

Article 39

THE ADOPTION AND CHILDREN (CORONAVIRUS) (AMENDMENT) REGULATIONS 2020

Statutory instrument 445 Changes to legal protections for children

Briefing for Secondary Legislation Scrutiny Committee

Statutory instrument 445 makes around 100 changes in all to 10 sets of children's social care regulations. Within this, we identify 65 separate removals or dilutions of children's legal protections (numbered below).

General concerns

We are deeply concerned that the Department for Education has made around 100 changes to 10 sets of children's social care regulations without any public consultation or Parliamentary scrutiny. No evidence or rationale has been produced for individual changes.

The Explanatory Memorandum to the Regulations states that it was not possible to comply with the rule which requires relevant instruments to be laid before Parliament for at least 21 days prior to coming into force because "children's social care resources are already stretched as a result of staffing shortages and an increased demand for services". The Department for Education also claims to have "consulted informally with the sector who have asked for these changes to be in force as a matter of urgency". However, organisations said to have been consulted have publicly refuted this on social media – among them the Local Government Association, the Association of Directors of Children's Services and the Principal Children and Families Social Worker Network.

Many of the changes directly interfere with the human rights of very vulnerable children.

The Memorandum's section on Impact makes no reference to the actual impact on children and outlines that a **proper impact assessment has not been prepared** because "the changes are temporary".

A statement has not been made about the compatibility of SI 445 with the UK's human rights obligations, because it is subject to the negative resolution procedure. We have a copy of the Department for Education's unpublished 'final' child rights impact assessment (dated 15 April – eight days before the SI was laid before Parliament). This does not address key protections afforded to children through the Human Rights Act or review the changes against all relevant provisions of the UN Convention on the Rights of the Child. Only the treaty's general principles are considered. The assessment describes the changes as "low risk" and "relatively small scale". We strongly reject these assertions.

The Department for Education has sought (unsuccessfully) to impose several of the most significant changes before – through 'exemption clauses' in the Children and Social Work Bill 2016/17 and a so-called 'myth busting' guide in 2018/19. A review of foster care carried out for the department,

published in 2018, similarly made recommendations to remove vital safeguards (which were not evidenced by the review itself).

The expiry date of SI 445 has been tied to the review process of the Coronavirus Act 2020, which permits all or none of the legislation to be extended. There is no duty in the SI to consult affected children, young people and families, or professionals and other interest groups. We therefore fear the review process for this SI will be insufficient to protect the rights of children. Moreover, when the Children's Minister was before the Education Select Committee, on 22 April, the day after she had signed the SI (though before it was published), she indicated the changes could become permanent. That exchange (Question 24) is reproduced below (and it is important to note that the Local Government Association supported the exemption clauses in 2016/17):

David Simmonds MP (a former Deputy Chair of the Local Government Association): *Minister, coming back to this point about statutory duties, a review by the Department has found that some of statutory duties are leading to local authorities having to undertake activities that are not useful or purposeful, in particular, some of the reviews that are required under the statutory duties—help by foster carers, prospective adopters, the children in the care system—are found not to have improved their experience. Is the Department learning, and will it learn, from the suspension of any of those statutory duties, to see where it has exposed the fact that they were not leading to purposeful activity, with a view to dispensing with those statutory duties and freeing people up to do more useful things in future?*

Vicky Ford MP (Minister): *That is exactly the point, David, about why we are laying in place the statutory instrument in order to implement flexibility on certain statutory duties. We are focused on giving that flexibility on the lower risk areas in order to make sure that the experts on the ground can be focused on what they need to do now. It does need to be done in a risk assessed way. I signed the statutory instrument last night and it will be coming before Parliament as a new statutory instrument and that will do exactly what we need, which is having worked with directors of children's service to identify where they need this flexibility to make sure that they can get that, if they need it. They should always try to do first what they normally do—they have to use their reasonable and best endeavours, but it will give them legal flexibility. Safeguarding must come first in every case.*

David Simmonds MP: *Exactly what I was hoping to hear, Minister. Thank you.*

Specific areas of greatest concern (nos. in brackets correspond with those in the Table in the Appendix)

