
STATUTORY INSTRUMENTS

2011 No. 582

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

PART 2

Placements – general provisions

Making of arrangements

4.—(1) Before a placement is made, the responsible authority must, so far as is reasonably practicable, make immediate and long-term arrangements for that placement and for promoting the welfare of the child who is to be placed and must set out those arrangements in writing (a “placement plan”).

(2) If it is not reasonably practicable to prepare the placement plan before making the placement, the placement plan must be prepared within 5 working days of the start of the placement.

(3) Unless paragraph (4) applies, the placement plan must, so far as is reasonably practicable, be agreed by the responsible authority with—

- (a) any parent of the child and any person who is not the child’s parent but who has parental responsibility for the child, or
- (b) if there is no such person, the person who is caring for the child,

before a placement is made or, where the placement plan is not agreed before the placement is made, as soon as reasonably practicable after the start of the placement.

(4) Where a child is aged 16 or over and agrees to be provided with accommodation, the placement plan must, if possible, be agreed with the child by the responsible authority.

Considerations on making, and contents of, placement plans

5.—(1) In preparing the placement plan, the responsible authority must have regard in each case to previous arrangements made in respect of the child and whether a change in those arrangements is needed and must consider alternative courses of action.

(2) In preparing the placement plan, the responsible authority must also have regard to the considerations specified in Schedule 1.

(3) The placement plan must include, where practicable, arrangements concerning the matters specified in Schedule 2.

Health assessment

6.—(1) Subject to paragraphs (3) and (4), the responsible authority must—

- (a) before making a placement, or if that is not reasonably practicable, as soon as reasonably practicable after a placement is made, make arrangements for a registered medical

practitioner to conduct an assessment of the child, which may include a physical examination of the child's state of health,

- (b) require the registered medical practitioner who conducts the assessment to prepare a written report of the assessment which addresses the matters listed in paragraphs 1 to 3 of Schedule 1, and
- (c) having regard to the matters listed in paragraphs 1 to 5 of Schedule 1 and, unless paragraph (3) applies, prepare a plan for the future health care of the child if one is not already in existence.

(2) The responsible authority must ensure that each child is provided during the placement with—

- (a) health care services, including medical and dental care and treatment, and
- (b) advice and guidance on health, personal care and health promotion issues appropriate to the child's needs.

(3) Paragraph (1) does not apply if, within a period of 3 months immediately preceding the placement, the child's health has been assessed, and a report of the assessment has been prepared in accordance with that paragraph.

(4) 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.

Notification of arrangements

7.—(1) The responsible authority must, so far as is reasonably practicable, notify the following persons in writing of the arrangements to place a child, before the placement is made—

- (a) the child, unless it would not be appropriate to do so having regard to the child's age and understanding,
- (b) any parent of the child and any person who is not the child's parent but who has parental responsibility for the child,
- (c) the Primary Care Trust (or in the case of a child to be placed in Wales, the local health board) for the area in which the child is living and, if it is different, for the area in which the child is to be placed,
- (d) the local authority for the area in which the child is living and, if it is different, for the area in which the child is to be placed,
- (e) the general medical practitioner who provides, or is to provide, primary medical services under Part 4 of the National Health Service Act 2006 to the child,
- (f) any person who was caring for the child immediately before the arrangement is made,
- (g) any person in whose favour a contact order is in force with respect to the child,
- (h) any educational institution attended by, or person providing education or training for, the child, and
- (i) any other person whose wishes and feelings have been sought under section 61(2) or section 64(2) of the 1989 Act (consultation prior to decision-making in respect of children provided with accommodation by a voluntary organisation or in a private children's home).

(2) Where it is not practicable to give the notification before the placement, it must be given as soon as reasonably practicable after the start of the placement.

(3) The responsible authority must send a copy of the placement plan (or such part of the plan as they consider will not prejudice the welfare of the child) with the notification referred to in paragraph (1) to the persons specified in paragraph (1)(a), (b), (d) and (f).

(4) In particular, the responsible authority may decide not to give a copy of the placement plan, or a full copy of the placement plan, to the child's parent, or to the person who is not the child's

parent but who has parental responsibility for the child, if to do so would put the child at risk of significant harm.

Arrangements for contact

8. A responsible authority must, unless it is not reasonably practicable or consistent with the child's welfare, endeavour to promote contact between the child and the persons mentioned in paragraph 6 of Schedule 2.

Establishment of records

9.—(1) The responsible authority must establish, if one is not already in existence, a written case record in respect of each child who is placed by a voluntary organisation or in a private children's home.

(2) The record must include—

- (a) a copy of the placement plan,
- (b) a copy of the child's health assessment and any plan for the future health care of the child referred to in regulation 6,
- (c) a copy of any document considered or record established in the course of, or as a result of, a review of the child's case in accordance with Part 5,
- (d) a copy of any report prepared in accordance with regulation 13(2)(b), and
- (e) details of any delegation of responsibility by the responsible authority to another person.

Retention and confidentiality of records

10.—(1) The responsible authority must retain a child's record either—

- (a) until the seventy-fifth anniversary of the child's birth, or
- (b) if the child dies before attaining the age of 18, for 15 years beginning with the date of the child's death.

(2) A responsible authority must secure the safe keeping of case records and must take all necessary steps to ensure that information contained in them is treated as confidential, subject only to—

- (a) any provision of, or made under or by virtue of, a statute under which access to such records or information may be obtained or given,
- (b) any court order under which access to such records or information may be obtained or given.