

# Duties on Children's Services when children are in the care system

## Introduction

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All families need help from time to time to bring up their children. Relatives, friends and community groups are common sources of support, but sometimes families are not able to look after their children themselves so Children's Services look after their children instead. This can be for a range of reasons, for example:

- parents have asked for their children to be looked after whilst they are not able to (eg they are going to hospital for an operation or they need a break because things are very stressful at home) or
- Children Services are concerned that a child is not safe whilst living with their parents and have therefore removed them from their care, either by formal agreement or under a court order.

If your child is being looked after in the care system, for whatever reason, there are certain things that Children's services must do to make sure that your child is well cared for and that you (and other important family members) are consulted about key decisions concerning your child.

This advice sheet is written for parents/carers or anyone with parental responsibility for a child. It explains the legal duties on Children's Services in England when children are in the care system. The law in Wales is similar to the law in England but there are some key differences so not everything in this advice sheet will apply if your child is looked after in the care system in Wales.

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This advice sheet is long so we have divided it into sections to make it easier to read:

- Part 1: Duties of Children’s Services towards children looked after in the care system (page 5)
- Part 2: The impact of the Human Rights Act 1998 (page 28)
- Part 3: Raising concerns and making complaints (page 29)
- Part 4: Where to get further information (page 30)

Since things can seem quite complicated when Children’s Services are involved with your family, you may want to ask a friend or your solicitor to explain anything in the advice sheet that you don’t understand.

The references for all the legal and practice requirements are set out in the endnotes which you can find at the end of the advice sheet. For full details of all the documents referred to in the endnotes, see the references section also at the end of the advice sheet.

**Note: “Social services” are now known as “Children’s Services”. This is how they are referred to throughout this advice sheet.**

Key terms used in this advice sheet include:

**‘Accommodation’**: means that a child is being looked after by the local authority with the agreement of the parents/other with parental responsibility because they are unable to care for the child themselves. It is also called s.20. See part 2 of FRG advice sheet on Family Support <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

**Children *in need***: Your child will be *in need* if they are assessed by Children’s Services to be *in need* of extra support. If your child is assessed as a child *in need*, Children’s Services may provide them and other people in the family, with extra help to look after the child, including accommodation. But it is not an absolute requirement. For more information see FRG advice sheet on Family Support <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

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**Child protection enquiries or procedures:** Children's Services are legally required to look into your child's situation if they receive information that makes them suspect that your child may be at risk of **significant harm**. This will normally involve them seeing your child unless they can find out enough information about them from other sources, for example by asking their teacher.

**Child protection conference:** If Children's Services have ongoing concerns about your child's safety and well-being a **child protection conference** may be arranged. The purpose of the conference is to decide if your child needs a **child protection plan** to be drawn up to monitor their safety and well-being. This will only happen if the conference thinks that your child has been abused or injured in some way or is at risk of harm – through neglect, physical, sexual or emotional abuse. For more information on this see FRG advice sheet: [Child Protection Procedures:   
http://www.frg.org.uk/need-help-or-advice/advice-sheets](http://www.frg.org.uk/need-help-or-advice/advice-sheets).

**Court ordered remand** is when a criminal court makes an order saying that a young person under 18 is not to be released on bail whilst they are waiting for their trial. A criminal court may remand a child to:

- Youth Detention Accommodation (which includes a young offenders institution, a secure training centre or a secure children's home) Known as YDA ; or
- Local Authority accommodation (placement with family, friends, foster carers or children's home).

**'In care'** means that the child is under an interim or full care order or an emergency protection order made by the court. For more information see FRG advice sheet on [Care \(and related\) proceedings   
http://www.frg.org.uk/need-help-or-advice/advice-sheets](http://www.frg.org.uk/need-help-or-advice/advice-sheets).

**Independent Reviewing officer (IRO)** is an independent person appointed by the local authority to check that the care plan for any looked after child is meeting their

needs. They are also responsible for chairing review meeting which consider the care plan at regular intervals. For more information see page 17 of this advice sheet.

**'Looked after'** means that the child is in the care system. There are three main ways that children and young people under 18 years old become **looked after**:

- under a court order from a family court (in which case they are 'in care'); or
- with your agreement (in which case they are 'accommodated' - this is sometimes called section 20); or
- if a court orders the young person to be remanded. (See page 6 for more information on this group. See above for the definition of '**Court ordered remand**')<sup>1</sup>.

**Parental responsibility** means the legal right to make decisions about how a child is raised. Those who have parental responsibility include: mothers; fathers who have been married to the mother at any time since the birth of the child or are jointly registered on the birth certificate as the father (after 1.12.03) or have acquired PR by formal agreement with the mother or by court order; anyone who has a Child arrangements order (saying the child will live with them (previously known as a residence order), a special guardianship or an adoption order in their favour on the child; guardians; step-parents who have acquired PR by formal agreement or court order. For more information about parental responsibility, see FRG advice sheet [Parental Responsibility: http://www.frg.org.uk/need-help-or-advice/advice-sheets](http://www.frg.org.uk/need-help-or-advice/advice-sheets)

## **PART 1: DUTIES OF CHILDREN'S SERVICES TOWARDS CHILDREN WHO ARE LOOKED AFTER IN THE CARE SYSTEM**

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When your child is looked after in the care system (for whatever reason), there are a number of things that Children's Services must do to make sure your child gets the best possible care. They must:

- make sure your child is **safe and well cared for**;<sup>2</sup>
- **assess your child's needs** before (or as soon as possible after) they go into the care system. This is to make sure that any plan for their care will actually meet their needs.<sup>3</sup> For more information see page 6;
- draw up a **written care plan** setting out how your child will be looked after, and have their needs met, when they are in the care system.<sup>4</sup> This plan must be drawn up either before, or within 10 days of your child becoming looked after;
- **give a copy of this plan to you** (the parents), your child, others with parental responsibility and other relevant people.<sup>5</sup> For more information about what the plan covers, see page 7-9;
- draw up a **placement plan** setting out the arrangements for your child whilst they are in the care system. This will include details about what the foster carer is allowed to decide about raising your child. This plan must be drawn up within 5 days of your child being looked after and the placement plan will be included in your child's care plan. For more information see page 7;
- **place your child** with someone who will care for them on behalf of Children's services. This could be with family members or unrelated foster carers. For details of how they decide who to place them with, see pages 10-13 ;
- make sure your child's education needs are met and that they get the best possible **chance to achieve at school**<sup>6</sup> - see page 7;
- make sure your child's **health needs are met** in the care plan – see page 7;
- consider your child's **religion, racial origin, cultural and linguistic background** when making any decision about them;<sup>7</sup>
- **consult with you**, your child if they are old enough, and other important people in the child's life about any decision concerning your child's care unless the court says they don't have to.<sup>8</sup> This means they should discuss with you what would be the best arrangements for your child whilst they are away from home;

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- make **arrangements for your child to keep in touch with you** and other people in the family unless the court says they don't have to; For more information see pages 15-17;
- **visit** your child at regular intervals. For more information see page 17;
- **review your child's care plan** at regular intervals and appoint an independent reviewing officer who is responsible for making sure this happens. For more information see pages 17-22.
- **draw up a permanence plan** for your child once they have been looked after for 4 months. For more information see pages 23-24;
- **support your child after they leave care if they are 16 or over when they leave.** For more information see pages 26.