1. Dilution of statutory timescales for social worker visits to looked after children, and to children who are privately fostered **(35-36 & 19)**;
2. Loss of timescales for statutory reviews of the welfare of children in care **(37)**;
3. Loss of safeguards for children who come in and out of care system (short breaks redefined) **(40-42)**;
4. Removal in regulations of priority placement of looked after children with 'connected persons' (relative, friend or other person connected to the child) (contrary to s22C Children Act 1989) **(26)**;
5. Loss of independent scrutiny in adoption (pre-court stage), including intercountry adoption **(5-6, 13-15)**;
6. Loss of safeguards for children placed with foster parents who are also approved as prospective adoptive parents **(29-30)**;
7. Loss of safeguards for looked after children placed with foster parents out of area **(26)**;
8. Emergency foster placements may last for 24 weeks, instead of 6 working days **(32)**;
9. Dilution of duty on fostering services to notify Ofsted of criminal convictions **(45)**;
10. Dilution of duty on children's homes providers to ensure independent persons visit and write a report each month **(60)**;
11. Children living in children's homes may now be deprived of their liberty in accordance with an exercise of powers under Schedule 21 to the Coronavirus Act 2020 (powers to detain a potentially infected person) **(59)**;
12. Relaxation of placement planning duty for children remanded to custody **(39)**;

13. Weakening of statutory care and education standards in children's homes (57-58);
14. Weakening of health and welfare duty of residential family centres (where parenting is monitoring and assessed) (1);
15. Dilution of statutory timescales for inspection of children's homes (including secure children's homes), residential family centres, voluntary adoption agencies, adoption support agencies and fostering agencies (61-65);
16. Loss of statutory timescales for independent panel meetings and report where a person (including looked after children and care leavers) has made a formal children's social care complaint (20-22).

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Appendix: Legal protections for vulnerable children lost or weakened through Statutory Instrument 445 (full list)

NB Where a safeguard has been previously counted, or we do not consider it amounts to a loss or dilution of protection, we indicate this through '...'

RESIDENTIAL FAMILY CENTRES REGULATIONS 2002		
1	Health and welfare of residents 10.—(1) The registered person shall ensure that the residential family centre is conducted so as to— (a) promote and make proper provision for the health and welfare of residents; (b) make such provision for the care, treatment, education and supervision of residents as is appropriate to their age and needs.	Health and welfare of residents 10.—(1) The registered person shall use reasonable endeavours to ensure that the residential family centre is conducted so as to— (a) promote and make proper provision for the health and welfare of residents; (b) make such provision for the care, treatment, education and supervision of residents as is appropriate to their age and needs.
2	Complaints 20.—(1) The registered person shall establish a procedure ("the complaints procedure") for considering complaints made to the registered person by a resident or a person acting on behalf of a resident. (2) The registered person shall ensure that any complaint made under the complaints procedure is fully investigated. (3) The registered person shall provide a written copy of the complaints procedure on request to any resident and any person acting on behalf of a resident. (4) The written copy of the complaints procedure shall include— (a) the name and address of the Commission; and (b) the procedure (if any) that has been notified by the Commission to the registered person for the making of complaints to the Commission relating to residential family centres. (5) The registered person shall, within 28 days after the date on which the complaint is made, or such shorter period as may be reasonable in the circumstances,	Complaints 20.—(1) The registered person shall establish a procedure ("the complaints procedure") for considering complaints made to the registered person by a resident or a person acting on behalf of a resident. (2) The registered person shall ensure that any complaint made under the complaints procedure is fully investigated. (3) The registered person shall provide a written copy of the complaints procedure on request to any resident and any person acting on behalf of a resident. (4) The written copy of the complaints procedure shall include— (a) the name and address of the Commission; and (b) the procedure (if any) that has been notified by the Commission to the registered person for the making of complaints to the Commission relating to residential family centres. (5) The registered person shall, as far as reasonably practicable , within 28 days after the date on which the complaint is made, or such shorter period as may be reasonable in the circumstances, inform the person

