. no single placement is for a duration of more than four weeks, and
- b. the total duration of the placements does not exceed 120 days in any 12 months.

46 For a family placement all the placements should take place with the same carer.

47 For a residential placement all the placements should take place at the same establishment ("at the same place").

MAKING THE PLAN

48 The Placement of Children (General) Regulations 2002 place a statutory duty on responsible authorities to draw up a plan in writing for a child whom they are proposing to look after or accommodate. This must be done in consultation with the child, his parents and other important individuals and agencies in the child's life

49 Planning for the child should begin before the start of the placement. The plan should then be scrutinised and adjusted (if necessary) at the first and subsequent reviews. The firsts review should take place four weeks after the date the child was first looked after.

50 In some cases, such as an emergency or immediate placement, it may not be possible to draw up a long-term plan prior to placement. However, a provisional outline plan should always be made. The firm plan should then be drawn up as soon as possible after the child has been looked after or accommodated.

51 Once a plan has been drawn up it should be notified to the child and

his parents. Other people who have been consulted and other relevant individuals should be notified on a need to know basis. This notification should normally take place before the placement is made. When this is not possible, notification should be given as soon as possible afterwards.

- 52 Amendments made to the plan at the first or later reviews should be recorded in writing and notified to those consulted or involved in the reviews according to the Regulations.

Voluntary agreements

- 53 When a child is provided with accommodation under voluntary arrangements the plan will be agreed with the parents. It will form the basis of a written agreement between the responsible authority and the parents.
- 54 When the accommodation is provided as the result of a self-referral for assistance to the Department by a young person aged 16 years or over the agreement should be reached between the young person and the Department.

The purpose of planning

- 55 The purpose of planning is to safeguard and promote the child's welfare as required by the general duties of the Department in sections 22(1) and 22(3) and 54 of the Act.
- 56 Drawing up of an individual plan for every child looked after is intended to prevent drift and help to focus work with the family and child. This will be achieved in broad terms by:
- a. assessing the child's needs,
 - b. determining what objectives have to be met to safeguard and promote the child's welfare,
 - c. consulting with the parents, the child and others whom the Department considers relevant,
 - d. appraising fully the available options for meeting those objectives,
 - e. making decisions only after full consultation with the child, his parents and other agencies and individuals with a legitimate interest,
 - f. identifying which individuals are to undertake which tasks, and
 - g. setting a timescale within which tasks must be achieved or reassessed.

The welfare of the child

- 57 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

	<p>is not exclusive and need to be consulted in conjunction with the CYPA 2001.</p> <p>58 The following aspects of the child's welfare ought to be considered in formulating the plan:</p> <ul style="list-style-type: none">a. his or her needs,b. the ability of the parent to keep to an agreed plan (this is less relevant in cases where the child is looked after subject to a care order),c. parental responsibilities and the parents' capacity to provide for the child's needs,d. the wishes and views of the child (taking account of his or her understanding),e. the provision of services under Part 3 of the Act in respect of children looked after by the Department,f. what is necessary to fulfil the Department's duty under the Act to safeguard and promote the child's welfare,g. the type of placement best suited to the child's needs (taking into account the Department's duty to place a child who is looked after near his or her home and with siblings if applicable),h. what is necessary to make appropriate provision for the child's religious persuasion, racial origin and cultural and linguistic background,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 specific assessments for a physical and/or sensory disability or learning difficulty,j. the Department's duty under section 25(3) to enable the child to live with a parent, other person with parental responsibility for the child, relative or friend or where the child is in care one of the following:<ul style="list-style-type: none">i. someone in whose favour a residence order was in force immediately before the care order was made, orii. someone who has care of the child under an order made in the exercise of the High Court's inherent jurisdiction with respect to children, oriii. any other person with a legitimate interest in the child.k. Reunification issues not covered above,l. the arrangements proposed for contact with regard to the Department's duty in paragraph 15 of Schedule 2, to promote
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	<p>and maintain contact between the child and his family or contact under directions from the court,</p> <ul style="list-style-type: none"> m. the requirement in Regulation 6 (Placement of Children (General) Regulations 2002) that a person carrying on a children's home should endeavour to promote contact between the child and his parents, other persons with parental responsibility or a relative, friend or person connected with him, and n. the arrangements to be made for the child's health and education. <p>59 Specific factors to be taken into account (Placement of Children (General) Regulations 2002 Schedule 1) are:</p> <ul style="list-style-type: none"> a. if in care should an application be made to revoke, b. should there be any change in the child legal status, c. arrangements for contact and any need for change, d. short and long term arrangements and any changes/alternatives, e. whether an independent visitor needs to be appointed, f. any arrangements needed for when the child is no longer looked after, g. whether plans need to be made to find a permanent substitute family. <p>60 All the factors relevant to the child's welfare must be taken into account in assessing his or her needs and making decisions. Although different factors will vary in importance in relation to different children, or to the same child at different times, no one factor should override others or be allowed to qualify the duty to consider together all the factors bearing on the welfare of the particular child.</p> <p>Health care</p> <p>61 The responsible authorities, i.e. the agencies looking after or accommodating the child, should act as good parents in relation to the health of children looked after or accommodated by them.</p> <p>Schedule 2, Regulation 4(1), Placement of Children (General) Regulations, sets out the matters which must be considered.</p> <p>62 Health care implies a positive approach to the child's health including:</p> <ul style="list-style-type: none"> a. general surveillance and care for health and developmental progress, and b. treatment for illness and accidents.
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Regulation 6,
Review of Children's
Services Regulations
2004, and Schedule