**Note about Children's Services' duties towards children who are looked after as a result of a court ordered remand**

Most of the above duties also apply to young people who are remanded to youth detention or local authority accommodation by a criminal court but there are some practical differences. For example some young people will only be **looked after** for a short time when they are remanded so they don't need permanence plans and it is not practical for children's services to arrange health care assessments for those in youth detention. The government has published specific regulations and guidance on the practical details of making and reviewing plans for this group.<sup>9</sup> You can ring the FRG advice line for more information if your child is remanded by a court - Contact details at the end of this advice sheet.

## **How will my child's needs be assessed?**

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It is important that Children's services know what your child's needs are, in order to make plans that will meet their needs when they are looked after. Therefore, when first considering the arrangements for your child to be looked after in the care system, the **social worker must carry out a detailed assessment of their needs.** The assessment should involve your child and family, and should build on strengths as well as identifying difficulties.<sup>10</sup>

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This assessment should follow the guidelines set out in government guidance which sets out the ‘principles and parameters of a good assessment’.<sup>11</sup> Each Children’s Services department should publish a local protocol for assessment and this document should explain how cases will be managed once a child is referred into Children’s Services.<sup>12</sup> You could ask your social worker for a copy of your local protocol if you want to know more about how the assessment will be carried out.

Children’s Services must also arrange for your child’s health and education needs to be assessed. This assessment will inform the plans to make sure your child’s health and education needs are met. These are recorded as separate sub-plans, within the main care plan.<sup>13</sup>

## **What things will my child’s care plan cover?**

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The following things must be included in your child’s plan:<sup>14</sup>

- **Your wishes and feelings** (i.e. those of the parents) and the wishes of other significant people in your child’s life, with whom they should discuss decisions about your child (see page 5 above);<sup>15</sup>
- The **placement plan** which sets out where and with whom your child will live, any specific arrangements about the placement including the arrangements for your child to keep in touch with you and other members of the family; and also what the foster carer (or children’s home) can decide about how your child is cared for. This is called delegated authority and can include decisions about, for example, school trips, overnight stays, medical and dental treatment; education; leisure and home life; faith and religious observance; use of social media;<sup>16</sup>
- The **contact arrangements** for your child to see or keep in touch with you and other members of their family including brothers and sisters, grandparents etc.;
- The arrangements to meet your child’s needs in relation to their:
  - **Health** needs – this is based on an assessment of your child’s health every 6 months if they are under 5 and every 12 months if they are over 5yrs <sup>17</sup>
  - **Education needs** – again this is based on an assessment of your child’s educational needs and how they will be met, set out in a Personal Education Plan (PEP) within the care plan;<sup>18</sup>
  - **Emotional and behavioural development**;<sup>19</sup>

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- **Identity;**
- **Social presentation and self care skills;**
- The long term arrangements (also known as a '**permanence plan**') for your child to be in a permanent placement and the timescales within which this should be achieved<sup>20</sup> This might include returning to your family or being looked after by foster carers or even adopters; and
- The name of your child's **Independent Reviewing Officer (IRO)**. The IRO is someone who will monitor whether your child's care plan is meeting their needs. They will also chair your child's case reviews.

**If your child has been remanded by a criminal court**, their care plan will be slightly different:

- If they were not looked after before they were remanded, their care plan will not include a permanence plan<sup>21</sup>, unless children's services think that they should continue to be looked after on their release.
- Their care plan, or their detention placement plan, will still include details of **your wishes and feelings** (i.e. those of the parents) and the wishes of other significant people in your child's life, with whom children's services should discuss decisions about your child (see page 5 above);<sup>22</sup>
- If they are remanded to local authority accommodation, their care plan must be prepared within 5 days of the remand.
- If they are remanded to youth detention accommodation, they will have a detention placement plan instead of a placement plan.
- In these circumstances the child is not placed by the local authority but by the Youth Justice Board. But the detention placement plan is prepared by the local authority and must be prepared within 10 days of their being remanded.<sup>23</sup>
- The detention placement plan will include the details about contact, health, and education, how your child's welfare will be safeguarded and promoted by the staff at the YDA, the address of the YDA and the name of your child's IRO.



## **Does the court look at my child's care plan if there are care proceedings?**

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Yes. If there are on-going care proceedings on your child, Children's Services must give a care plan to the court setting out its long term (or permanent) plans for your child.<sup>24</sup> This should include information that helps the court to think about your child's best interests (or welfare) when deciding whether or not to make a care order.<sup>25</sup>

This 'court care plan' may be shorter than the main care plan outlined on page 7 above, but ideally it should include the same information so that everyone is working to one plan for your child. However, if there is any difference in content between the two care plans, it is really important that your child's guardian (from CAFCASS) gives a copy of the 'court care plan' to the IRO at the end of the care proceedings, as it is the IRO's job to check up on what happens next in the plans for your child.<sup>26</sup>

**Note:** If Children's Services changes the ***court care plan*** after a care order has been made, it must discuss the proposed changes with you (the parents and others with PR) and the child where they are sufficiently mature. If they don't do this, there may be a breach of your, or your child's, human rights (see below on page 28).<sup>27</sup>

## **Will I be asked if I agree to the plan for my child?**

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If your child is in accommodation (i.e. they are being looked after by Children's Services with your agreement) then Children's Services must, ***as far as is reasonably practicable***, agree this plan with

- any parent and anyone else who has parental responsibility; or
- if there is no parent or person with parental responsibility, then the person caring for your child immediately before they became looked after; or
- if your child is 16 or 17 it should be agreed directly with them .<sup>28</sup>

Note also:

- Your child cannot be accommodated by Children's Services if someone else who has parental responsibility for your child objects (eg the other parent,

someone with a residence order or a child arrangements order saying who the child will live with).<sup>29</sup>

- If your child is 16 or 17 and has agreed to being accommodated by Children's Services, neither you nor any other person with parental responsibility may remove them from that accommodation.<sup>30</sup>

If your child is under a care order, Children's Services has parental responsibility and does not have to agree the plan for the child with you (the parents) or others with parental responsibility, but they should discuss it with you and find out what you think about it (see page 5 above)

If your child has been remanded by a court: All young people who are remanded by a criminal court, either to youth detention or local authority accommodation, must have care plans. Children's Services must agree these plans (except for the kind of accommodation they will have, where this has been decided or is subject to limitations imposed by the court) with their parent, a person with parental responsibility or the young person themselves if they are aged 16 or over, provided this is practical.<sup>31</sup> Parents as well as young people should therefore normally be consulted about making and reviewing these plans.

