
STATUTORY INSTRUMENTS

2011 No. 582

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

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011 and come into force on 1st April 2011.

(2) These Regulations apply in relation to England only.

Interpretation

2.—(1) In these Regulations—

“the 1989 Act” means the Children Act 1989;

“the 2000 Act” means the Care Standards Act 2000(1);

“foster parent” means a person with whom a child is placed, or may be placed, under these Regulations by a voluntary organisation under section 59(1)(a) of the 1989 Act;

“fostering agency” has the meaning given in section 4(4) of the 2000 Act(2);

“fostering service provider” means—

(a) a fostering agency, or

(b) in relation to a local authority fostering service, a local authority;

“placement” means the provision of accommodation for a child who is not looked after(3) by a local authority—

(a) by a voluntary organisation(4) by any of the means specified in section 59(1)(a), (aa)(5) or (f) of the 1989 Act (provision of accommodation by voluntary organisations), and

(1) 2000 c.14.

(2) That is, (a) an undertaking which consists of or includes discharging functions of local authorities in connection with the placing of children with foster parents, or (b) a voluntary organisation which places children with foster parents under section 59(1) of the 1989 Act.

(3) For the meaning of a child who is “looked after” see section 22(1) of the 1989 Act, as amended by paragraph 19 of Schedule 5 to, the [Local Government Act 2000\(c.22\)](#), section 2 of the Children (Leaving Care) Act 2000 (c.35) and section 116(2) of the Adoption and Children Act 2002 (c.38).

(4) “Voluntary organisation” is defined in section 105(1) of the 1989 Act as “a body (other than a public or local authority) whose activities are not carried on for profit”.

(5) Paragraph (aa) was substituted by paragraph 14(1) and (8)(a) of Schedule 4 to the Care Standards Act 2000 (“the 2000 Act”) and subsequently amended by paragraph 2(1) and (2) of Schedule 1 to the 2008 Act.

- (b) in a private children’s home (6)(otherwise than by, or on behalf of, a local authority(7), or voluntary organisation),

and references to “place” or “placed” are to be construed accordingly;

“placement plan” has the meaning given in regulation 4(1);

“Primary Care Trust” means a Primary Care Trust continued or established in accordance with section 18 of the National Health Service Act 2006(8);

“responsible authority” means—

- (a) in relation to a placement by a voluntary organisation of a child, the voluntary organisation which place the child, and
- (b) in relation to a placement in a private children’s home of a child who is neither looked after by a local authority nor accommodated in such a home by a voluntary organisation, the person carrying on the home.

(2) In these Regulations any reference to any document or other record includes any such document or record that is kept or provided in a readily accessible form and includes copies or original documents and electronic methods of recording information.

Application of Regulations

3. These Regulations do not apply to a placement of a child, otherwise than by a voluntary organisation, in a school which is a children’s home within the meaning of section 1(6) of the 2000 Act.

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.

(6) “Private children’s home” is defined in section 105(1) of the 1989 Act as “a children’s home in respect of which a person is registered under Part 2 of the Care Standards Act 2000 which is not a community home or a voluntary home”.

(7) “Local authority” is defined in section 105(1) of the 1989 Act as, in relation to England, “the council of a county, a metropolitan district, a London Borough or the Common Council of the City of London”. Any reference in the 1989 Act to a “local authority” is to be construed as including a reference to the Council of the Isles of Scilly: see the Isles of Scilly ([Children Act 1989](#)) Order 2010, [S.I. 2010/1116](#), article 2.

(8) [2006 c.41](#).

(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.

PART 3

Placements by a voluntary organisation with a foster parent

General duty of voluntary organisation

11. A voluntary organisation⁽⁹⁾ must not place a child with a foster parent unless they are satisfied that—

- (a) the placement is the most suitable way of performing their duty under section 61(1)(a) and (b) of the 1989 Act, and
- (b) placement with a particular foster parent is the most suitable placement having regard to all the circumstances.