	inform the person who made the complaint of the action (if any) that is to be taken.	who made the complaint of the action (if any) that is to be taken.
3-4	Visits by registered provider 25.—(1) Where the registered provider is an individual, but is not in day to day charge of the residential family centre, he shall visit the residential family centre in accordance with this regulation. (2) Where the registered provider is an organisation or a partnership, the residential family centre shall be visited in accordance with this regulation by— (a) the responsible individual or one of the partners, as the case may be; (b) another of the directors or other persons responsible for the management of the organisation or partnership; or (c) an employee of the organisation or partnership who is not directly concerned with the conduct of the residential family centre. (3) Visits under paragraph (1) or (2) shall take place at least once a month and may be unannounced. (4) The person carrying out the visit shall— (a) interview, with their consent and in private, such of the residents and persons working at the residential family centre as appears necessary in order to form an opinion of the standard of care provided in the residential family centre; (b) inspect the premises of the residential family centre, its daily log of events and records of any complaints; and (c) prepare a written report on the conduct of the residential family centre.	Visits by registered provider 25.—(1) Where the registered provider is an individual, but is not in day to day charge of the residential family centre, he shall visit the residential family centre in accordance with this regulation. (2) Where the registered provider is an organisation or a partnership, the residential family centre shall be visited in accordance with this regulation by— (a) the responsible individual or one of the partners, as the case may be; (b) another of the directors or other persons responsible for the management of the organisation or partnership; or (c) an employee of the organisation or partnership who is not directly concerned with the conduct of the residential family centre. (3) Visits under paragraph (1) or (2) shall as far as reasonably practicable take place at least once a month and may be unannounced. (4) The person carrying out the visit shall— (a) interview, with their consent and in private, such of the residents and persons working at the residential family centre as appears necessary in order to form an opinion of the standard of care provided in the residential family centre; (b) as far as reasonably practicable inspect the premises of the residential family centre, its daily log of events and records of any complaints; and (c) prepare a written report on the conduct of the residential family centre. 4A Any interview carried out under paragraph (4)(a) may be carried out by telephone, video-link or other electronic means.
THE ADOPTION AGENCIES REGULATIONS 2005		
5-6	Constituting an adoption panel 4.—(1) The adoption agency must constitute one or more adoption panels, as necessary, to perform the functions of an adoption panel under these Regulations(3) and must appoint the panel members from the persons in the central list including—	Constituting an adoption panel 4.—(1) The adoption agency must may constitute one or more adoption panels, as necessary, to perform the functions of an adoption panel under these Regulations(3) and must appoint the panel members from the persons in the central list including— (2) The adoption agency must ensure that an adoption panel has sufficient members, and that individual members have between them the experience and expertise necessary to effectively discharge the functions of the panel.
7	Meetings of adoption panel 6.—(1) No business may be conducted by an adoption panel unless at least the following meet as the panel— (a) either the person appointed to chair the panel or one of the vice chairs, (b) one person falling within regulation 3(1)(a), (c) three, or in the case of an adoption panel established under regulation 4(3) four, other members and where the chair is not present and the vice chair is not an	Meetings of adoption panel 6.—(1) No business may be conducted by an adoption panel unless at least the following meet as the panel— (a) either the person appointed to chair the panel or one of the vice chairs, (b) one person falling within regulation 3(1)(a), (c) three, or in the case of an adoption panel established under regulation 4(3) four, other members and where the chair is not present and the vice chair is