## **Who will my child live with when they are looked after?**

The underlying principle in the law is that the best place for most children to be brought up is in their own family, with the State providing reasonable support when a child is vulnerable or *in need*. So, provided it is in your child's best interests, an arrangement for your child to live with someone in your family network will be preferred to them being placed with unrelated carers, even if your child is looked after in the care system.

Children's Services are therefore under a duty to *place* a looked after child with the following people in the order of priority listed below:<sup>32</sup>

- i. Parents/others with parental responsibility (or where there was a Child Arrangements order (saying the child will live with them – previously known as a residence order on the child) before the care order was made, the person with

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that order) provided it is reasonably practicable and consistent with the child's welfare.<sup>33</sup>

This means that the first choice of placement for a *looked after* child is with the other parent, who was not caring for them before they went into the care system.

## **BUT**

**If your child was in accommodation** (looked after with the agreement of their parent or other person with parental responsibility), **so is not under a care order**, they will no longer be looked after if they return home. A child who returns home to their parent (or other person with PR) after being accommodated by children's services is leaving care. For further information see FRG advice sheet : Reuniting children in the care system with their families <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

**If there is a care order in place**, the **parent must first be assessed to see if they are suitable to care for the child**. There is a procedure for a child to be placed with a parent without a full assessment taking place provided satisfactory basic checks are made.<sup>34</sup> A full assessment about whether or not they are suitable as a carer will still need to be made afterwards. If a looked after child does return to live with one of their parents or someone else with parental responsibility **under a care order**, Children's Services must provide a **package of support to ensure the child's needs are met**.<sup>35</sup> But if a child cannot return to live with their parents or someone else with parental responsibility, the next preference<sup>36</sup> is that is the child must be placed with:

- ii. Relatives, friends or others who are already connected with the child who are also approved as foster carers by Children's Services, but again this is only if it is in the child's best interests. This means that the relative or friend must be assessed and approved as a foster carer by Children's Services.<sup>37</sup> For further information about the assessment see FRG advice sheet 'Family and Friends Care: Becoming a foster carer': <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

If there is not enough time for this fostering assessment to be carried out before the placement is needed, it is possible to make the placement before the full fostering assessment and approval are carried out, provided key information is obtained and a temporary approval decision made.<sup>38</sup> For further information see FRG advice sheet on 'Emergency Placements of Looked After Children': <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Where it is considered not in the child's best interest to be placed with their parents or others with parental responsibility or relatives, friends or other connected people who are approved as foster carers, then Children's Services must consider placing the child with:

- iii. Unrelated foster carers who have been approved by Children's Services<sup>39</sup> - this may be short or long term foster care: or
- iv. In a children's home, if it is not possible to find a family to care for them.<sup>40</sup>

Where Children's Services decide that a long term foster placement is in the child's best interests, they must ensure that the foster carer has agreed to look after the child until he/she leaves care (see page 24 for more about long term foster care).

[In some circumstances Children's Services may consider placing a looked after child with a foster carer who is also approved as a prospective adopter. ***This is called fostering for adoption.*** For further information see page 14 below]

**Note: Financial support for foster carers<sup>41</sup>**

Anyone who is not a parent and is an approved foster carer, caring for a looked after child, should receive a fostering allowance from Children's Services. Family members, who are approved as foster carers, should receive the same rate as unrelated foster carers. National minimum fostering allowances apply in England. For more information see FRG advice sheet on Support for relatives and friends caring for a child who is not their own: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

Children's Services must also ensure that, so far as is reasonably practicable, the child is placed:<sup>42</sup>

- **near their home** - in fact any placement out of the area of Children's Services cannot be made without it first being approved by a senior officer of Children's Services unless that placement is with:
  - o a relative, friend or other connected person, who has been approved as a foster carer - this includes someone who has been approved temporarily in an emergency;<sup>43</sup> or
  - o any fully approved local authority foster carer ; and
- **without disrupting their education or training.** If there is a plan to disrupt the child's education when they are in Key Stage 4, the placement cannot go ahead unless it has been approved by a senior officer of Children's Services<sup>44</sup>. **with their brothers and sisters** if they are also looked after by Children's Services; and
- in **suitable accommodation** for the child's needs **if they are disabled.**

[But note, if your child is placed in a foster for adoption placement (see box below), these provisions do not apply]

So ***if your child may not be able to live with you for whatever reason, think about whether there is anyone else in your family network who could care for them. If there is, tell your child's social worker and/or your solicitor straight away*** and ask for that person to be assessed as a foster carer. If you are not sure, but you think your family might want to step in, you could ask to be referred to a Family Group Conference to consider alternative family care arrangements.

### **Family Group Conferences**

A Family Group Conference (FGC) is a decision-making process in which the whole family makes plans and decisions for a child who, because of difficulties in the family, needs a plan that will keep them safe and well-cared for. It gives family members a chance to take the lead in finding solutions to problems and in making plans which address the concerns and 'bottom line' the social worker has identified. The professionals will only agree with the family's plan if the child will be safe and well cared for. FGCs are available in many areas and you can ask your social worker if they can refer your family for one. For further information, see FRG advice sheet on Family Group Conferences. <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

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## **What is fostering for adoption?**

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If your child is a baby (or very young), and Children's Services think you and your relatives won't be able to care for them long term, they must consider alternative plans for your baby's long term care. If, when considering alternative plans, they are *considering* adoption as the permanence plan for your child, they must also consider placing your child with foster carers who are approved as prospective adopters. This is called **fostering for adoption**. The idea is that these foster carers could go on to adopt your child if they cannot return to your or your family's care. It can be very difficult to argue that your baby should return to your family once they have settled with 'foster for adoption' foster carers.

But before placing a child in a fostering for adoption placement,

- Children's Services must have first considered, and ruled out, the suitability of both parents and any relatives/friends who could care for the child AND
  - if the your child is in accommodation, a parent/other person with parental responsibility must agree to the foster for adoption placement, (where this is practicable) OR
- if Children's Services has a care order or emergency protection order which gives them the right to make plans for the child even if the parents/others with parental responsibility don't agree, they don't need your agreement.

**If adoption or fostering for adoption has been suggested for your child, it is essential that you take legal advice from a solicitor specialising in child care law and/or FRG advice line immediately – contact details on page 26-7.**

## **Where is a young person placed when they are 'remanded' by a criminal court?**

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When a young person is remanded to 'local authority accommodation' Children's Services are responsible for arranging suitable accommodation for them. They should give priority to placing the young person with suitable parents but if there are none, then with suitable family and friends if this is the most appropriate placement for them and it is in their best interests (see page 10-11 above).