Making of placements

12.—(1) A voluntary organisation may only place a child with a foster parent if—

- (a) the foster parent is approved by—
 - (i) that voluntary organisation, or
 - (ii) provided the conditions specified in paragraph (2) are satisfied, another fostering service provider,
- (b) the terms of the foster parent's approval are consistent with the proposed placement, and
- (c) the foster parent has entered into a foster care agreement either with the voluntary organisation or with another fostering service provider in accordance with regulation 27(5) (b) of the Fostering Services (England) Regulations 2011⁽¹⁰⁾.

(2) The conditions referred to in paragraph (1)(a)(ii) are—

- (a) that the fostering service provider by whom the foster parent is approved, consents to the placement, and
- (b) that any other fostering service provider or any local authority which already have a child placed with the foster parent, consent to the placement.

Visits

13.—(1) A voluntary organisation must satisfy themselves that the welfare of each child placed by them with a foster parent continues to be suitably provided for by the placement, and for that purpose the voluntary organisation must make arrangements for a person authorised by the organisation to visit the child, where the child is living—

- (a) from time to time as circumstances may require,
- (b) when reasonably requested by the child or the foster parent, and
- (c) in any event (subject to regulation 28)—

⁽⁹⁾ A voluntary organisation which places children with foster parents under section 59(1) of the 1989 Act is a fostering agency and must be registered under Part 2 of the 2000 Act (see section 11 of that Act).

⁽¹⁰⁾ S.I. 2011/581.

- (i) in the first year of the placement, within 1 week from the start of the placement and then at intervals of not more than 6 weeks, and
 - (ii) subsequently, at intervals of not more than 3 months.
- (2) On each occasion on which the child is visited under this regulation the voluntary organisation must ensure that the person they have authorised to carry out the visit—
- (a) sees the child alone unless the child, being of sufficient age and understanding to do so, refuses, and
 - (b) prepares a written report of the visit.

PART 4

Other Duties

Termination of placements

14.—(1) A voluntary organisation must not allow a placement to continue if it appears to them that the placement is no longer the most suitable way of performing their duty under section 61(1) (a) and (b) of the 1989 Act.

(2) Where it appears to the local authority within whose area the child is placed, that there is a risk of immediate significant harm to the child, the local authority must remove the child immediately.

(3) A local authority which remove a child under paragraph (2) must notify, as soon as reasonably practicable, the responsible authority and any persons specified under regulation 7(1) whom they consider should be notified.

Placements outside England

15. A voluntary organisation must not place a child outside the British Islands.

Local authority visits to children

16.—(1) Every local authority must arrange for an officer of the local authority to visit every child who is placed within their area as follows—

- (a) subject to regulation 28, within 28 days of the start of the placement,
- (b) within 14 days of receipt of a request from the responsible authority, and
- (c) as soon as reasonably practicable if, having received—
 - (i) the child's placement plan under regulation 7(3),
 - (ii) the results of the review under regulation 23(3)(b), or
 - (iii) any other information,

they consider that the child's welfare is not being adequately safeguarded or promoted.

(2) Every local authority must ensure that a person carrying out a visit in accordance with paragraph (1)—

- (a) sees the child in private during the course of the visit unless—
 - (i) the child, being of sufficient age and understanding to do so, refuses,
 - (ii) the person carrying out the visit considers it inappropriate to do so, having regard to the child's age and understanding, or
 - (iii) the person carrying out the visit is unable to do so, and

- (b) takes steps to discover whether the responsible authority have made suitable arrangements to perform their duties under these Regulations, and those under sections 61 and 64 of the 1989 Act.
- (3) A local authority must report to Her Majesty's Chief Inspector of Education, Children's Services and Skills any concerns they may have about the responsible authority.

PART 5

Reviews of children's cases

Reviews of children's cases

17. The responsible authority must review a child's case in accordance with these Regulations, so long as the child remains placed.

18.—(1) Each responsible authority must appoint a person ("the independent reviewing officer") in respect of each child's case to carry out the following functions—

- (a) participating in any review of the child's case,
- (b) monitoring the performance of the authority's functions in respect of the review, and
- (c) referring the case to an officer of the Children and Family Court Advisory and Support Service(11) or a Welsh family proceedings officer(12) where the child is ordinarily resident in Wales, if the independent reviewing officer considers it appropriate to do so.