	independent person, at least one other panel member must be an independent person.	not an independent person, at least one other panel member must be an independent person one other independent person.
8	Requirement to prepare child's permanence report 17.—(2C) In a case not falling within paragraph (2), the adoption agency must send the information and reports referred to in paragraph (2D) to the adoption panel.	Requirement to prepare child's permanence report 17.— (2C) In a case not falling within paragraph (2), the adoption agency must send the information and reports referred to in paragraph (2D) to the adoption panel. (2C) in a case not falling within paragraph (2), the adoption agency must decide whether to— (a) require the case to be referred to an adoption panel, or (b) proceed to make a decision under regulation 19 without such a referral, and where the case is to be referred to the adoption panel the adoption agency must send the information and reports referred to in paragraph (2D) to the adoption panel. NB Paragraph 2= (2) In a case where— (a) the adoption agency is a local authority and is considering whether the child ought to be placed for adoption, and (b) either paragraph (2A) or paragraph (2B) applies, the adoption agency may not refer the case to the adoption panel. (2A) This paragraph applies where— (a) the child is placed for adoption by the adoption agency or is being provided with accommodation by them, (b) no adoption agency is authorised to place the child for adoption, and (c) the child has no parent or guardian, or the agency consider that the conditions in section 31(2) of the 1989 Act(1) are met in relation to the child. (2B) This paragraph applies where— (a) an application has been made, and has not been disposed of, on which a care order might be made in respect of the child, or (b) the child is subject to a care order and the adoption agency are not authorised to place the child for adoption.
...	Adoption agency decision and notification 19.—(1) In any case falling within regulation 17(2C) the adoption agency must take into account the recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption. (2) No member of the adoption panel shall take part in any decision made by the adoption agency under paragraph (1). (3) The adoption agency must, if their whereabouts are known to the agency, notify in writing the parent or guardian and, where regulation 14(3) applies and the agency considers it is appropriate, the father of the child of its decision. (1A) In any case falling within regulation 17(2) the adoption agency must take into account the information and reports referred to in regulation 17(2D), and any other relevant information, in coming	Adoption agency decision and notification 19.—(1) In any case falling within regulation 17(2C) the adoption agency must take into account the recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption. (2) No member of the adoption panel shall take part in any decision made by the adoption agency under paragraph (1). (3) The adoption agency must, if their whereabouts are known to the agency, notify in writing the parent or guardian and, where regulation 14(3) applies and the agency considers it is appropriate, the father of the child of its decision. (1A) In any case falling within referred to the panel under regulation 17(2) the adoption agency must take into account the information and reports referred to in regulation 17(2D), and any other relevant information,

	to a decision about whether the child ought to be placed for adoption.	in coming to a decision about whether the child ought to be placed for adoption.
...	Prospective adopter's case record 23.—(1) The adoption agency must set up a case record in respect of the prospective adopter (“the prospective adopter’s case record”) and place on that case record— (a) the prospective adopter stage one plan; (b) the information and reports obtained by the agency by virtue of this Part; (c) the prospective adopter assessment plan; (d) the prospective adopter’s report and the prospective adopter’s observations on that report; (e) the written record of the proceedings of the adoption panel under regulation 30A (and where applicable regulation 30B(8)), its recommendation, the reasons for the recommendation and any advice given by the panel to the agency;	Prospective adopter's case record 23.—(1) The adoption agency must set up a case record in respect of the prospective adopter (“the prospective adopter’s case record”) and place on that case record— (a) the prospective adopter stage one plan; (b) the information and reports obtained by the agency by virtue of this Part; (c) the prospective adopter assessment plan; (d) the prospective adopter’s report and the prospective adopter’s observations on that report; (e) where applicable the written record of the proceedings of the adoption panel under regulation 30A (and where applicable regulation 30B(8)), its recommendation, the reasons for the recommendation and any advice given by the panel to the agency;
9-10	Other pre-assessment information 26. The adoption agency must— (a) obtain the information about the prospective adopter which is specified in Part 1 of Schedule 4; (b) obtain a written report from a registered medical practitioner about the health of the prospective adopter following a full examination which must include the matters specified in Part 2 of Schedule 4 unless the agency has received advice from its medical adviser that such an examination and report is unnecessary; (c) obtain a written report of each of the interviews with the persons nominated by the prospective adopter to provide personal references for the prospective adopter; (d) where the adoption agency considers it necessary, obtain a personal reference from the prospective adopter’s former spouse, civil partner or partner; and (e) where it is not the local authority in whose area the prospective adopter has their home ascertain whether the local authority in whose area the prospective adopter has their home have any information about the prospective adopter which may be relevant to an assessment of the prospective adopter’s suitability to adopt and if so obtain from that authority a written report setting out that information.	Other pre-assessment information 26. The adoption agency must— (a) obtain the information about the prospective adopter which is specified in Part 1 of Schedule 4; (b) subject to regulation 27(1A) obtain a written report from a registered medical practitioner about the health of the prospective adopter following a full examination which must include the matters specified in Part 2 of Schedule 4 unless the agency has received advice from its medical adviser that such an examination and report is unnecessary; (c) obtain a written report of each of the interviews with the persons nominated by the prospective adopter to provide personal references for the prospective adopter; (d) where the adoption agency considers it necessary, obtain a personal reference from the prospective adopter’s former spouse, civil partner or partner; and (e) subject to regulation 27(1A) where it is not the local authority in whose area the prospective adopter has their home ascertain whether the local authority in whose area the prospective adopter has their home have any information about the prospective adopter which may be relevant to an assessment of the prospective adopter’s suitability to adopt and if so obtain from that authority a written report setting out that information.
	Pre-assessment decision 27.—(1) The adoption agency must, taking into account the information obtained under regulations 25 and 26, decide whether— (a) the prospective adopter may be suitable to adopt a child; or (b) that the prospective adopter is not suitable to adopt a child. (2) Subject to paragraph (3), the agency must make its decision under paragraph (1) within a period of two	Pre-assessment decision 27.—(1) The adoption agency must, taking into account the information obtained under regulations 25 and 26, decide whether— (a) the prospective adopter may be suitable to adopt a child; or (b) that the prospective adopter is not suitable to adopt a child. (1A) The adoption agency may make a decision under