Regulation 7

- 63 The health care of all children looked after by the Department or on its behalf should be provided in the context of the programmes in the area designed to:
- a. provide child health surveillance, and
 - b. promote the physical, social and emotional health and development of all children.
- 64 A sensitive approach is required, and the health care for children looked after or accommodated by the Department should be the same as for any other child.
- 65 Regulation 7 requires the responsible authority, when drawing up a plan for a child, to ensure that he or she is provided with health care. This will include:
- a. registering the child with a registered general medical practitioner,
 - b. arranging for dental care and treatment,
 - c. any specifically recommended and necessary immunisation,
 - d. use of the same NHS provision and school health services as for any other child.
- 66 In the case of children with disabilities or special needs, consideration must be given to continuity of specialist care.
- 67 The responsible authority's plan for the child should include health care arrangements, which should be kept under review.
- 68 The responsible authority and the health authority should arrange for professional advice to be available to the responsible authority to:
- a. interpret health reports and information,
 - b. assist in preparing and reviewing the arrangements for health care, and
 - c. assist in decisions relating to the child's care.
- 69 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. 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.
- 70 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 arrange for a medical examination and written health assessment of a child before placement if reasonably practicable, unless an assessment has been done within the last three months.

See also Consent to Examination and Treatment on the next page

	<p>71 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">a. an initial assessment when a child is first placed, orb. a reassessment in the case of a child who has been:<ul style="list-style-type: none">i. placed for some time, orii. placed again after an interval. <p>72 Medical examination and written health assessment of children during placement should take place:</p> <ul style="list-style-type: none">a. at least once every six months up to the second birthday, andb. at least once in every twelve months after that. <p>73 It is also recommended that:</p> <ul style="list-style-type: none">a. up to school age, medical examination and written health assessment should take place and use wherever possible the information gained from the developmental surveillance prescribed by the health authority,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. <p>74 Arrangements for ensuring that children receive proper health care during placement will involve the following:</p> <ul style="list-style-type: none">a. the responsible authorities,b. the parents,c. the child,d. the children's home,e. the GP,f. the community child health doctor,g. the health visitor,h. the school health service and,i. if the child's needs require it, specialist and domiciliary services. <p>75 The Regulations require the child's registered medical practitioner to be notified of each placement. Both the responsible authority and the health authority should have effective arrangements for communicating information about a child's health to all the health professionals involved.</p> <p>76 The responsible authority should have clear policies and procedures about consent to medical examination and treatment of children who</p>
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are placed by them.

- 77 These policies and procedures should be made known to:
- a. the health authority, and
 - b. the children's home.