(2) The independent reviewing officer must be a person who is registered as a social worker in a register maintained by the General Social Care Council or by the Care Council for Wales under section 56 of the 2000 Act or in a corresponding register maintained under the law of Scotland or Northern Ireland.

(3) The independent reviewing officer must be a person who, in the opinion of the responsible authority, has sufficient relevant social work experience to undertake the functions mentioned in paragraph (1) in relation to the case.

(4) A person who is an employee of the responsible authority may not be appointed as an independent reviewing officer in a case if that person is involved in preparing the child's placement plan or is under the direct management of—

- (a) a person involved in preparing the child's placement plan,
- (b) a person with management responsibilities in relation to a person mentioned in subparagraph (a), or
- (c) a person with control over the resources allocated to the case.

(5) The independent reviewing officer must, as far as reasonably practicable, attend any meeting held in connection with the review of the child's case and, if attending the meeting, chair it.

(6) The independent reviewing officer must, as far as reasonably practicable, take steps to ensure that the review is conducted in accordance with these Regulations and in particular to ensure—

- (a) that the child's views, having regard to their age and understanding, are understood and taken into account,

(11) This Service was established by section 11 of the Criminal Justice and Court Services Act 2000 (c.43) and exercises the functions conferred on it by virtue of that Act and any other enactment.

(12) "Welsh family proceedings officer" is defined in section 105(1) of the 1989 Act as having the meaning given by section 35 of the Children Act 2004 (c.31).

- (b) that the persons responsible for implementing any decision taken in consequence of the review are identified, and
 - (c) that any failure to review the case in accordance with these Regulations or to take proper steps to make arrangements in accordance with regulation 24 is brought to the attention of persons at an appropriate level of seniority within the responsible authority.
- (7) It is the duty of the independent reviewing officer to explain to the child any steps which the child may take under the 1989 Act including, where appropriate—
- (a) the child’s right to apply, with leave, for a section 8 order (residence, contact and other orders with respect to children), and
 - (b) the availability of the procedure established by local authorities under section 26(3)(13) of the 1989 Act for considering any representations (including complaints) the child may wish to make about the discharge by a local authority of their functions.
- (8) If the child whose case is reviewed wishes to take proceedings under the 1989 Act, the independent reviewing officer must—
- (a) assist the child to obtain legal advice, or
 - (b) establish whether an appropriate adult is able and willing to provide such assistance or bring the proceedings on the child’s behalf.

Time when each case to be reviewed

- 19.**—(1) Each case must first be reviewed within 4 weeks of the date on which the child is placed.
- (2) The second review must be carried out not more than 3 months after the first and thereafter subsequent reviews must be carried out at intervals of not more than 6 months.
- (3) A review must be carried out before the time specified in paragraph (1) or (2) if the child or the independent reviewing officer so requests.
- (4) This regulation is subject to regulation 28.

Manner in which cases are to be reviewed

- 20.**—(1) Each responsible authority must set out in writing their arrangements governing the manner in which the case of each child must be reviewed and must draw the written arrangements to the attention of those specified in regulation 23(1).
- (2) The responsible authority must make arrangements to co-ordinate the carrying out of all aspects of the review of that child’s case.
- (3) The responsible authority must nominate a person to assist the authority in the co-ordination of all aspects of the review.
- (4) The manner in which each case is reviewed must, so far as practicable, include the elements specified in Schedule 3.
- (5) Nothing in these Regulations prevents the carrying out of any review under these Regulations and any other review, assessment or consideration under any other provision at the same time.

Considerations to which the responsible authority are to have regard

- 21.** The considerations to which the responsible authority are to have regard so far as is reasonably practicable in reviewing each case are the considerations concerning the health and education of the child listed in Schedule 1 and the considerations specified in Schedule 4.