	months from the date on which the adoption agency notified the prospective adopter that they had decided to proceed with the pre-assessment process in accordance with regulation 21.	paragraph (1) even if the information requested under regulation 25 and 26(b) has yet to be obtained. (2) Subject to paragraph (3), the agency must where reasonably practicable make its decision under paragraph (1) within a period of two months from the date on which the adoption agency notified the prospective adopter that they had decided to proceed with the pre-assessment process in accordance with regulation 21. NB Regulation 25 = police checks Regulation 26(b) = written report from medical practitioner
11	Stage 2 assessment 28.—(1) Regulations 28 to 30G apply where the prospective adopter notifies the adoption agency that they wish to continue with the assessment process within six months from the date on which the agency notified the prospective adopter that they may be suitable to adopt under regulation 27(4). (2) Where the prospective adopter notifies the adoption agency that they wish to continue with the assessment process more than six months from the date on which the agency 6 notified the prospective adopter that they may be suitable to adopt under regulation 27(4), the agency must notify the prospective adopter in writing that the prospective adopter cannot proceed with the assessment process.	Stage 2 assessment 28.—(1) Regulations 28 to 30G apply where the prospective adopter notifies the adoption agency that they wish to continue with the assessment process within six months from the date on which the agency notified the prospective adopter following notification that they may be suitable to adopt under regulation 27(4). (2) Where the prospective adopter notifies the adoption agency that they wish to continue with the assessment process more than six months from the date on which the agency notified the prospective adopter that they may be suitable to adopt under regulation 27(4), the agency must notify the prospective adopter in writing that the prospective adopter cannot proceed with the assessment process.
...	Prospective adopter's report 30.—(1) The adoption agency must obtain the information about the prospective adopter which is specified in Part 3 of Schedule 4. (2) The adoption agency must prepare a written report ("the prospective adopter's report") which includes— (a) the information about the prospective adopter and the prospective adopter's family which is specified in Parts 1 and 3 of Schedule 4; (b) a summary, written by the agency's medical adviser, of the state of health of the prospective adopter; (c) any relevant information obtained by the agency under regulation 26(e); (d) any observations of the agency on the matters referred to in regulations 24 and 25; (e) the agency's assessment of the prospective adopter's suitability to adopt; and (f) any other information which the agency considers relevant. (3) In a section 83 case, the prospective adopter's report must also include— (a) the name of the country from which the prospective adopter wishes to adopt a child ("country of origin"); (b) confirmation that the prospective adopter meets the eligibility requirements to adopt from the country of origin;	Prospective adopter's report 30.—(1) The adoption agency must obtain the information about the prospective adopter which is specified in Part 3 of Schedule 4. (2) The adoption agency must prepare a written report ("the prospective adopter's report") which includes— (a) the information about the prospective adopter and the prospective adopter's family which is specified in Parts 1 and 3 of Schedule 4; (b) a summary, written by the agency's medical adviser, of the state of health of the prospective adopter; (c) any relevant information obtained by the agency under regulation 26(e); (d) any observations of the agency on the matters referred to in regulations 24 and 25; (e) the agency's assessment of the prospective adopter's suitability to adopt; and (f) any other information which the agency considers relevant. (3) In a section 83 case, the prospective adopter's report must also include— (a) the name of the country from which the prospective adopter wishes to adopt a child ("country of origin"); (b) confirmation that the prospective adopter meets the eligibility requirements to adopt from the country of origin;