Parental consent

- 78 The arrangements will vary depending whether or not the responsible authority has parental responsibility for the child.
- 79 The arrangements should enable the home to get done without delay:
- a. any specifically recommended immunisation, and
 - b. medical and dental treatment.
- 80 Should the parents refuse consent to a 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 whether or not the child is in care:
- a. If the child is in care and the Department has not acted to restrict the parents' exercise of parental responsibility under section 32(2)(b) in this respect then they must do so to comply with these Regulations and to ensure that necessary medical examinations and treatment are made available to the child,
 - 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 CYPA 2001 s.11(d), an emergency protection order or a child assessment order.
- 81 These arrangements should be set out clearly in the plan or agreement for the child.
- 82 The relevant health professionals should be made aware of the arrangements for examining and treating the child.
- 83 Authority to consent to routine treatment and minor procedures may be delegated to the home by the parent or the Department. If the parent holds the child's health record, it may be appropriate for it to be given to the home for the duration of the placement.
- 84 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 CYPA 2001 section 32(2)(b).
- 85 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.

Consent by children and young people

- 86 Children aged sixteen and over give their own consent to medical

treatment.

- 87 Children who are judged able to give consent cannot be medically examined or treated without their consent.
- 88 The child's attention should be drawn to his or her rights to give or refuse consent to examination or treatment:
- a. if the child is over 16, and
 - 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.
- 89 It is the responsibility of the Department, and part of the care worker's task as well, to encourage young people to understand the importance of health care and take responsibility for their own health.
- 90 Placement will not be prohibited if it is impossible to persuade a child to be medically examined.

Education

- 91 Schedule 3 to the Placement of Children (General) Regulations sets out the considerations about a child's educational needs which form part of the planning process.

See also Children's Homes and Small Homes Regulations, Regulation 15

- 92 In planning the aim should be to help a child achieve his or her full potential and equip themselves as well as possible for adult life.
- 93 Children who are looked after or accommodated have the same rights to education as all children, including further and higher education, and to other opportunities for development.
- 94 Responsible authorities should act as good parents in relation to the child's education. They 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.
- 95 Special care and support is needed where a change of school cannot be avoided.
- 96 Children should be given opportunities for development so that they can benefit as far as possible from the placement, even when 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

- 97 The child's educational progress must be kept under review, along with other aspects of his or her welfare.
- 98 Difficulties should be explored and help provided, including where appropriate, arrangements for access to specialist services which the Department of Education can provide.
- 99 The Department of Health and Social Security and the Education Department should collaborate to safeguard the interests of children with special educational needs.
- 100 The Department should act in consultation with parents and foster parents (where appropriate) whether or not they have parental responsibility.
- 101 The Department should see that the parent's rights are exercised in respect of requests for assessment, monitoring and reviews.
- 102 Regulation 5 of the Placement of Children (General) Regulations requires the responsible authority to notify the Department of Education of placement.
- 103 When the Department places a child in a home at which education is provided, the Education Department should be informed and consulted:
 - a. before the beginning of the placement, and
 - b. when the child ceases to be accommodated.
- 104 The social worker is responsible for clarifying arrangements with the school, including ensuring that the role of the children's home and the responsibility of staff towards the child are understood by the school.
- 105 Information should reach the school and others who need it in good time.

The contribution of home staff

- 106 In many cases the home will exercise the parental role in relation to the school in day to day matters, *on behalf of the Department* but there will be cases where parents continue to play that role.
- 107 The importance of the home's role in relation to the child's development and educational progress should be recognised. This includes the observations made by staff and the scope they have to help identify and assess the child's capabilities, and any difficulties, fears and developmental deficits.

108 Home staff should be supported in this role.

Race, culture, religion and linguistic background

109 Full consideration should be given to the child's ethnic origin, cultural background and religion.

110 Children of mixed ethnic origin should be helped to understand and take a pride in both or all elements in their cultural heritage and to feel comfortable about their origins.

111 The importance of religion as an element of culture should never be overlooked

112 When the aim of a placement is to reunite the child with his or her 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 similar ethnic origin.

113 Where it does not prove possible to make a placement where there are staff of the same race and culture as the child, an independent visitor of his or her race and culture may be able to provide appropriate links, if the criteria for appointing an independent visitor apply.

THE PLANNING PROCESS

114 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.