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However sometimes the court may limit who the child can live with may that they must comply with certain bail conditions. In this case the social worker will follow what the court order says and this may limit the type of accommodation that they can be placed in.<sup>45</sup>

BUT Children's Services do not have to provide accommodation for young people who are remanded to **youth detention accommodation**.<sup>46</sup> They will be in custody. Under the regulations which came into force on 19 April 2013,<sup>47</sup> young people remanded to youth detention accommodation have detention placement plans (instead of placement plans) but they are still treated as being looked after by Children's Services while they are on remand.

## **Will my child be able to see me and other members of the family whilst they are looked after?**

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Usually, but not always.

***For all looked after children***, Children's Services must try to 'promote' contact between children and their parents, guardians, anyone else with parental responsibility, relatives, friends and others connected with them "***unless*** it is not reasonably practicable or consistent with the child's welfare".<sup>48</sup> This means that Children's Services should take positive steps to arrange for any child who is accommodated to see, or be in touch with you unless this is not in your child's best interests. For further information see FRG advice sheet on: 'Contact with children in accommodation': <http://www.frg.org.uk/need-help-or-advice/advice-sheets>.

***If your child is in care under a court order***, Children's Services ***must allow*** them to have *reasonable* contact with:<sup>49</sup>

- you (the parents),
- any guardian and/or special guardian they may have,
- anyone with a child arrangements order saying the child will live with them (previously known as a residence order) immediately before the care order was made and

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- step-parents who have parental responsibility for the child.

But if they think it is not in your child's interests to keep in touch with any of these people, having regard to their care plan, they can apply to court for an order to stop contact<sup>50</sup> and they can also suspend it for up to 7 days in an emergency without going to court. For further information see FRG advice sheet on '[contact with children in care.](http://www.frg.org.uk/need-help-or-advice/advice-sheets)' [http://www.frg.org.uk/need-help-or-advice/advice-sheets.](http://www.frg.org.uk/need-help-or-advice/advice-sheets)

## **Will my children be able to see each other?**

Children's services have a duty to promote contact between a child who is looked after and their brothers and sisters, unless it is not consistent with their welfare. The care plan should set out the arrangements for contact between brothers and sisters.<sup>51</sup> The IRO has a duty to ensure that review meetings consider sibling contact and should make sure that your child is happy with the contact they are having.<sup>52</sup> If the social worker has said that your child should not see their siblings, you should ask them to give reasons for this. If you are not happy about the contact that your child is having, talk to the IRO, your solicitor or Family Rights Group advice line.

## **How will I know what the contact arrangements are for me to see my child?**

Your child's ***contact arrangements should be set out in their care plan*** and their placement plan or detention placement plan (if they are in Youth Detention Accommodation).

The assessment of their needs (which informs the care plan – described on page 6) should identify those people in your child's family network with whom it is important to maintain contact, including grandparents, and siblings. Parents should be involved in planning contact arrangements before the placement is made.<sup>53</sup>

## **Can I get help with my contact expenses?**

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Maybe. Whether your child is looked after in accommodation (by agreement) or in care (under a court order) Children's Services has the power to help you with contact expenses but they don't have to.<sup>54</sup>

## **What is an independent visitor for my child?**

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If you and others in your family are not in touch with your child whilst they are looked after, for whatever reason, or your child has not been visited in the last 12 months (for example because they are placed far away from you), Children's Services should consider appointing an **independent visitor** to visit, befriend and advise your child, if that is in their best interests.<sup>55</sup>

## **How often will the social worker visit my child when they are looked after?**

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When your child is looked after in the care system, their social worker must visit them in their placement during the first week. After that, they must visit at least every 6 weeks unless your child is in a permanent placement in care in which case the visits must be at least every 3 months. When visiting, the social worker must see your child alone and report any concerns to the independent reviewing officer.<sup>56</sup>

If your child is in a long term foster placement (made after April 2015), social work visits will take place only every 6 months after the first year of placement, if your child has agreed to this reduced amount of visiting.

## **What is an Independent Reviewing Officer (IRO) and what do they do?**

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Children's Services is under a duty to appoint an IRO for any child who is looked after (whether by agreement with the parents/others with parental responsibility or under a court order). The IRO is paid by Children's Services but they work independently of them in the sense that they do not have any direct management or budget holding responsibility for the child's case.<sup>57</sup> Their job is to:

- Chair the review of your child's case;

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- Monitor the care your child is getting when they are looked after. This includes making sure that your child's care plan meets your child's current needs and that decisions following your child's review are actually put into practice;
- Make sure your child is informed of their right to make an application to court (eg for contact with their brothers or sisters) and to make a complaint;<sup>58</sup> and
- Try to resolve any disputes about the review or your child's care plan informally with Children's Services. However, where this is not possible, the IRO can refer the case to CAFCASS. CAFCASS has the power to make an application to court where Children's Services are not looking after your child in a way that promotes their welfare or where Children's Services may have breached your child's human rights.<sup>59</sup>

The IRO therefore checks that Children's Services have done what they have said they will do in the care plan, and makes sure your child is safe and well cared for whilst they are in the care system. Note the court does not have the power to check and monitor what Children's Services does once the care proceedings (if any) are finished so the IRO takes on that role instead.

If you have any concerns about how your child is being looked after or things promised at reviews have not happened, you could discuss this with the IRO.

## **What can I do if I am not happy about what my child's IRO is doing?**

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If you feel that the IRO has not done what they are supposed to do when reviewing your child's case, try speaking to their manager about your concerns. If you are still not satisfied, you may want to consider making a formal complaint. See FRG advice sheet on '[Making a complaint.](http://www.frg.org.uk/need-help-or-advice/advice-sheets)' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

## **When is my child's case reviewed?**

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Children's Services is under a duty to review your child's case at regular intervals whilst they are looked after.<sup>60</sup>

- first review must take place within four weeks of your child beginning to be looked after;
- second review must take place within the next three months; and
- the third, and any later reviews must take place every six months.

More frequent reviews can take place at the request of the IRO where there is a significant change to your child's care plan or where your child would cease to be looked after before the first review.<sup>61</sup>

Also, reviews must be held if it is being suggested that:<sup>62</sup>

- your child should leave care before they reach 18 or when they move to independent living
- your child, who is subject to a care order, is going to be discharged from custody
- your child's placement is going to change in a way that could disrupt their education especially during Key Stage 4 or after they have been settled in the previous placement a long time.

