
STATUTORY INSTRUMENTS

1991 No. 895

CHILDREN AND YOUNG PERSONS

Review of Children's Cases Regulations 1991

<i>Made</i>	- - - -	<i>2nd April 1991</i>
<i>Laid before Parliament</i>		<i>10th April 1991</i>
<i>Coming into force</i>	- -	<i>14th October 1991</i>

The Secretary of State for Health, in exercise of the powers conferred by sections 26(1) and (2), 59(4) (a) and (5) and 104(4) of and paragraph 10(1) and (2)(1) of Schedule 6 to the Children Act 1989⁽¹⁾ and of all other powers enabling him in that behalf hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Review of Children's Cases Regulations 1991 and shall come into force on 14th October 1991.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Children Act 1989;

“guardian ad litem” means a guardian ad litem appointed pursuant to section 41 of the Act or rules made under section 65 of the Adoption Act 1976⁽²⁾;

“independent visitor” means an independent visitor appointed under paragraph 17 of Schedule 2 to the Act;

“responsible authority” means in relation to—

- (a) a child who is being looked after by a local authority⁽³⁾, that authority,
- (b) a child who is being provided with accommodation by a voluntary organisation otherwise than on behalf of a local authority, that voluntary organisation,
- (c) a child who is being provided with accommodation in a registered children's home otherwise than on behalf of a local authority or voluntary organisation, the person carrying on that home;

(3) Any notice required under these Regulations is to be given in writing and may be sent by post.

(1) 1989 c. 41.

(2) 1976 c. 36.

(3) authority is defined in section 105(1) of the Act as the council of a county, a metropolitan district, a London Borough or Common Council of the City of London. Pursuant to section 2 of the Local Authority Social Services Act 1970 (c. 42), local authority functions under the Children Act 1989 stand referred to the social services committee of a local authority.

- (4) In these Regulations, unless the context otherwise requires—
- (a) any reference to a numbered regulation is to the regulation in these Regulations bearing that number and any reference in any regulation to a numbered paragraph is to the paragraph of that regulation bearing that number;
 - (b) any reference to a numbered Schedule is to the Schedule to these Regulations bearing that number.

Review of children’s cases

2. Each responsible authority shall review in accordance with these Regulations the case of each child while he is being looked after or provided with accommodation by them.

Time when case is to be reviewed

3.—(1) Each case is first to be reviewed within four weeks of the date upon which the child begins to be looked after or provided with accommodation by a responsible authority.

(2) The second review shall be carried out not more than three months after the first and thereafter subsequent reviews shall be carried out not more than six months after the date of the previous review.

Manner in which cases are to be reviewed

4.—(1) Each responsible authority shall set out in writing their arrangements governing the manner in which the case of each child shall be reviewed and shall draw the written arrangements to the attention of those specified in regulation 7(1).

(2) The responsible authority which are looking after or providing accommodation for a child shall make arrangements to coordinate the carrying out of all aspects of the review of that child’s case.

(3) The responsible authority shall appoint one of their officers to assist the authority in the coordination of all the aspects of the review.

(4) The manner in which each case is reviewed shall, so far as practicable, include the elements specified in Schedule 1.

(5) Nothing in these Regulations shall prevent 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 responsible authorities are to have regard

5. The considerations to which the responsible authority are to have regard so far as is reasonably practicable in reviewing each case are the general considerations specified in Schedule 2 and the considerations concerning the health of the child specified in Schedule 3.

Health reviews

6. The responsible authority shall make arrangements for a child who continues to be looked after or provided with accommodation by them to be examined by a registered medical practitioner and for a written assessment on the state of health of the child and his need for healthcare to be made—

- (a) at least once in every period of six months before the child’s second birthday, and
- (b) at least once in every period of twelve months after the child’s second birthday,

unless the child is of sufficient understanding and he refuses to submit to the examination.

Consultation, participation and notification

7.—(1) Before conducting any review the responsible authority shall, unless it is not reasonably practicable to do so, seek and take into account the views of—

- (a) the child;
- (b) his parents;
- (c) any person who is not a parent of his but who has parental responsibility for him; 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 shall so far as is reasonably practicable involve the persons whose views are sought under paragraph (1) in the review including, where the authority consider appropriate, the attendance of those persons at part or all of any meeting which is to consider the child's case in connection with any aspect of the review of that case.