115 The process should be coordinated with practice under the Framework for the Assessment of Need as appropriate.

116 Contingency planning for the possible accommodation of a child should begin while efforts continue to support the family and keep the child at home. This is to minimise the disturbance for the child should accommodation become necessary.

117 The planning process consists of: *inquiry, consultation, assessment and decision-making.*

Inquiry

To be co-ordinated with the Integrated Children's System and the Child Protection Procedures as appropriate

- 118 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. community child health doctor,
 - iii. school teacher,
 - iv. health visitor,
 - v. police,
 - vi. child psychologist, and
 - vii. other people who know the family in a private or professional capacity.

Consultation

- 119 The Department has a duty to consult before making any decision with respect to a child it is looking after or proposing to look after or accommodate, before any decisions are made.
- 120 The same responsibilities apply to those running a children's home where it proposes to make decisions regarding a child under CYPA 2001 Section 54. It is, however, unlikely that a children's home will make decisions in those circumstances as the decision making process will be led by the Department who will consult with the children's home.
- 121 The people whose wishes and feeling must be sought and taken account of are:
- i. the child,
 - ii. his or her parents,
 - iii. any person who is not the child's parent but who has parental responsibility for him or her, and
 - iv. any other person whose wishes and feelings the Department considers to be relevant - see p.77.
- 122 The need for consultation should be explained to the parents and the child.
- 123 The Department should co-ordinate the involvement of the other agencies and individuals so that the plan meets the child's particular needs.

The child

- 124 The child's views should be sought in direct discussion with the child,

	<p>subject to his or her understanding</p> <p>125 What the child says must be recorded and given due consideration before a placement decision is made, and at every review meeting and at case conference subsequently.</p> <p>126 The options to be put forward in the plan and their implications should be:</p> <ul style="list-style-type: none"> i. explained, ii. discussed and, if necessary, iii. reassessed in the light of the child's views. <p>127 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.</p> <p>128 Differences in age and maturity should be taken account of. The older and more mature the young person:</p> <ul style="list-style-type: none"> 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 in cases of self-referral . <p>129 The social worker should make every effort to communicate with a younger child and discover his or her real feelings.</p> <p>130 All children need to be given information and appropriate explanations so that they can develop views and make choices.</p> <p>131 Providing children with reassurance and helping her or him with their anxieties is essential to the success of a placement.</p> <p>132 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.</p> <p>133 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.</p> <p>134 The possibility of the child being accompanied to a meeting by a person who is able to provide friendly support should be considered.</p> <p>135 Where the child has communication difficulties appropriate specialist provision must be made so that the child can express his or her views and those views can be considered. Provision could include:</p> <ul style="list-style-type: none"> i. a sign language interpreter, ii. an interpreter for the relevant language for a child whose first language is not English.
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The family

- 136 The Act requires that the parents should generally be involved in all planning for the child.
- 137 The only exception is where their involvement would not be in the best interests of the child.
- 138 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:
- a. the objectives of the plan, and
 - b. how the Department proposes to achieve them.
- 139 The extent to which the parents' views influence the outcomes will depend on the circumstances of the case:
- a. Where the child is to be accommodated by voluntary agreement, the Department should work with the parents in the child's best interests,
 - 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,
 - c. Where voluntary agreement with the parents cannot be reached, and lack of agreement makes it impossible to 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

- 140 To meet the requirements of the Act, the Department 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.
- 141 The Department 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 consent.
- 142 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.
- 143 The other agencies and people to be consulted may include:

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

The latter might include the child's extended family, a *guardian ad litem*, a worker in a voluntary agency involved with the child and his family, a former foster parent, the person in charge of a home where the child has previously been placed, a teacher who has been significantly involved with the child, or a community leader.

If it is proposed that the child be placed in another area, the local authority for that area should also be consulted.

144 The Department should aim to make contact with specific staff in the other agencies who will consult their colleagues who have been directly involved with the child and report back.

145 The parents and the child, if he or she is of sufficient understanding, should be told:

- a. who will be consulted, and
- b. that the information gathered will be properly safeguarded.

146 Existing carers, e.g. foster parents, the head of a community home, should already be involved in day to day planning for the child. In any case, a specific opportunity should be arranged for them to contribute formally to the planning or to review the matters under consideration.