***Children's Services must not make any significant change to your child's care plan unless the proposed change has first been considered at a review.***<sup>63</sup>

#### **Note about Short breaks:**

If your child is on a "short break arrangement" (i.e.: where they are in a series of placements in which no single placement lasts more than 17 days and the total time they are looked after in any 12 month period is 75 days), the requirement to hold reviews is less frequent.<sup>64</sup>

## **What happens at my child's review?**

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1. **Before the review:** the IRO must:

- speak to your child in private and be sure they understand their right to have an advocate with them at the review. They must also explain to your child what an advocate does and how they might help them;
- speak to your child's social worker;
- involve you (the parents and others with parental responsibility) and make sure your views are represented at the review. You will normally be invited to the review but in exceptional circumstances you could be excluded if the IRO and social worker thinks it is not in your child's interests for you to be there. If this happens they must give you written reasons for refusing to allow you to come to the review and they must ask you to give your views another way for example by letter or tape;<sup>65</sup>
- ensure that all relevant reports are available before the meeting.

If the IRO is not satisfied that all the relevant information is available, they can adjourn the review once for up to 20 days, unless the delay would be harmful to your child, including any harm caused by delay.<sup>66</sup>

**Note: If your child is subject to a placement order and already placed with prospective adopter,** they will still be looked after but the duty on Children's Services to consult with you (the parents/others with parental responsibility) no longer applies.<sup>67</sup>

**2. At the review:** The IRO chairs the meeting. Children's Services must consider all aspects of your child's case, including:

- Changes in circumstances since the last review
- Whether decisions from last review have been implemented
- The arrangements for your child to see or keep in touch with you and other members of your family
- Whether the placement continues to meet your child's needs
- Any need for change in your child's legal status.<sup>68</sup>

The IRO must also:

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- Make sure your wishes and feelings (and those of others with parental responsibility) are taken into account;
- Make sure the social worker has explained the implications of any permanence plan to you (the parents);<sup>69</sup>
- set new timescales they should check back on to make sure that any things that should have been done get done; and
- make sure that the person who is responsible for implementing decisions of the review are identified.

**Note:** If your child is in long term foster care (and the placement was made after April 2015) Children’s Services can decide, in consultation with the IRO and your child, that a review *meeting* will not take place at every review, but only once a year.

**3. After the review:** The IRO must:

- prepare a written record of the review decisions or recommendations within 5 days and a full record by 15 days (This is still the case, even if a meeting did not take place);
- distribute this record within 15 working days to everyone who attended the child part of the review. If you didn’t attend or attended only a part, then the social worker and IRO should discuss whether in your particular case it’s in your child’s interests for you to have the complete record and if not how much of it you should get.<sup>70</sup>

***Children’s Services must make arrangements for implementing decisions*** made at the review. They must also:

- have a process for ensuring a senior person considers recommendations/decisions made at the review within 5 working days; and
- ***let the IRO know if they are NOT able to agree them.***<sup>71</sup> In other words if Children’s Services does not say something different, then recommendations/decisions made at the review will be binding and should be followed through;<sup>72</sup>
- update the care plan within 10 working days; and

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- inform the IRO if they fail to implement them.<sup>73</sup>

**Note: where there is a failure to implement recommendations/decisions made at the review, the IRO must bring this to the attention of a senior officer in Children's Services**

## **How will the IRO monitor my child's case between reviews?**

The social worker must inform the IRO of:

- any proposed change to the care plan between reviews,
- any failure to implement review recommendations or decisions and
- any major changes to contact arrangements amongst other things.

On receiving this information the IRO may exercise their power to call an earlier review.<sup>74</sup>

## **What can I do if I am worried about the arrangements for my child?**

If you are worried about the arrangements for your child not being followed through after the review, you could get in touch with the IRO and discuss your concerns.

You should also tell the social worker and try to resolve the problem. If necessary make a complaint. You can also seek legal advice or contact FRG's advice line. (For further information see FRG advice sheet on '[Making a complaint.](http://www.frg.org.uk/need-help-or-advice/advice-sheets)' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>)

## **What happens if my child is unhappy about the plans for their care?**

If your child is unhappy about the plan itself, the IRO should help them to make a complaint. In these circumstances your child also has the right to an advocate to help them with this.<sup>75</sup>

The IRO should also try to resolve the problem with Children's Services (negotiating with senior management if necessary) but if the problem cannot be resolved they

could refer your child's case to CAFCASS if they think this is the appropriate way forward.

## **What is a permanence plan and why does my child need one?**

'Permanence'<sup>76</sup> for a child means they are living in a situation where they can have emotional attachments, stability and legal permanence. The idea behind it is that their carers are able to give them a sense of security, continuity, commitment and identity to support them throughout childhood and beyond. The most common routes to permanence are:

- Returning home to the care of their parents, with appropriate support to make sure that the reasons that they became looked after in the first place are no longer a risk to the child – for more information see page 27 of this advice sheet and also FRG advice sheet: Reuniting children in the care system with their families <http://www.frg.org.uk/need-help-or-advice/advice-sheets>
- Living with relatives or friends on a long term basis, again with support from Children's Services to meet their needs. This could be under a foster carer arrangement where the child needed to remain looked after or it could be under a Child Arrangements Order or Special Guardianship Order – for more information see FRG advice sheets: [DIY Child Arrangements Orders and DIY Special Guardianship Orders for family and friends carers](http://www.frg.org.uk/need-help-or-advice/advice-sheets) <http://www.frg.org.uk/need-help-or-advice/advice-sheets>
- Long term foster care with unrelated foster carers;
- Children's Home or residential care where it is not possible to find a family to look after them;
- Adoption. For more information see FRG advice sheet on [Adoption: what it means for birth parents](http://www.frg.org.uk/need-help-or-advice/advice-sheets). <http://www.frg.org.uk/need-help-or-advice/advice-sheets>.

Children's Services must make a plan for the permanent placement of every child who is looked after by the second review of their case (i.e.: after 4 months).<sup>77</sup> However a young person who is remanded by a criminal court will not have a permanence plan unless they were a looked after child before they were remanded.

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This is because they will be on remand for a short time only, and will no longer be looked after once the period of remand is finished - see page 7 above.

**Note: Where there is a possibility that the child may live long term with their family but this is not certain, permanent alternative carers outside the family may also be needed. It is possible for there to be several plans operating in parallel (sometimes called *parallel tracking or contingency planning*). For example:**

- a parent is required to attend a parenting programme to develop their parenting skills and to address particular identified concerns within an identified timescale so that they can resume caring for their child; but
- a relative is also assessed as a potential carer for the child if the parent is unable to meet the conditions satisfactorily at the same time; and
- Children's Services may also look for long term foster carers or adopters for the child, in case the first two plans fail. For more information call FRG advice line – contact details in Part 4 of this advice sheet.

## **What is long term foster care?**

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Long term foster is where children's services have decided that the child's plan for permanence is for the child to remain with the same foster carer until they leaves care.

