Local authority responsibilities towards children looked after following remand: consultation on changes to the Care Planning, Placement and Case Review Regulations 2010:
Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential. □

Reason for confidentiality:

Name Robert Tapsfield
Organisation (if applicable) The Fostering Network
Address:

87 Blackfriars Road, London SE1 8HA

If you have a query relating to the consultation process you can contact the CYPFD Team by telephone: 0370 000 2288 or via the Department's Contact Us' page.
Please mark the category which best describes you as a respondent

<table>
<thead>
<tr>
<th>Social worker</th>
<th>Local authority youth offending services</th>
<th>Providers/staff of youth detention accommodation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner</td>
<td>Local authority</td>
<td>Social worker based in youth offending institute</td>
</tr>
<tr>
<td>Care leaving services</td>
<td>Voluntary organisation</td>
<td>Government department</td>
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<tr>
<td>Independent Reviewing Officer</td>
<td>Other</td>
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Please Specify:
1 Do you accept that the framework of care planning and review for looked after children requires modification to take into account the circumstances of children who as a result of the remand framework, introduced by the Legal Aid, Sentencing and Punishment of Offenders Act (LASPOA), will become looked after?

<table>
<thead>
<tr>
<th>X Yes</th>
<th>No</th>
<th>Not Sure</th>
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Comments:
Yes, the statutory framework should reflect the fact that such children are looked after children and must have their welfare promoted and safeguarded as for all other looked after children, whilst recognising their specific circumstances and in particular its short term nature.

2 Do you agree with the proposal that the care plan for a child remanded into local authority accommodation should be produced within five working days of remand?

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<tr>
<th>X Yes</th>
<th>No</th>
<th>Not Sure</th>
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Comments:
It is vital that a care plan be produced as soon as possible following remand since this will be a time when the child is particularly vulnerable and also when there is a need to ensure that all those concerned with the child’s care are made fully aware of the child’s needs and their own role in meeting these needs.

We note that for other looked after children a care plan is required prior to their first placement or within ten working days when this is not practicable, and recognise that it will not be possible to agree a care plan prior to the remand order being made. However, given the nature of remands five working days is a significant period for a child to be in a placement without an agreed care plan being in place.

The proposals refer to a care plan and a placement plan, and we feel that it should be emphasised that the placement plan is an integral part of the care plan. This would help...
to ensure that due weight is given to the importance of the placement plan since in our experience this is not always the case. It is vital that a comprehensive placement plan covering the matters listed in Schedule 2 is agreed as a matter of urgency.

3 Do you agree that where children are remanded to local authority accommodation and are only looked after by virtue of their remand, the designated local authority should not be required to prepare a “plan for permanence”?

X Yes  ☐ No  ☐ Not Sure

Comments:

4 Do you agree that otherwise the care plan for children who are remanded to local authority accommodation and are only looked after by virtue of their remand should include all the other elements of a care plan as provided for in Part 2 of the Care Planning Regulations? If not – please explain which elements you consider should be omitted, with the reasons for your view.

X Yes  ☐ No  ☐ Not Sure
In all other aspects a care plan is vital to ensure clarity about the child’s needs and how these will be met by all concerned.

5 Do you agree that the review of a care plan for a child remanded to local authority accommodation should be managed in exactly the same way as any looked after child?

X Yes  □ No  □ Not Sure

6 Do you agree that where a child is remanded in youth detention accommodation (YDA) and is only looked after as a result of that remand, that rather than prepare a care plan, the local authority should be required to prepare a detention placement plan and that this should be signed by the senior officer of the YDA establishment?

X Yes  □ No  □ Not Sure
Statutory guidance should be issued setting out expectations regarding preparation of detention placement plans and requiring local authorities and YDAs to work together to draw up these plans.

The table of proposed elements of detention placement plans does not address sufficiently the need to set out the roles and responsibilities of everyone concerned with the child’s placement, as it asks a series of questions rather than establishing actions. The considerations for the responsible authority would be more useful if focused on addressing *how* needs are to be met rather than by asking if they are able to be met.

Under the dimension ‘emotional and behavioural development’ the detention placement plan should address how other vulnerabilities such as abuse and bullying will be addressed.

7 Do you agree that the timescale already established in regulations of 10 working days (Care Planning Regulations, regulation 2) is practical and realistic to enable a detention placement plan to be produced?