Recording consultation

- 147 The information obtained during consultation must be clearly recorded on the child's case record:
- a. to 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. to help the responsible social worker to ensure that all the necessary factors are considered fully;
 - c. to inform the line management supervision process.

Assessment

To be co-ordinated with the Integrated Children System and other assessment processes as appropriate

148 The information gathered during the inquiry process should be used

to make a full assessment of the child's needs:

- in relation to safeguarding or promoting his welfare, and
- taking into account any services the Department or other agencies may already be providing.

149 Joint assessment in appropriate cases 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 meet the child's needs in the best way.

An example may be joint assessments with Education.

Factors to be taken into account when deciding on services

150 In assessing the need for the Department to provide services, due account must be taken of the child's particular needs, the extent to which these are being met by current services to the family or child, and which agencies' services are best suited to meeting the child's needs.

151 Assessment must identify a child's ethnic origins, religion, special needs and family experience to provide as comprehensive a guide as possible to the child's needs.

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

- i. staffing of services,
- ii. relationships with other professions and services, and
- iii. relationships with the community.

153 If either:

- i. the Department rarely needs to provide a service for a child from a minority ethnic group, or
- ii. 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 such a way as to obscure a child's characteristics or needs.

154 In assessing the needs of:

- i. a child with communication difficulties, or
- ii. a child with a parent with communication difficulties, appropriate assistance may be needed to ensure that communication is effective. This might be:
 - a sign language interpreter,
 - large print,

- tape, or
- Braille.

Decision making

To be co-ordinated with the Framework for Assessment and the Child Protection Procedures as appropriate

- 155 During this process the social worker will be forming a view on the best approach to the case by:
- identifying the child's needs,
 - obtaining and taking into account the wishes and feelings of the child, his or her parents and the other people involved, and
 - seeking the advice of other professionals in the consultation process.
- 156 The social worker will need to consider if the most appropriate service would be:
- accommodation by voluntary agreement,
 - child protection action, possibly including accommodation by voluntary agreement, or
 - compulsory care (subject to a court order).
- 157 Decision-making calls for:
- translating the assessed needs into aims and general objectives,
 - listing and appraising the specific options available (or which may need to be created) for achieving these objectives,
 - deciding on the preferred option, setting out the reasons for the decision.
- 158 The proposed plan should explain in detail:
- how the objectives will be achieved i.e. if accommodation is needed and what sort,
 - what other services for the child, the family, or the child's carer need to be provided,
 - services which might be provided by other agencies e.g. the Department of Health or a voluntary organisation,
 - the likely duration of the placement, and
 - the arrangements for sustaining family links, promoting contact and (if possible) reunification of the family.

CONTENTS OF THE PLAN

- 159 The format of a care plan is not prescribed (but see the considerations in Regulation 4 and Schedules 1-4 Placement

Regulations, 2002).

See also LAC (99) 29 which gives guidance on care plans for proceedings but which is also helpful generally in considering the content of a care plan.

- 160 The plan should be recorded in writing and contain:
- a. the child's and his family's social history, and
 - b. the child's identified needs (including those arising from race, culture, religion or language, special educational or health needs),
 - c. how these needs might be met,
 - d. the aims and timescale of the plan,
 - 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:
 - i. the child,
 - ii. his or her parents, and
 - iii. anyone else with an interest in the child (including representatives of other agencies)have been obtained and acted upon,
 - o. the reasons supporting this, or
 - p. explanations why wishes and views have been discounted,
 - q. arrangements for input by parents, the child and others, to the ongoing decision-making process,
 - r. arrangements for notifying the Department of disagreements or making representations,
 - s. the arrangements for health care (including consent to examination and treatment),
 - t. the arrangements for education, and
 - u. dates of reviews.