New regulations have been made that affect long term foster placements made after April 2015. Children's Services must make sure that foster carer has agreed to care for the child **until the child leaves care**. If the child is already in a foster care placement, this can also mean leaving the child with the same foster carer on a long term arrangement, provided that foster carer has agreed to care for the child until he/she leaves care<sup>78</sup>.

A long term foster carer could be a relative who is approved as a local authority foster carer.



Before deciding to make a long term foster placement, Children' services must carry out an assessment of the child's current and future needs, and the ability of the foster carer to meet these needs. The assessment should consider what support and services are necessary to ensure the placement meets the child's need. A decision to make a long term foster placement must be recorded at the child's review, and the child, their parents and the foster carer must be told.

Children's Services may only place a child in a long term foster placement when they have

- prepared a placement plan ;
- taken into account the child's wishes and feelings;
- informed and consulted the IRO about the plan; and
- consulted the child's relatives (where appropriate).

Also, they must be sure that this placement will safeguard and promote the child's welfare, and be sure that the long term foster carer intends to be the child's foster carer until he/she leaves care.<sup>79</sup>

## **Will I be involved in making a permanence plan for my child?**

It is very important that families work together to develop the best possible plans for a child when they are looked after so that if the parent needs help, or cannot continue to care for the child, the child is able to be looked after by other family members rather than going into/remaining in the care system.

If this has not already happened before the child was looked after, you could ask Children's Services to arrange a **family group conference** which would give your whole family (rather than social workers) an opportunity to make a plan for your child which would keep him/her safe and well cared for, potentially within the family network. (For further information see page 13 and FRG advice sheet 'Family Group Conferences.' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

## **If my child is looked after will my housing benefit be affected?**

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If you are a tenant of local authority or housing association housing, you receive housing benefit, and your child goes to live somewhere else, your housing benefit may be reduced. This is due to new legal provisions (known as the 'bedroom tax') which came into force on 1 April 2013. These say that you are not allowed to receive full housing benefit if you have spare rooms in your home. So if your child moves to live elsewhere, you must tell your landlord straight away, and the housing benefit you receive may be reduced. If you think that this might apply to you, you should contact your landlord or housing officer to find out more.

If you think you will be affected by the 'bedroom tax', you should ask your social worker whether Children's Services will help you pay the amount of housing benefit that you have lost, or help you apply to the Discretionary Housing Fund, so that you don't risk losing your home while legal proceedings about your child are still on-going.

## **Can my child get support from Children's Services when they leave care?**

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Yes, in many cases. The law says that Children's Services must provide leaving care support to children in the following categories:

- **Eligible children** – are those young people who have been looked after for more than 13 weeks between the ages of 14 and 16 and are now 16 or 17 and are still looked after;
- **Relevant children** – are those young people who were eligible children and are still 16 or 17 but are no longer looked after
- **Former relevant children** – are those young people who were eligible or relevant children before reaching the age of 18 and are now over 18

## **Can I get support from Children's Services when my child leaves care?**

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If your child is leaving care and returning home to live with you, Children's Services must carry out an assessment of what services and support you and your child might need when he/she returns home<sup>80</sup>. The assessment will take place while your child is

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still looked after. Children's Services must ensure that the services and support they provide will promote and safeguard your child's welfare<sup>81</sup>. Details of the advice, assistance and support that Children's Services intend to provide must be included in your child's care plan. If your child has been in care for more than 20 days, Children's Services must consult you, your child and the Independent Reviewing Officer about their decision to return your child home, and make sure that they have taken into account your child's wishes and feelings<sup>82</sup>.

For more information see FRG advice sheet: Reuniting children in the care system with their families <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

## **What is the 'Staying put' duty?**

The law recently changed to place a new 'staying put' duty on Children's Services to help young people to stay with their former foster carers (including with relatives who have been fostering them) after they reach 18 and are no longer looked after.<sup>83</sup> This includes a duty on Children's Services to

- maintain a former fostering arrangement after the young person reaches 18 if the young person and their foster carer agree that the living arrangement should continue, unless they consider it is not consistent with the young person's welfare; and
- monitor the staying put arrangement; and
- provide advice, assistance and support to the former relevant child and the former foster parent so that the arrangement can continue until the young person is 21. Support from children's services must include financial support<sup>84</sup>

The details of all these types of support can be found in FRG's advice sheet on '[Support for Care Leavers.](http://www.frg.org.uk/need-help-or-advice/advice-sheets)' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

## **PART 2: WHAT IS THE IMPACT OF THE HUMAN RIGHTS ACT 1998?**

The Human Rights Act 1998 incorporates the European Convention of Human Rights into our domestic law. It states that it is “*unlawful for any public authority to act in a way which is incompatible with a Convention Right*”.<sup>85</sup>

This means that any decision made by a local authority and/or a court must be compatible with a person’s rights under the Convention. The key ones which are most relevant to any decisions about children in the care system including keeping in contact with their families are:

- **Article 6**<sup>86</sup>: the right to a fair trial in relation to decisions which affect a person’s civil rights; and
- **Article 8**<sup>87</sup>: the right to respect for privacy and family life. This is not an absolute right. The State may interfere with family life to keep children safe so long as they do it lawfully and take only the steps necessary to achieve that aim, no more.

**Both children and adults** benefit from these rights, although none of them give you or your child any absolute right to see each other or live together because sometimes this may not be in the child’s best interests. However, it does mean that Children’s Services should be fair in how they make decisions that affect you and your child.<sup>88</sup>

And as stated above ***if there is any fundamental change to your child’s care plan*** after a care order has been made (for example they decide not to continue with a plan for your child to return home to your care and instead they want to place your child in long term foster care or even for adoption) ***Children’s Services must discuss this with you, your child and others who may be affected by it***, although they do not have to get your/their agreement to the change. If they don’t you may be able to bring a claim for breach of your human rights.

## PART 3: RAISING YOUR CONCERNS AND MAKING COMPLAINTS

### What can I do if I am unhappy about how my child is being cared for?

- First, try to resolve things informally with the social worker
- Next, try to raise the issue with the appropriate person, such as a manager or IRO
- If you are still not satisfied, you can consider making a formal complaint. See FRG advice sheet on 'Making a complaint.' <http://www.frg.org.uk/need-help-or-advice/advice-sheets>
- Finally, you can contact a solicitor who specialises in child care law or Family Rights Group Advice line contact details in part 4 of this advice sheet.

### What can I do if I am unhappy about my child going into care?

- Make sure you have considered whether there is anyone in your family who could look after your child and if so tell the social worker, see page10-11.
- Although the social worker should ask you, make sure that they are aware of your views on what type of home you would like your child to live in, including your views on your child's racial, cultural, language and religious needs.
- If your child is going to be placed away from the family, it is a good idea to ask the social worker if you can meet up with the people who are going to care for your child beforehand, to be able to share information about your child and the placement. You need to make sure you do this in an open and co-operative way to achieve the best possible outcome for your child.
- You can help your child to settle in by keeping in touch with family news through cards, visits and phone calls and visits that have been agreed and arranged in the care plan. It is important that your child feels loved by you even if she or he can't be with you at the moment.
- Make sure the contact arrangements are agreed from the outset so then you and your child will know when you will next see each other. These arrangements should be recorded in the care and placement plans.

