
STATUTORY INSTRUMENTS

2011 No. 582

The Arrangements for Placement of Children by Voluntary
Organisations and Others (England) Regulations 2011

PART 5

Reviews of children's cases

Reviews of children's cases

17. The responsible authority must review a child's case in accordance with these Regulations, so long as the child remains placed.

18.—(1) Each responsible authority must appoint a person (“the independent reviewing officer”) in respect of each child's case to carry out the following functions—

- (a) participating in any review of the child's case,
- (b) monitoring the performance of the authority's functions in respect of the review, and
- (c) referring the case to an officer of the Children and Family Court Advisory and Support Service⁽¹⁾ or a Welsh family proceedings officer⁽²⁾ where the child is ordinarily resident in Wales, if the independent reviewing officer considers it appropriate to do so.

(2) The independent reviewing officer must be a person who is registered as a social worker in a register maintained by the General Social Care Council or by the Care Council for Wales under section 56 of the 2000 Act or in a corresponding register maintained under the law of Scotland or Northern Ireland.

(3) The independent reviewing officer must be a person who, in the opinion of the responsible authority, has sufficient relevant social work experience to undertake the functions mentioned in paragraph (1) in relation to the case.

(4) A person who is an employee of the responsible authority may not be appointed as an independent reviewing officer in a case if that person is involved in preparing the child's placement plan or is under the direct management of—

- (a) a person involved in preparing the child's placement plan,
- (b) a person with management responsibilities in relation to a person mentioned in subparagraph (a), or
- (c) a person with control over the resources allocated to the case.

(5) The independent reviewing officer must, as far as reasonably practicable, attend any meeting held in connection with the review of the child's case and, if attending the meeting, chair it.

(1) This Service was established by section 11 of the Criminal Justice and Court Services Act 2000 (c.43) and exercises the functions conferred on it by virtue of that Act and any other enactment.

(2) “Welsh family proceedings officer” is defined in section 105(1) of the 1989 Act as having the meaning given by section 35 of the Children Act 2004 (c.31).

- (6) The independent reviewing officer must, as far as reasonably practicable, take steps to ensure that the review is conducted in accordance with these Regulations and in particular to ensure—
- (a) that the child's views, having regard to their age and understanding, are understood and taken into account,
 - (b) that the persons responsible for implementing any decision taken in consequence of the review are identified, and
 - (c) that any failure to review the case in accordance with these Regulations or to take proper steps to make arrangements in accordance with regulation 24 is brought to the attention of persons at an appropriate level of seniority within the responsible authority.
- (7) It is the duty of the independent reviewing officer to explain to the child any steps which the child may take under the 1989 Act including, where appropriate—
- (a) the child's right to apply, with leave, for a section 8 order (residence, contact and other orders with respect to children), and
 - (b) the availability of the procedure established by local authorities under section 26(3)(3) of the 1989 Act for considering any representations (including complaints) the child may wish to make about the discharge by a local authority of their functions.
- (8) If the child whose case is reviewed wishes to take proceedings under the 1989 Act, the independent reviewing officer must—
- (a) assist the child to obtain legal advice, or
 - (b) establish whether an appropriate adult is able and willing to provide such assistance or bring the proceedings on the child's behalf.

Time when each case to be reviewed

- 19.**—(1) Each case must first be reviewed within 4 weeks of the date on which the child is placed.
- (2) The second review must be carried out not more than 3 months after the first and thereafter subsequent reviews must be carried out at intervals of not more than 6 months.
- (3) A review must be carried out before the time specified in paragraph (1) or (2) if the child or the independent reviewing officer so requests.
- (4) This regulation is subject to regulation 28.

Manner in which cases are to be reviewed

- 20.**—(1) Each responsible authority must set out in writing their arrangements governing the manner in which the case of each child must be reviewed and must draw the written arrangements to the attention of those specified in regulation 23(1).
- (2) The responsible authority must make arrangements to co-ordinate the carrying out of all aspects of the review of that child's case.
- (3) The responsible authority must nominate a person to assist the authority in the co-ordination of all aspects of the review.
- (4) The manner in which each case is reviewed must, so far as practicable, include the elements specified in Schedule 3.
- (5) Nothing in these Regulations prevents the carrying out of any review under these Regulations and any other review, assessment or consideration under any other provision at the same time.

Considerations to which the responsible authority are to have regard

21. The considerations to which the responsible authority are to have regard so far as is reasonably practicable in reviewing each case are the considerations concerning the health and education of the child listed in Schedule 1 and the considerations specified in Schedule 4.

Health reviews

22.—(1) Subject to paragraph (2), the responsible authority must, in respect of each child who remains placed—

- (a) arrange for an assessment, which may include a physical examination, of the child's state of health, to be conducted by a registered medical practitioner, or a registered nurse or registered midwife acting under the supervision of a registered medical practitioner—
 - (i) at least once in every period of 6 months before the child's fifth birthday, and
 - (ii) at least once in every period of 12 months after the child's fifth birthday,
- (b) require the person who carried out the assessment to prepare a written report which addresses the matters listed in paragraphs 1 to 5 of Schedule 1, and
- (c) review the plan for the future health of the child prepared under regulation 6(1)(c) at the intervals set out in sub-paragraphs (i) and (ii) of sub-paragraph (a).

(2) Sub-paragraphs (a) and (b) of paragraph (1) do not apply if the child, being of sufficient age and understanding to do so, refuses to consent to the assessment.

Consultation, participation and notification

23.—(1) Before conducting any review in accordance with regulation 17, the responsible authority must, unless it is not reasonably practicable to do so, seek and take into account the views of—

- (a) the child,
- (b) the child's parents,
- (c) any person who is not a parent of the child but who has parental responsibility for that child, and
- (d) any other person whose views the authority consider to be relevant, including, in particular, the views of those persons in relation to any particular matter which is to be considered in the course of the review.

(2) The responsible authority must, so far as is reasonably practicable, involve the persons whose views are sought under paragraph (1) in the review and, in order to do so, may invite those persons to attend any meeting held in connection with the review of the child's case as appropriate.

(3) The responsible authority must, so far as is reasonably practicable, notify details of the result of the review and of any decision taken by them in consequence of the review to—

- (a) the persons listed at paragraph (1)(a) to (c),
- (b) the local authority in whose area the child is placed, and
- (c) to any other person whom they consider ought to be notified.

Arrangements for implementation of decisions arising out of reviews

24. The responsible authority must make arrangements themselves or with other persons to implement any decision which the authority propose to make in the course, or as a result, of the review of a child's case.

Matters to be notified to the independent reviewing officer

25. The responsible authority must inform the independent reviewing officer of—
- (a) any significant failure to make arrangements in accordance with regulation 24, or
 - (b) any significant change of circumstances occurring after the review that affects those arrangements.

Monitoring arrangements for reviews

26. Each responsible authority must monitor the arrangements which they have made with a view to ensuring that they comply with these Regulations.

Recording review information

27. Each responsible authority must ensure that the following matters are recorded in writing—
- (a) information obtained in respect of the review of a child's case,
 - (b) details of the proceedings at any meeting arranged by the authority at which the child's case is considered in connection with any aspect of the review of that case, and
 - (c) details of any decisions made in the course of or as a result of the review.