[ ] Yes  [X] No  [ ] Not Sure

Comments:
We do not understand the reference in the question to regulation 2, which defines interpretations.

For all other looked after children regulation 8 requires a placement plan to be prepared prior to the placement, or within five working days if this is not reasonably practicable. We accept that it will not be practicable to prepare a detention placement plan prior to the placement being made but it should be prepared within five working days as for other looked after children. Children who are on remand are likely to be particularly vulnerable and the safeguards and quality of planning must be of the same standards as for other looked after children.

8 Do you agree that where a child has been remanded in YDA, the role of the local authority should be to liaise with the secure establishment to establish that the day to
day arrangements for the child’s care are providing an appropriate response to their individual needs to safeguard them and promote their welfare?

<table>
<thead>
<tr>
<th>X Yes</th>
<th>No</th>
<th>Not Sure</th>
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</table>

Comments:

9 Do you consider that, rather than what we are proposing, the responsible authority, as far as practicable, should have responsibility for the delivery of specific services to looked after children in YDA (e.g. health assessment and education services)?

<table>
<thead>
<tr>
<th>Yes</th>
<th>X No</th>
<th>Not Sure</th>
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Comments:
The local authority should ensure that appropriate arrangements have been made and set out in the detention placement plan.

10 Do you consider that local authorities require more information about the legal requirements and processes that will need to be followed in situations where there are
concerns about the quality of services provided to individual looked after children by YDA?

<table>
<thead>
<tr>
<th>X Yes</th>
<th>No</th>
<th>Not Sure</th>
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Comments:
This should be addressed through statutory guidance.

11 Do you agree that the local authority’s detention placement plan should be reviewed by an Independent Reviewing Officer (IRO) at the same frequency as care plans for children in other settings?

<table>
<thead>
<tr>
<th>X Yes</th>
<th>No</th>
<th>Not Sure</th>
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Comments:

12 Are the issues listed under paragraph 4.5 the right ones to be considered in relation to how the child is supported whilst remanded in YDA?
The issues are the right ones, but in addition the IRO should ensure that the child has access to an independent advocate.

13 Do you agree that Independent Reviewing Officers (IROs) should be the professionals who take the lead for coordinating meetings to review the range of plans in place for a child on remand in YDA?

14 Is the information in the current IRO Handbook sufficient or would IROs require further guidance on the implications of conducting reviews in secure settings?
15 Do staff in youth justice services, including staff in YDA, require more information and guidance about the crucial role of the IRO in care planning and review processes?

- ☑ Yes
- ☐ No
- ☐ Not Sure

Comments:
The IRO has a crucial role and it is important that this is fully understood, particularly in the light of these proposed changes.

16 If you consider that an alternative approach to review would be more appropriate please outline what this should be.
17 Do you agree that the duty in the new regulation 47G provides for the local authority to give adequate consideration the support the child could require when their remand ceases and they are no longer looked after?

| X Yes | No | Not Sure |

Comments:
This provision seems proportionate and does not prevent the local authority from undertaking a needs assessment if this appears necessary.

18 Or should the duty towards children who become looked after as a result of the remand framework in LASPOA be strengthened, so that the designated authority must assess the child’s needs when they cease to be looked after, in the same way that
authorities should assess the needs of looked after children who are “eligible children” for care leaving purposes (see regulation 42 of the Care Planning Regulations)?

Yes  X No  Not Sure

Comments:

19 Please use this space for any other comments you would like to make.

Comments:

The proposals are likely to lead to increased demands on IROs, local authority social workers and others, and it is important that services should have the capacity to deal with this. There will also be implications for local authority sufficiency planning to ensure that enough foster care, residential and other placements are available.
Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply □

E-mail address for acknowledgement: ____________________________

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

☐ Yes  ☐ No

All DfE public consultations are required to meet the Cabinet Office Principles on Consultation

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and consult with those who are affected
- consultation should be ‘digital by default’, but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

Responses should be completed on-line or emailed to the relevant consultation email box. However, if you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Coordinator, tel: 0370 000 2288 / email: carole.edge@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 6 February 2013
Send by post to: Placement Team, Level 5, St Paul's Place, 125 Norfolk Street, Sheffield S1 2FS

Send by e-mail to: CarePlanning.CHANGES@education.gsi.gov.uk