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## **PART 4: WHERE TO GET FURTHER INFORMATION?**

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**Citizens Advice** is an independent organisation providing free, confidential and impartial advice on all subjects to anyone. The address and telephone number of your local CAB can be found in the telephone directory. There is also advice on line on their website. They may be able to help you find a local solicitor.

Website: <http://www.citizensadvice.org.uk>. Advice on line Website: [www.adviceguide.org.uk](http://www.adviceguide.org.uk).

**Civil Legal Advice** is part of the Legal Aid Agency. They provide free legal advice to the public on a range of legal issues; help with working out whether you are entitled to any free legal advice and signpost to face to face legal advice and representation where appropriate.

<https://www.gov.uk/legal-aid/how-to-claim>

Telephone 0845 345 4345. Staffed during office hours, with voice mail and a call back service available out of hours.

**The Coram Children's Legal Centre** provides independent legal advice to children, parents, carers and professionals. Its Child Law Advice Service provides legal advice and information on areas of child, family and education law. To access this advice and information please visit [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) operates a Child Law Advice Service which is digital-first and offers a wide range of e-resources, including Fact Sheets and 'how to' guides, on all aspects of child, family and education law including bullying and family contact issues. These resources are available from their website.

**Family Rights Group:** is an organisation which provides free telephone and email advice to family members who are involved with Children's Services about the care and protection of their children.

- Contact FRG's advice line for further advice, on 0808 801 0366. It is open Monday-Friday 9.30am-3pm.

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- You can also visit <http://www.frg.org.uk/need-help-or-advice/advice-sheets>. where you can download other relevant advice sheets.
- There are parent and family and friends carers discussion boards at: <http://www.frg.org.uk/discussion-board-for-homepage>.
- Family Rights group can also put you in touch with a Family Group Conference Service. Email office@frg.org.uk.

**Grandparents' Association** is an organisation which provides advice and support to grandparents about caring for, or having contact with, their grandchildren. They can be contacted at: Moot House, The Stow, Harlow, Essex CM20 3AG Office: 01279 428040 Helpline: 01279 444964 E-mail: info@grandparents-association.org.uk. <http://www.grandparents-association.org.uk/index.php>.

### **Howard League:**

The Howard League run a telephone legal advice line for young people under 21 who are locked up: Tel: 0808 801 0308 (Open 11am-5pm on Tuesdays and Wednesdays and 11am -7pm on Thursdays). Callers don't need permission from prison to call as the number is a designated global number. Messages can be left.

**Specialist child welfare solicitor:** To find a specialist solicitor contact:

1. Solicitors Regulation Authority, Ipsley Court, Redditch, Worcestershire B98 0TD  
Telephone: 0870 606 2555 <http://www.sra.org.uk/consumers/find-use-instruct-solicitor.page>;
2. The Law Society of England and Wales, 113 Chancery Lane, London WC2A 1PL Tel: 020 7242 1222 Minicom: 0870 600 1560 Fax: 020 7831 0344  
E-mail: [info.services@lawsociety.org.uk](mailto:info.services@lawsociety.org.uk) [www.lawsociety.org.uk](http://www.lawsociety.org.uk)  
***You can search their website for details of local solicitors who are members of the Children Panel:***  
<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>
3. Civil Legal Advice (CLA) See details above.
4. Citizens Advice may be able to recommend a local solicitor specialising in child care law. Citizens Advice is an independent organisation providing free, confidential and impartial advice on all subjects to anyone. The address and

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telephone number of your local CAB can be found in the telephone directory.

There is also advice on line on their website.

Website [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Advice on line Website [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

## References

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<b>ACA</b>	Adoption and Children Act 2002 <a href="http://www.legislation.gov.uk/ukpga/2002/38/contents">http://www.legislation.gov.uk/ukpga/2002/38/contents</a>
<b>CA</b>	Children Act 1989 <a href="http://www.legislation.gov.uk/ukpga/1989/41/contents">http://www.legislation.gov.uk/ukpga/1989/41/contents</a>
<b>CA 2004</b>	Children Act 2004 <a href="http://www.legislation.gov.uk/ukpga/2004/31/contents">http://www.legislation.gov.uk/ukpga/2004/31/contents</a>
<b>CLER</b>	Care Leavers (England) Regulations 2010 <a href="http://www.legislation.gov.uk/uksi/2010/2571/contents/made">http://www.legislation.gov.uk/uksi/2010/2571/contents/made</a>
<b>CPPCRR</b>	Care Planning, Placement and Case Review Regulations 2010 <a href="http://www.legislation.gov.uk/uksi/2010/959/contents/made">http://www.legislation.gov.uk/uksi/2010/959/contents/made</a>
<b>CYPA</b>	Children and Young Persons Act 2008 <a href="http://www.legislation.gov.uk/ukpga/2008/23/contents">http://www.legislation.gov.uk/ukpga/2008/23/contents</a>
<b>ECHR</b>	European Convention on Human Rights and Fundamental Freedoms <a href="http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm">http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm</a>
<b>FSR 2011</b>	Fostering Services Regulations 2011 <a href="http://www.legislation.gov.uk/uksi/2011/581/contents/made">http://www.legislation.gov.uk/uksi/2011/581/contents/made</a>
<b>G&amp;R</b>	<a href="#"><u>The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review : The Department for Education</u></a>
<b>HRA</b>	Human Rights Act 1998 <a href="http://www.legislation.gov.uk/ukpga/1998/42/contents">http://www.legislation.gov.uk/ukpga/1998/42/contents</a>
<b>IROH</b>	Independent Reviewing Officers Handbook

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	<a href="https://www.education.gov.uk/publications/eOrderingDownload/DCSF-00184-2010.pdf">https://www.education.gov.uk/publications/eOrderingDownload/DCSF-00184-2010.pdf</a>
<b>LASPOA</b>	Legal Aid Sentencing and Punishment of Offenders Act 2012 <a href="http://www.legislation.gov.uk/ukpga/2012/10/section/104/enacted">http://www.legislation.gov.uk/ukpga/2012/10/section/104/enacted</a>
<b>LASPOA (CA) (CRYDA) R 2012</b>	<u>LASPO Act 2012 (CA1989) (Children Remanded to Youth Detention Accommodation) Regulations 2012:</u> <a href="http://www.legislation.gov.uk/uksi/2012/2813/made">http://www.legislation.gov.uk/uksi/2012/2813/made</a>

Last updated 21st May 2015

<sup>1</sup> S. 104 Legal Aid Sentencing and Punishment of Offenders Act 2012

<sup>2</sup> S.22 (3) CA

<sup>3</sup> Para 2.15-2.31 G & R Vol 2

<sup>4</sup> Regulation 4 CPPCRR

<sup>5</sup> Regulation 5 CPPCRR

<sup>6</sup> s.22 (3) CA as amended by CA 2004

<sup>7</sup> s.22 (5) CA

<sup>8</sup> Section 22 (4 & 5) CA; Re: C (Care: Consultation with parents not in child's best interests) [2006] 2 FLR 787

<sup>9</sup> The Care, Planning, Placement and Case Review (Amendment) Regulations 2013 amend the Care Planning, Placement and Case Review Regulations 2010 for this group. See also Looked after children and youth justice 2014, supplement to Vol 2 CA guidance.

