WELSH STATUTORY INSTRUMENTS

2007 No. 307 (W.26)

SOCIAL CARE, WALES

The Review of Children's Cases (Wales) Regulations 2007

Made - - - -	*6 February 2007*
Coming into force - -	*1 July 2007*

The National Assembly for Wales in exercise of the powers conferred by sections 26(1), (2), (2A) and (2B), 59(4)(a) and (5) and 104(1) and (4) of, and paragraphs 10(1) and (2)(l) of Schedule 6 to, the Children Act 1989(**1**) makes the following regulations:

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the Review of Children's Cases (Wales) Regulations 2007 and they will come into force on 1 July 2007.

(2) In these Regulations, unless the context otherwise requires—

"the Act" ("*y Ddeddf*") means the Children Act 1989;

"the area in which the child is ordinarily resident"("*yr ardal y mae'r plentyn yn preswylio ynddi fel arfer*") means the local authority area in which the child has his home;

"independent visitor" ("*ymwelydd annibynnol*") means an independent visitor appointed under paragraph 17 of Schedule 2 to the Act;

"link worker" ("*gweithiwr dolen gyswllt*") means a member of staff of a children's home appointed in accordance with the Children's Homes (Wales) Regulations 2002(**2**) with particular responsibility for protecting and promoting the health and educational welfare of an individual child and for liaison with education and health care providers on that child's behalf;

"panel" ("*panel*") means a panel of representatives from such agencies as may assist a responsible authority in planning the placement of a child and in meeting that child's needs during the placement;

"placed for adoption" ("*wedi'i 'leoli i'w fabwysiadu*") means placed pursuant to the Adoption and Children Act 2002(**3**) or the Adoption Act 1976(**4**);

(**1**) 1989 c. 41. These powers are exercisable by the Secretary of State. In relation to Wales the functions are transferred to the National Assembly for Wales by Article 2 of, and the entry for the 1989 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 S.I.1999/672 and section 145(1) of the Adoption and Children Act 2002. Section 26 was amended by section 118 of the Adoption and Children Act 2002 c. 38.

(**2**) The Children's Homes (Wales) Regulations 2002 (S.I.2002/327 (W.40)). The requirement to appoint a "link worker" is inserted in regulation 11 of the Children's Homes (Wales) Regulations by regulation 2(c) of the Children's Homes (Wales) (Amendment) Regulations 2007 (2007/311 (W.28)).

(**3**) 2002 c. 38.

"registered medical practitioner" ("*ymarferydd meddygol confrestredig*") means a fully registered person within the meaning of the Medical Act 1983(**5**);

"registered nurse" ("*nyrs gofrestredig*") means a person registered with the Nursing and Midwifery Council(**6**).

"responsible authority" ("*awdurdod cyfrifol*") means in relation to—

(a) a placement by a local authority (including one in which the child is accommodated and maintained in a voluntary home or private children's home), the local authority which places the child,

(b) a placement by a voluntary organisation of a child who is not looked after by a local authority, the voluntary organisation which places the child, and

(c) 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.

(3) Any notice required under these Regulations is to be given in writing and may be sent by post.

(4) In these Regulations, unless the context otherwise requires—

(a) any reference to a numbered regulation is to the regulation in these Regulations bearing that number and any reference in any regulation to a numbered paragraph is to the paragraph of that regulation bearing that number;

(b) any reference to a numbered Schedule is to the Schedule to these Regulations bearing that number.

(5) These Regulations apply in relation to Wales.

Duty to review children's cases

2. Each responsible authority must review in accordance with these Regulations the case of each child while he or she is being looked after or provided with accommodation by them.

Independent Reviewing Officers

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

(a) participating in the review of the case in question;

(b) monitoring the performance of that authority's functions in respect of the review;

(c) refer the case to a Welsh Family Proceedings Officer or an officer of the Children and Family Court Advisory and Support Service, where the child is ordinarily resident in England, if the independent reviewing officer considers it appropriate to do so.

(2) The independent reviewing officer must have significant experience in social work and hold a Diploma in Social Work or a Social Work Degree or an equivalent qualification recognised by the Care Council for Wales(**7**).

(3) The independent reviewing officer must be registered as a social worker in a register maintained by the Care Council for Wales or by the General Social Care Council, under section 56 of the Care Standards Act 2000(**8**) or in a corresponding register maintained under the law of Scotland or Northern Ireland.

(**4**) 1976 c. 36.
(**5**) 1983 (c. 54).
(**6**) Established by the Nursing and Midwifery Council Order 2001 S.I. 2002/253 which came into force on 12 February 2002.
(**7**) Established by section 54(1)(b) of the Care Standards Act 200 c.14.
(**8**) Care Standards Act 2000 (c. 14).

(4) Where an independent reviewing officer carries out functions under these regulations in Wales and is registered as a social worker in a register other than that maintained by the Care Council for Wales, he or she must register as a social worker with the Care Council for Wales for the period in which he or she carries out those functions.

