
WELSH STATUTORY INSTRUMENTS

2016 No. 216

The Social Services and Well-being (Wales)
Act 2014 (Consequential Amendments) and
Care Planning, Placement and Case Review
(Miscellaneous Amendments) (Wales) Regulations 2016

Amendment of the Placement of Children (Wales) Regulations 2007

- 8.**—(1) The Placement of Children (Wales) Regulations 2007(1) are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in the appropriate place insert—
- ““looked after by a local authority” (“*derbyn gofal awdurdod lleol*” a “*derbyn gofal gan awdurdod lleol*”) means—
- (a) looked after by a local authority in Wales accordance with section 74 of the Social Services and Well-being (Wales) Act 2014, or
- (b) looked after by a local authority in England in accordance with section 22(1) of the 1989 Act;”;
- (b) omit the definition of “area authority”;
- (c) omit the definition of “care case”;
- (d) in the definition of “placement”, omit paragraph (a); and
- (e) in the definition of “responsible authority”—
- (i) omit paragraph (a),
- (ii) in paragraph (b), omit “who is not looked after by a local authority”, and
- (iii) in paragraph (c), for “who is neither looked after by a local authority nor” substitute “not”.
- (3) In regulation 3 (application of regulations)—
- (a) in paragraph (1), omit sub-paragraph (a); and
- (b) in paragraph (2), omit “a local authority or”.
- (4) In regulation 4 (making arrangements)—
- (a) omit paragraph (3); and
- (b) in paragraph (4), for “In any other case in which a child is looked after or accommodated but is not in care” substitute “In any case in which a child is accommodated”.
- (5) In regulation 5 (considerations on making and contents of arrangements)—
- (a) for paragraph (6) substitute—

- “(6) A written record made in accordance with paragraph (3) or (5) must be made available in suitable form to a senior officer of the local authority for the area in which the child is ordinarily resident.”; and
- (b) in paragraph (8), omit “Except in a care case.”.
- (6) In regulation 6 (notification of arrangements)—
- (a) in paragraph (1)—
- (i) for sub-paragraph (a) substitute—
- “(a) any person an indication of whose wishes and feelings have been sought under section 61(2) or section 64(2) of the Act (consultation prior to decision making in respect of children provided with accommodation by a voluntary organisation or in a private children’s home);”,
- (ii) in sub-paragraph (c), omit “, if it is different from the area authority.”,
- (iii) omit sub-paragraph (e),
- (iv) in sub-paragraph (g), omit “except in a care case.”, and
- (v) omit sub-paragraph (h); and
- (b) in paragraph (3), for “paragraph (1)(b) to (h)”, substitute “paragraph (1)(b) to (g)”.
- (7) In regulation 9(2)(e) (establishment of records), omit “local authority or”.
- (8) In regulation 11 (register)—
- (a) omit paragraph (1);
- (b) for paragraph (2) substitute—
- “(2) A responsible authority must, in respect of every child placed by them, enter into a register to be kept for the purpose the particulars specified in paragraphs (3) and (4).”;
- (c) in paragraph (3)—
- (i) in the opening words, for “paragraphs (1) or (2)” substitute “paragraph (2)”,
- (ii) omit sub-paragraph (d),
- (iii) for sub-paragraph (f) substitute—
- “(f) whether the child’s name is entered on a register maintained under section 18 of the Social Services and Well-being (Wales) Act 2014 (registers of sight-impaired, hearing-impaired and other disabled people);”, and
- (iv) omit sub-paragraphs (h) and (i); and
- (d) for paragraph (4) substitute—
- “(4) In the case of a child who has been placed, in respect of whom arrangements have been made for the supervision of the placement to be carried out on behalf of a responsible authority, a note that the arrangements were made and the name of the person with whom the arrangements were made must be entered in the register.”.
- (9) In regulation 12 (access by Welsh family proceedings officers and officers of the service to records and register), for the opening words substitute—
- “(12) Every responsible authority must provide a Welsh family proceedings officer of a child or an officer of the service with—”.
- (10) Omit regulation 13 (arrangements between local authorities and area authorities).
- (11) In Schedule 1 (considerations to which responsible authorities are to have regard)—
- (a) omit paragraphs 1, 2 and 5; and

- (b) in paragraph 6, for “looked after” substitute “provided with accommodation”.
- (12) In Schedule 4 (matters to be included in arrangements to accommodate children who are not in care)—
 - (a) in paragraph 5, omit sub-paragraph (a);
 - (b) omit paragraph 8;
 - (c) for paragraph 9 substitute—
 - “9. The expected duration of arrangements and the steps which should apply to bring the arrangements to an end, including arrangements for rehabilitation of the child with the person with whom the child was living before the arrangements were made or some other suitable person.”; and
 - (d) in the heading, omit “who are not in care”.