	(c)any additional information obtained as a consequence of the requirements of the country of origin; and (d)the agency’s assessment of the prospective adopter’s suitability to adopt a child who is habitually resident outside the British Islands. (4) Where the adoption agency receives information under paragraph (1) or other information in relation to the assessment of the prospective adopter and is of the opinion that the prospective adopter is unlikely to be considered suitable to adopt a child, it may prepare the prospective adopter’s report under paragraph (2) notwithstanding that the agency may not have received all the information about the prospective adopter which may be required by this regulation. (5) The adoption agency must— (a)notify the prospective adopter that the prospective adopter’s application is to be referred to the adoption panel; (b)give the prospective adopter a copy of the prospective adopter’s report; (c)invite the prospective adopter to send any observations in writing to the agency within 5 working days, beginning with the date on which the notification is sent; and (d)explain to the prospective adopter that the adoption agency may, in exceptional circumstances, extend the timescale referred to in paragraph (c) above. 6) At the end of the 5 working days referred to in paragraph (5)(c) (or, where that timescale is extended by the adoption agency, as soon as possible after the prospective adopter’s observations are received) the adoption agency must send— (a)the prospective adopter’s report and the prospective adopter’s observations; (b)the written reports and references referred to in regulation 26(b) to (e) but in the case of reports obtained in accordance with regulation 26(b), only if the agency’s medical adviser advises it to do so; and (c)any other relevant information obtained by the agency, to the adoption panel.	(c)any additional information obtained as a consequence of the requirements of the country of origin; and (d)the agency’s assessment of the prospective adopter’s suitability to adopt a child who is habitually resident outside the British Islands. (4) Where the adoption agency receives information under paragraph (1) or other information in relation to the assessment of the prospective adopter and is of the opinion that the prospective adopter is unlikely to be considered suitable to adopt a child, it may prepare the prospective adopter’s report under paragraph (2) notwithstanding that the agency may not have received all the information about the prospective adopter which may be required by this regulation. (5) The adoption agency must— (a)where applicable notify the prospective adopter that the prospective adopter’s application is to be referred to the adoption panel; (b)give the prospective adopter a copy of the prospective adopter’s report; (c)invite the prospective adopter to send any observations in writing to the agency within 5 working days, beginning with the date on which the notification is sent; and (d)explain to the prospective adopter that the adoption agency may, in exceptional circumstances, extend the timescale referred to in paragraph (c) above. (6) At the end of the 5 working days referred to in paragraph (5)(c) (or, where that timescale is extended by the adoption agency, as soon as possible after the prospective adopter’s observations are received) the adoption agency must decide whether or not to refer the case to an adoption panel or proceed to make a decision under regulation 30B without such a referral and, if the case is being referred to an adoption panel, the adoption agency must send— (a)the prospective adopter’s report and the prospective adopter’s observations; (b)the written reports and references referred to in regulation 26(b) to (e) but in the case of reports obtained in accordance with regulation 26(b), only if the agency’s medical adviser advises it to do so; and (c)any other relevant information obtained by the agency, to the adoption panel.
12	Adoption agency decision and notification 30B.—(1) Subject to paragraph (2), the adoption agency must decide whether the prospective adopter is suitable to adopt a child within four months of the date on which the agency received the prospective adopter’s notification that they wished to proceed with the assessment process. (2) The adoption agency may delay making the decision under paragraph (1)—	Adoption agency decision and notification 30B.—(1) Subject to paragraph (2), the adoption agency must decide whether the prospective adopter is suitable to adopt a child where reasonably practicable within four months of the date on which the agency received the prospective adopter’s notification that they wished to proceed with the assessment process. (1A) The adoption agency must not make a decision

