
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about care planning for looked after children (i.e. children who are looked after by a local authority (LA), whether or not they are in the care of the LA by virtue of a care order), and associated matters. They come into force on 1st April 2011.

They are made under new provisions in the Children Act 1989 (the 1989 Act) - sections 22C, 23ZA, 23ZB, 25A, 25B, and paragraphs 12A-E of Schedule 2 - inserted by the Children and Young Persons Act 2008 (the 2008 Act), and under sections 23D, 23E, 26 and 104 of the 1989 Act, which were amended by the 2008 Act. They are also, in part, consolidating regulations which revoke and replace provisions in earlier regulations dealing with care planning.

Part 2 deals with the LA's arrangements for looking after the child. It prescribes when the LA's plan for the care of the child (the care plan) must be produced (*regulation 4*), its content (*regulation 5*) and makes provision for the LA to revise the plan and provide copies (*regulation 6*). It makes provision for an assessment of the child's health, and for the provision of health care (*regulation 7*). It sets out the steps to be followed when a LA makes a decision under section 34(6) of the 1989 Act to refuse to allow contact with a child (*regulation 8*).

Part 3 contains general provisions about placements. It contains provisions about the placement plan to be prepared by the LA (*regulation 9*), about steps to be taken to avoid disruption of a child's education as a result of a change in placement (*regulation 10*), special provisions about placements outside England and outside England and Wales (*regulations 11 and 12*), provision about notification of a placement (*regulation 13*) and about the circumstances in which a placement may be terminated (*regulation 14*).

Part 4 makes provision about particular types of placement – with parents (*regulations 15 to 20*), with local authority foster parents (*regulations 21 to 26*) and about other arrangements under section 22C(6)(d) of the 1989 Act (*regulation 27*).

Part 5 prescribes arrangements for a child to be visited by a representative of the LA, the frequency, conduct and consequences of such visits (*regulations 28 to 30*), and the advice, support and assistance that must be made available to the child between visits (*regulation 31*).

Part 6 contains provisions about the LA's reviews of the child's case – their general responsibility for carrying out reviews (*regulation 32*), the timing and conduct of reviews, including the role of the Independent Reviewing Officer (*regulations 33 to 36*) and arrangements for implementing decisions and keeping records of reviews (*regulations 37 and 38*).

Part 7 sets out arrangements to be made by the LA for ceasing to look after a child. This part is a re-enactment of provisions in the Children (Leaving Care) (England) Regulations 2001 relating to eligible children. An 'eligible child' is defined in paragraph 19B of Schedule 2 to the 1989 Act, and in regulation 41 of these Regulations, and is a child who is looked after by a LA, is aged 16 or 17, and has been looked after by a LA for a total of at least 13 weeks beginning after the age of 14 and ending after the age of 16.

Part 8 deals with the additional functions, qualifications and experience of Independent Reviewing Officers (*regulations 45 and 46*) and with the definition of an independent visitor appointed under section 23ZB of the 1989 Act (*regulation 47*).

Part 9 deals with miscellaneous matters including the application of the Regulations to short break placements, record keeping, and consequential revocations.