(5) Where the independent reviewing officer is an employee of the responsible authority the independent reviewing officer's post within that authority must not be under the direct management of—

(a) a person involved in the management of the case;

(b) a person with management responsibilities in relation to a person mentioned in sub-paragraph (a); or

(c) a person with control over the resources allocated to the case.

(6) The independent reviewing officer must as far as reasonably practicable chair any meeting held to consider the child's case in connection with the review of that case.

(7) 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 are understood and taken into account;

(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 or carry out arrangements in accordance with regulation 9 is brought to the attention of persons at an appropriate level of seniority within the responsible authority.

(8) In the case of a child who wishes to take proceedings under the Act, for example to apply to the court for contact or for a discharge of a care order, it is the function of the independent reviewing officer—

(a) to assist the child to obtain legal advice; or

(b) to 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

4.—(1) Each case must first be reviewed within four weeks of the date on which the child begins to be looked after or provided with accommodation by the responsible authority.

(2) The second review must be carried out no more than three months after the first and thereafter subsequent reviews must be carried out no more than six months after the date of the previous review.

(3) Nothing in this regulation prevents the responsible authority from reviewing the case before the time specified in paragraph (1) or (2) and, in particular, they must do so if the independent reviewing officer so directs.

(4) This regulation is subject to regulation 12 (application of regulations to short periods).

Manner in which cases are to be reviewed

5.—(1) Each responsible authority must set out in writing their arrangements governing the manner in which the case of each child is to be reviewed and must draw the written arrangements to the attention of those specified in regulation 8(1).

(2) The responsible authority which is looking after or providing accommodation for a child 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 appoint one of their officers to assist the authority in the co-ordination of all the aspects of the review.

(4) The manner in which each case is reviewed must, so far as practicable, include the elements specified in Schedule 1.

(5) Nothing in these Regulations must prevent 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 responsible authorities are to have regard

6. The considerations to which the responsible authority are to have regard so far as is reasonably practicable in reviewing each case are the general considerations specified in Schedule 2 and the considerations concerning the health of the child specified in Schedule 3.

Health reviews

7.—(1) Subject to paragraph (5), the responsible authority must, in respect of each child who continues to be looked after or provided with accommodation by them, make arrangements for a registered medical practitioner or a registered nurse, to conduct an assessment, which may include a physical examination, of the child's state of health—

(a) at least once, and more frequently if the child's welfare requires it, in every period of six months before the child's fifth birthday; and

(b) at least once, and more frequently if the child's welfare requires it, in every period of twelve months after the child's fifth birthday.

(2) The responsible authority must require the person who carried out the assessment under paragraph (1) to prepare a written report which addresses the matters listed in Schedule 3, with particular reference to the child's state of mental health.

(3) The responsible authority must review the plan for the future health of the child prepared in accordance with regulation 8(1)(d) of the Placement of Children (Wales) Regulations 2007(**9**) at the intervals set out in sub-paragraphs (a) and (b) of paragraph (1).

(4) The reference in paragraph (3) to a plan for the future health of the child includes a plan prepared in accordance with regulation 7(1)(c) of the Arrangements for Placement of Children (General) Regulations 1991(**10**)

(5) Paragraph (1) does not apply if the child, being of sufficient understanding to do so, refuses to consent to the assessment.

Consultation, participation and notification

8.—(1) Before conducting any review 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) his or her parents;

(c) any person who is not a parent of the child but who has parental responsibility for him or her;

(d) where the child is placed in a children's home, the child's link worker; and

(e) any other person whose views the authority consider to be relevant;

(**9**) Placement of Children (Wales) Regulations 2007 (S.I.2007/310 (W.27).

(**10**) The Arrangements for Placement of Children (General) Regulations 1991 (S.I. 1991/890) were revoked and re-enacted in relation to Wales on 1 July 2007 by the Placement of Children (Wales) Regulations 2007 S.I. 2007/310 (W.27).

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 including, where the authority consider appropriate, the attendance of those persons at part or all of any meeting which is to consider the child's case in connection with any aspect of the review of that case.

(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 child;

(b) his or her parents;

(c) any person who is not a parent of the child but who has parental responsibility for him or her;

(d) where the child is placed in a children's home, the child's link worker; and

(e) any other person whom they consider ought to be notified.

Arrangements for implementation of decisions arising out of reviews and notification to independent reviewing officer

9.—(1) The responsible authority must make and carry out 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.

(2) The responsible authority must inform the independent reviewing officer of—

(a) any significant failure to make or carry out arrangements in accordance with paragraph (1); and

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

Monitoring arrangements for reviews

10. 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

11. Each responsible authority must ensure that—

(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;

are recorded in writing.

Application of Regulations to short periods

12.—(1) This regulation applies to cases in which a responsible authority has arranged that a child should be looked after or provided with accommodation for a series of short periods at the same place and the arrangement is such that no single period is to last for more than four weeks and the total duration of the periods is not to exceed 120 days in any period of 12 months.

(2) Regulation 4 does not apply to a case to which this regulation applies, but instead—