AGREEMENTS

- 161 Regulation 3, which governs the making of arrangements, i.e. the plan, requires that a responsible authority (which is the Department in nearly all cases) should draw up a plan in writing.
- 162 Where a child is not in care the responsible authority should reach agreement on the plan with:
- a. the parents,
 - b. other people with parental responsibility, or
 - c. if there is no such person, the person caring for the child.
- 163 Regulation 4 governs the considerations on making and contents of arrangements and requires that where practicable the plan should include details of the matters specified in Schedule 4 to the Regulations.
- 164 When a child is provided with accommodation by voluntary agreement, the plan should form the basis of a written agreement between the Department and:
- a. the parent, or if there is no such person,
 - b. the person caring for the child prior to the provision of accommodation.
- 165 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 carer.
- 166 Regulation 5(3) requires the responsible authority to produce a written copy of the agreement, incorporating the detail of the plan for the child and the arrangements made.
- 167 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 commitment to the plan.
- 168 A copy of the agreement should be sent to the person with whom it is made.
- 169 The child should also receive a copy in a form appropriate to his or her understanding.
- 170 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, although there is no requirement for her or him to do so.
- 171 Where agreement is reached with one person with parental

	<p>responsibility for the child the child is accommodated the responsible authority is entitled to act on that if that parent has a residence order in his or her favour or care and control under the relevant jurisdiction of the High Court</p> <p>172 In other cases, the Department can act unless another person with parental responsibility is willing and able to provide accommodation for the child, or arrange for accommodation to be provided for him and objects to the proposed arrangement.</p> <p>173 If accommodation is provided in accordance with an agreement, and a person who has parental responsibility objects, and can provide accommodation, or arrange for accommodation to be provided, the Department must comply with the request. This advice would not apply in the case of arrangements for a young person aged 16 or over.</p> <p>174 An agreement should include arrangements for the child's leaving the accommodation.</p> <p>175 A period of notice should, where practical, and especially if the child has been accommodated for a long period, allow time to:</p> <ul style="list-style-type: none"> i. prepare the child, ii. ensure that the child's wishes and feelings are taken into account, and iii. promote stability and security for both the child and the staff and other children in the home. <p>176 An agreement should also state the steps each party would take if another party decided to change the agreement. For example:</p> <ul style="list-style-type: none"> i. if the Department could no longer provide a service it has agreed to provide, or proposed to move the child to another home, the agreement might state that the parent would withdraw the child from accommodation, or ii. if the parent took action which would be harmful to the child it might state that the Department would consider applying for an emergency protection order. <p>177 It is intended that, so far as is practicable and in the child's best interests, that arrangements should be made in partnership with parents.</p> <p>178 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. This should apply even if the long-term plan for the child is that he or she remains looked after.</p> <p>179 If the interests of the child, or lack of co-operation on the part of the parents, necessitate initial arrangements being made without</p>
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agreement being reached, the planned work should include trying to establish a working relationship with the parents for the future.

NOTIFICATION

- 180 Those involved in the decision-making process should be notified of the decision (Placement of Children (General) Regulations, Regulation 5), so that they can make arrangements for their involvement in the placement or make known their views on the placement decision.
- 181 Regulation 5(3) deals with the notification of third parties:
- a. Notification should only contain the amount of information it is 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 who have been involved in the child's life but are not specified in Regulation 5.
- 182 If the child is placed off the Island the Department should notify the local authority in whose area the child is placed, providing sufficient information for the authority to fulfil its duties in respect of registration of placements.
- 183 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)
- 184 These people should be asked to disseminate the information as appropriate to their colleagues who:
- a. are or will be involved with the child, and
 - b. where a child protection case conference has been consulted, the members of the case conference.
- 185 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.
- 186 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.

- 187 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 format for formal written notification to a child or adult who has a sensory impairment, for example:
 - i. for blind or visually impaired people this could be Braille, tape or large print,
 - ii. for people who are deaf or hearing impaired a method which meets their needs, 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

- 188 The written notification of the 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, and
 - f. contingency plans if the placement proves unsuccessful.
- 189 Where a child is provided with accommodation by voluntary agreement, the notification should also set out the arrangements for ending the placement.
- 190 The oral explanation given by the responsible social worker to the parents and the child will supplement this.
- 191 In exceptional circumstances where 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.
- 192 This should only be done when the Department has reasonable cause to believe that informing a person would prejudice the child's welfare.
- 193 Where 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.

- 194 The letter of notification should inform the recipient of the representations/complaints procedure. It will be helpful to enclose an information leaflet so that the parents, the child and others notified of the arrangements are aware of the channels for making representations or complaints.