Health reviews

22.—(1) Subject to paragraph (2), the responsible authority must, in respect of each child who remains placed—

- (a) arrange for an assessment, which may include a physical examination, of the child’s state of health, to be conducted by a registered medical practitioner, or a registered nurse or registered midwife acting under the supervision of a registered medical practitioner—
 - (i) at least once in every period of 6 months before the child’s fifth birthday, and
 - (ii) at least once in every period of 12 months after the child’s fifth birthday,
- (b) require the person who carried out the assessment to prepare a written report which addresses the matters listed in paragraphs 1 to 5 of Schedule 1, and
- (c) review the plan for the future health of the child prepared under regulation 6(1)(c) at the intervals set out in sub-paragraphs (i) and (ii) of sub-paragraph (a).

(2) 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.

Consultation, participation and notification

23.—(1) Before conducting any review in accordance with regulation 17, the responsible authority must, unless it is not reasonably practicable to do so, seek and take into account the views of—

- (a) the child,
- (b) the child’s parents,
- (c) any person who is not a parent of the child but who has parental responsibility for that child, and
- (d) any other person whose views the authority consider to be relevant, including, in particular, the views of those persons in relation to any particular matter which is to be considered in the course of the review.

(2) The responsible authority must, so far as is reasonably practicable, involve the persons whose views are sought under paragraph (1) in the review and, in order to do so, may invite those persons to attend any meeting held in connection with the review of the child’s case as appropriate.

(3) The responsible authority must, so far as is reasonably practicable, notify details of the result of the review and of any decision taken by them in consequence of the review to—

- (a) the persons listed at paragraph (1)(a) to (c),
- (b) the local authority in whose area the child is placed, and
- (c) to any other person whom they consider ought to be notified.

Arrangements for implementation of decisions arising out of reviews

24. The responsible authority must make arrangements themselves or with other persons to implement any decision which the authority propose to make in the course, or as a result, of the review of a child’s case.

Matters to be notified to the independent reviewing officer

25. The responsible authority must inform the independent reviewing officer of—

- (a) any significant failure to make arrangements in accordance with regulation 24, or

- (b) any significant change of circumstances occurring after the review that affects those arrangements.

Monitoring arrangements for reviews

26. Each responsible authority must monitor the arrangements which they have made with a view to ensuring that they comply with these Regulations.

Recording review information

- 27.** Each responsible authority must ensure that the following matters are recorded in writing—
- (a) information obtained in respect of the review of a child’s case,
 - (b) details of the proceedings at any meeting arranged by the authority at which the child’s case is considered in connection with any aspect of the review of that case, and
 - (c) details of any decisions made in the course of or as a result of the review.

PART 6

Miscellaneous

Application of Regulations to short-term placements

28.—(1) This regulation applies where a child is placed in a series of short-term placements with the same person or in the same accommodation and the arrangement is such that no single placement is intended to last for longer than 17 days and the total duration of the placements does not exceed 75 days in any period of 12 months.

(2) Any series of short-term placements to which this regulation applies may be treated as a single placement for the purposes of these Regulations and in such a case the Regulations apply with the modifications set out in paragraphs (3) to (5).

(3) Regulation 13(1)(c) applies as if it required arrangements to be made for visits to the child on a day when the child is in fact placed (“a placement day”)—

- (a) within the first 7 placement days of a series of short-term placements, and
- (b) thereafter, if the series of placements continues, at intervals of not more than 6 months or, if the interval between placements exceeds 6 months, during the next placement.

(4) Regulation 16(1)(a) applies as if it required arrangements to be made for visits to the child on a placement day within the first 7 placement days of a series of short-term placements.

(5) Regulation 19 does not apply to a case to which this regulation applies, but instead—

- (a) each such case is first to be reviewed within 3 months of the beginning of the first of the short-term placements,
- (b) if the case continues, the second review must be carried out not more than 6 months after the first, and
- (c) thereafter, if the case continues, subsequent reviews must be carried out not more than 6 months after the date of the previous review.

Revocations

29. The Arrangements for Placement of Children (General) Regulations 1991(**14**) and the Review of Children's Cases Regulations 1991(**15**) are revoked.

3rd March 2011

Tim Loughton
Parliamentary Under Secretary of State
Department for Education

(14) S.I. 1991/890, amended by S.I. 2002/546.

(15) S.I. 1991/895, amended by S.I. 2002/546, 2004/1419 and 2004/2253.