WELSH STATUTORY INSTRUMENTS

2002 No. 3013 (W.285)

CHILDREN AND YOUNG PERSONS

The Arrangements for Placement of Children (General) and the Review of Children's Cases (Amendment) (Wales) Regulations 2002

Made - - - -	*4th December 2002*
Coming into force - -	*1st January 2003*

The National Assembly for Wales, in exercise of the powers conferred by sections 23(2)(a) and (f), 26(1),(2),(5) and (6) and 104(4) of the Children Act 1989(**1**), hereby makes the following regulations:

Citation, commencement and application

1.—(1) These regulations may be cited as the Arrangements for Placement of Children (General) and the Review of Children's Cases (Amendment) (Wales) Regulations 2002 and shall come into force on 1st January 2003.

(2) These regulations apply in relation to Wales.

Amendment of the Arrangements for Placement of Children (General) Regulations 1991

2.—(1) The Arrangements for the Placement of Children (General) Regulations 1991(**2**) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 5(1) (notification of arrangements)—

(a) For sub-paragraph (b) substitute—

"(b) the Health Authority for the area in which the child is living and, if it is different, the Health Authority (or, where applicable, Primary Care Trust) for the area in which the child is to be placed;";

(b) in sub-paragraph (c), at the end, add " and, if it is different, for the area in which the child is to be placed;"; and

(**1**) 1989 c. 41. The powers are conferred upon the Secretary of State. They are exercisable by the National Assembly for Wales in relation to Wales by virtue of section 22(1) of the Government of Wales Act 1998 (c. 38), and article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) and the entry in respect of the Children Act 1989 in Schedule 1 to that Order.

(**2**) S.I. 1991/890 as amended by S.I. 1991/2033, S.I. 1993/3069, S.I.1995/2015 and S.I. 1997/649.

(c) in sub-paragraph (d), at the end, add "and, where applicable, any registered medical practitioner with whom the child is to be registered following the placement;".

(3) For regulation 7 (health requirements) substitute—

"**Health assessments**

7.—(1) subject to paragraphs (3) and (4), a responsible authority shall—

(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, 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 Schedule 2; and

(c) having regard to the matters listed in Schedule 2 and, unless paragraph (4) applies, to the assessment report, prepare a plan for the future health of the child if one which fully reflects the current needs of the child is not already in existence.

(2) A responsible authority shall 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, medical and dental care and health promotion issues appropriate to his needs.

(3) Paragraph (1) does not apply if, within the three month period immediately preceding the placement, the child's health has been assessed, and a report of the assessment prepared, in accordance with that paragraph.

(4) Sub-paragraphs (a) and (b) of paragraph (1) do not apply if the child, being of sufficient understanding to do so, refuses to consent to the assessment.".

(4) In Schedule 2 (health considerations to which responsible authorities are to have regard)—

(a) in paragraph 1, at the end, add "including his physical, emotional and mental health.";

(b) in paragraph 2, at the end, add "including, as far as practicable, his family health history."; and

(c) in paragraph 6, at the end, add "and for advice and guidance on health, personal care and health promotion issues appropriate to the child's needs.".

Amendment of the Review of Children's Cases Regulations 1991

3.—(1) The Review of Children's Cases Regulations 1991(**3**) shall be amended in accordance with the following provisions of this regulation.

(2) For regulation 6 (health reviews), substitute—

"**Health reviews**

6.—(1) Subject to paragraph (2), the responsible authority shall, in respect of each child who continues to be looked after or provided with accommodation by them—

(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

(**3**) S.I. 1991/895, as amended by S.I. 1991/2033, S.I. 1993/3069, S.I. 1995/2015 and S.I. 1997/649.