IMPLEMENTATION OF DECISIONS ARISING FROM THE PLAN

- 195 Effective implementation of the plan must be facilitated by notifying clearly all those involved in the planning and subsequent review process:
- a. who is responsible for implementing which decisions,
 - b. by when.

Monitoring the support and supervision of the placement

- 196 Placements should be supported and supervised.
- 197 Arrangements must provide for line management supervision and monitoring of the social worker's performance in supporting and supervising the placement.
- 198 The line manager should examine records both before and during periodic discussions with the social worker about the placement. Good records play a key part in the appraisal of the worker's performance in relation to the aims and objectives of the placement.

PLACEMENT OF A CHILD ON THE ISLE OF MAN BY AN AUTHORITY IN ENGLAND AND WALES

- 199 In certain circumstances the Children Act 1989 allows a local authority on the mainland to arrange (or assist in arranging) for a child for whom it is providing accommodation by voluntary agreement to live elsewhere in the British Isles outside England and Wales.
- 200 This may only be done with the approval of every person who has parental responsibility for the child.
- 201 In the case of a child who is in care, the court's approval must be sought. This may only be given in certain circumstances, namely when:
- a. every person with parental responsibility for the child consents or his consent is dispensed with under CA 1989, paragraph 19(5),

- b. the child him or herself consents (if she or he has sufficient understanding),
- c. suitable arrangements have been made for the reception and welfare of the child in the new country, and
- d. living there would be in the child's best interests.

202 Where the child is moving to another jurisdiction within the British Islands (i.e. the United Kingdom, the Channel Islands and the Isle of Man) the effect of the care order may be transferred to the relevant public authority in the receiving jurisdiction by regulations made under section 101 of the Act Transfer will only occur rarely as it will end the child's connection with the placing country and is only appropriate in certain circumstances.

RECORDS

- 203 Accurate, comprehensive and well organised records should be kept so as to provide the basis for social workers and care workers as staff change, 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.
 - b. the monitoring of implementation of the planning decisions,
 - c. They are also necessary as an important source of information for the child who is permanently placed away from his birth family.

- 204 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.

Registers

- 205 The Department is required to keep a register of the identity and whereabouts of every child placed by:
- a. the Department on the Island,
 - b. the Department in another area, and
 - c. any other authority which places a child on the Island.
- 206 The register is intended to be a source for quick reference to basic information.

Case Records

- 207 A child's case record should include all the information relevant to the child being looked after or accommodated.
- 208 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
- 209 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.

See also Regulation 8, Review of Children's Cases Regulations 2004.

- d. details of arrangements for contact and contact orders and any other court orders relating to the child, and
- 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.
- 210 The record should also include any contribution the child may wish to make such as written material, photographs, or school certificates.

The organisation of the child's case record

- 211 It should be organised in such a way as to make it easy to:
 - a. trace the process of decision-making,
 - 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.
- 212 Any papers which belong to the child, and are placed temporarily in

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the record, should be identified as such and marked for return to the child at the appropriate time.

- 213 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 information on one of these other records is relevant to the child a duplicate entry should appear in the child's record.

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

Keeping records safe

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

Access to records

- 216 The responsible authorities should act in accordance with their own legal advice in matters relating to the disclosure of information held in the records.
- 217 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.
- 218 The Department is required to take steps to ensure that information contained in children's case records are treated as confidential.
- 219 There are 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.

Retention of records

- 220 The length of time for which case records are to be kept is as follows:
- a. a child's case record must be kept until the seventy-fifth anniversary of his or her date of birth, or
 - b. fifteen years from the date of death in the case of a child who

	<p>dies before reaching the age of eighteen.</p> <p>221 Entries in the register must be kept until:</p> <ul style="list-style-type: none">a. the child to whom the entry applies reaches the age of 23, orb. for five years after his or her death if the child dies before reaching the age of 23. <p>222 In some cases these periods should be regarded as a minimum rather than as an inflexible rule. Policies on retention should be relevant to:</p> <ul style="list-style-type: none">a. the purpose and value of retaining the different records, andb. the Department's overall policy on retaining records.
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