<sup>10</sup> Working Together 2103 page 19 para 32

<sup>11</sup> Working Together 2013 pages 17 to 25 – see page 19 especially.

<sup>12</sup> Working Together 2013 page 24 para 62 and 63.

<sup>13</sup> Reg 5 & 7 & schedule 1 and paras 2.49-2.77 G & R vol 2

<sup>14</sup> Regulation 5 and Sch 1 CPPCRR

<sup>15</sup> S.22(4)&(5) CA 1989

<sup>16</sup> CPPCRR, Sched 2 as amended

<sup>17</sup> CPPCRR Reg 7

<sup>18</sup> paras 2.65-2.77 Vol 2 guidance

<sup>19</sup> CPPRR reg 5(b)

<sup>20</sup> CPPRR reg 5(a)

<sup>21</sup> CPPCRR reg 47B

<sup>22</sup> Reg 47B and Sch 2A CPPCRR 2010

<sup>23</sup> Reg 47B(3) and (4) CPPCRR 2010

<sup>24</sup> s.31A CA 1989

<sup>25</sup> S. 1(3) CA 1989

<sup>26</sup> Para 3.58, G & R, Vol 1 Guidance

<sup>27</sup> See for example: Re: C (A Child) [2007] EWCA Civ 2; Re: J (Care; assessment; fair trial) [2006] 2 FCR 107; [2007] 1 FLR 77 G v N County Council (2009) 1 FLR 774

<sup>28</sup> Regulation 4 CPPCRR

<sup>29</sup> s.20(7)&(9) CA

<sup>30</sup> s.20(11)CA

<sup>31</sup> Reg 4 CPPCRR 2010

<sup>32</sup> s.22C CA (as amended by s.8 CYPA

<sup>33</sup> Reg 17 CPPCRR

<sup>34</sup> Reg 19 CPPCRR

<sup>35</sup> Reg 20 CPPCRR

<sup>36</sup> s.22C(7) CA

<sup>37</sup> This assessment must be carried out in accordance with the Fostering Services Regulations 2011 and the National Minimum Standards on Fostering.

<sup>38</sup> Reg 24 & Schedule 4, CPPCRR;

<sup>39</sup> Again they need to be approved in accordance with the Fostering Services Regulations 2011 and the National Minimum Standards on Fostering

<sup>40</sup> s.22C(6) CA

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<sup>41</sup> s.22B & s.22C (10) CA (as amended by CYPA). Manchester City Council – V – F (2002) 1FLR 43;  
<sup>42</sup> s.22C (8) & (9) CA  
<sup>43</sup> Reg 11 and para 3.28 G & R Vol 2  
<sup>44</sup> Reg 10 and para 3.18 G & R Vol 2  
<sup>45</sup> Reg 2 LASPO Act 2012 (CA1989) (Children Remanded to Youth Detention Accommodation Regulations 2012  
<sup>46</sup> Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Children Act 1989) (Children remanded to youth detention accommodation) Regulations 2012  
<sup>47</sup> Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Children Act 1989) (Children remanded to youth detention accommodation) Regulations 2012  
<sup>48</sup> Sch 2 para 15(1) CA  
<sup>49</sup> s.34 CA  
<sup>50</sup> S.34(4) CA 1989  
<sup>51</sup> CPPCRR sch 1 Para 3  
<sup>52</sup> Vol 2 G&R para 2.85  
<sup>53</sup> Reg 9 & Sch 1 & 2 CPPCRR; Para 2.81-2.82, G & R vol 2  
<sup>54</sup> Sch 2 para 15(1) CA  
<sup>55</sup> s.23ZB CA  
<sup>56</sup> Regs 28-31 CPPCRR  
<sup>57</sup> s.25A & s.25B CA as amended by CYPA and Reg 45 CPPCRR  
<sup>58</sup> CPPCRR & IROH  
<sup>59</sup> Re S (Minors)(Care Order: Implementation of care plan), Re W (Minors)(Care order: Adequacy of Care Plan)[2002] UKHL 10 [2002] 1 FCR 577  
<sup>60</sup> s. 26 CA Reg 33 CPPCRR  
<sup>61</sup> Para 4.6-4.8 G & R Vol 2  
<sup>62</sup> Para 3.77 IRO handbook  
<sup>63</sup> Reg 33(2) CPPCRR  
<sup>64</sup> Reg 48 CPPCRR  
<sup>65</sup> Para 4.21-4.23 G & R Vol 2  
<sup>66</sup> Reg 36 (2) CPPCRR  
<sup>67</sup> Adoption Agency Regulations 2005  
<sup>68</sup> Reg 36 CPPCRR; para 3.40-3.44 IROH  
<sup>69</sup> Para 3.39 IROH  
<sup>70</sup> Para 3.67-3.69 IROH  
<sup>71</sup> Para 3.71 IROH  
<sup>72</sup> Reg 36 CPPCRR, para 3.73 IROH & para 4.35-4.37 G & R Vol 2  
<sup>73</sup> Reg 37 CPPCRR  
<sup>74</sup> s.25B CA  
<sup>75</sup> s.26A CA  
<sup>76</sup> Para 3.50 IRO Handbook  
<sup>77</sup> Chapter 2 para 1 Adoption Guidance  
<sup>78</sup> Reg 2(1) CPPCRR  
<sup>79</sup> Reg 22B CPPCRR  
<sup>80</sup> Reg 39(2) CPPCRR 2010  
<sup>81</sup> Page 20 para 33, WT 2015  
<sup>82</sup> Reg 39 CPPCRR 2010  
<sup>83</sup> s 23CZA  
<sup>84</sup> s 23CZA(4)]  
<sup>85</sup> Article. 6 HRA 1998  
<sup>86</sup> Article 6 ECHR  
<sup>87</sup> Article 8 ECHR  
<sup>88</sup> S.7 HRA See for example: Re: C (A Child) [2007] EWCA Civ 2; Re: J (Care; assessment; fair trial) [2006] 2 FCR 107; [2007] 1 FLR 77

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