(3) The responsible authority shall, 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 child;
- (b) his parents;
- (c) any person who is not a parent of his but who has parental responsibility for him; and
- (d) any other person whom they consider ought to be notified.

Arrangements for implementation of decisions arising out of reviews

8. The responsible authority shall 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.

Monitoring arrangements for reviews

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

Recording review information

10. Each responsible authority shall ensure that—

- (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

are recorded in writing.

Application of Regulations to short periods

11.—(1) This regulation applies to cases in which a child is looked after or provided with accommodation by a responsible authority for a series of short periods at the same place where the following conditions are satisfied—

- (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

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(c) the total duration of the periods does not exceed 90 days.

(2) Cases to which this regulation applies may be treated as a single case of a child being looked after or provided with accommodation by a responsible authority for the purpose of these Regulations.

Signed by authority of the Secretary of State for Health.

2nd April 1991

Virginia Bottomley
Minister of State,
Department of Health

SCHEDULE 1

Regulation 4(4)

ELEMENTS TO BE INCLUDED IN REVIEW

1. Keeping informed of the arrangements for looking after the child and of any relevant change in the child's circumstances.
2. Keeping informed of the name and address of any person whose views should be taken into account in the course of the review.
3. Making necessary preparations and providing any relevant information to the participants in any meeting of the responsible authority which considers the child's case in connection with any aspect of the review.
4. Initiating meetings of relevant personnel of the responsible authority and other relevant persons to consider the review of the child's case.
5. Explaining to the child any steps which he may take under the Act including, where appropriate—
 - (a) his right to apply, with leave, for a section 8 order (residence, contact and other orders with respect to children),
 - (b) where he is in care, his right to apply for the discharge of the care order, and
 - (c) the availability of the procedure established under the Act for considering representations.
6. Making decisions or taking steps following review decisions arising out of or resulting from the review.

SCHEDULE 2

Regulation 5

ELEMENTS TO WHICH RESPONSIBLE AUTHORITIES ARE TO HAVE REGARD

1. In the case of a child who is in care, whether an application should be made to discharge the care order.
2. Where the responsible authority are a local authority whether they should seek a change in the child's legal status.
3. 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.
4. Any special arrangements that have been made or need to be made for the child, including the carrying out of assessments either by a local authority or other persons, such as those in respect of special educational need under the Education Act 1981(4).
5. The responsible authority's immediate and long term arrangements for looking after the child or providing the child with accommodation (made pursuant to the provisions of the Arrangements for Placement of Children (General) Regulations 1991(5)), whether a change in those arrangements is needed and consideration of alternative courses of action.
6. Where the responsible authority are a local authority, whether an independent visitor should be appointed if one has not already been appointed.
7. The child's educational needs, progress and development.

(4) 1981 c. 60.

(5) S.I.1991/890.

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8. Whether arrangements need to be made for the time when the child will no longer be looked after or provided with accommodation by the responsible authority.
9. Whether plans need to be made to find a permanent substitute family for the child.

SCHEDULE 3

Regulation 5

HEALTH CONSIDERATIONS TO WHICH RESPONSIBLE AUTHORITIES ARE TO HAVE REGARD

1. The child's state of health.
2. The child's health history.
3. The effect of the child's health and health history on his development.
4. Existing arrangements for the child's medical and dental care and treatment and health and dental surveillance.
5. The possible need for an appropriate course of action which should be identified to assist necessary change of such care, treatment or surveillance.
6. The possible need for preventive measures, such as vaccination and immunisation, and screening for vision and hearing.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the review of the cases of children who are looked after by a local authority or provided with accommodation by a voluntary organisation or in a registered children's home.

They make provision for the review of such cases (regulation 2); the time when cases are to be reviewed (regulation 3); the manner in which cases are to be reviewed (regulation 4); the considerations to which there should be regard (regulation 5); health reviews (regulation 6); consultation, participation and notification (regulation 7); the arrangements for implementation of decisions arising out of reviews (regulation 8); monitoring the arrangements for reviews (regulation 9); recording review information (regulation 10); and application of the Regulations to short periods (regulation 11). £1.45 net