(a) in a case where the adoption agency considers there are exceptional circumstances which mean it cannot make the decision within that time, or (b) upon the request of the prospective adopter. (3) No member of the adoption panel may take part in any decision made by the adoption agency under paragraph (1). (4) Where the adoption agency decides to approve the prospective adopter as suitable to adopt a child, it must notify the prospective adopter in writing of its decision. (5) Where the adoption agency considers that the prospective adopter is not suitable to adopt a child, it must— (a) notify the prospective adopter in writing that it proposes not to approve the prospective adopter as suitable to adopt a child (“qualifying determination”); (b) send with that notification its reasons together with a copy of the recommendation of the adoption panel if that recommendation is different; and (c) advise the prospective adopter that within 40 working days beginning with the date on which the notification was sent the prospective adopter may— (i) submit any representations the prospective adopter wishes to make to the agency; or (ii) apply to the Secretary of State for a review by an independent review panel of the qualifying determination. (6) If, within the period of 40 working days referred to in paragraph (5)(c), the prospective adopter has not made any representations or applied to the Secretary of State for a review by an independent review panel, the adoption agency must proceed to make its decision and notify the prospective adopter in writing of its decision together with reasons for that decision. (7) If, within the period of 40 working days referred to in paragraph (5)(c), the adoption agency receives further representations from the prospective adopter, it may refer the case together with all relevant information to the adoption panel for further consideration. (8) The adoption panel must consider any case referred to it under paragraph (7) and make a fresh recommendation to the adoption agency as to whether the prospective adopter is suitable to adopt a child. (9) The adoption agency must make a decision on the case but— (a) if the case has been referred to the adoption panel under paragraph (7), the agency must make the decision only after taking into account the recommendations of the adoption panel made under both paragraph (8) and regulation 30A; or (b) if the prospective adopter has applied to the Secretary of State for a review by an independent review panel of the qualifying determination, the agency must make the decision only after taking into account the recommendation of the independent	under paragraph (1) until it has obtained the information requested under regulation 25 and 26(b). (2) The adoption agency may delay making the decision under paragraph (1)— (a) in a case where the adoption agency considers there are exceptional circumstances which mean it cannot make the decision within that time, or (b) upon the request of the prospective adopter. (3) No member of the adoption panel may take part in any decision made by the adoption agency under paragraph (1). (4) Where the adoption agency decides to approve the prospective adopter as suitable to adopt a child, it must notify the prospective adopter in writing of its decision. (5) Where the adoption agency considers that the prospective adopter is not suitable to adopt a child, it must— (a) notify the prospective adopter in writing that it proposes not to approve the prospective adopter as suitable to adopt a child (“qualifying determination”); (b) send with that notification its reasons together with a copy of the recommendation of the adoption panel if that recommendation is different; and (c) advise the prospective adopter that within 40 working days beginning with the date on which the notification was sent the prospective adopter may— (i) submit any representations the prospective adopter wishes to make to the agency; or (ii) subject to paragraph 5A apply to the Secretary of State for a review by an independent review panel of the qualifying determination. (5A) Where the adoption agency consider that the prospective adopter is not suitable to adopt because of information obtained under regulation 25 or 26(b) the prospective adopter may not apply to the Secretary of State for a review by an independent review panel of the qualifying determination. (6) If, within the period of 40 working days referred to in paragraph (5)(c), the prospective adopter has not made any representations or applied to the Secretary of State for a review by an independent review panel, the adoption agency must proceed to make its decision and notify the prospective adopter in writing of its decision together with reasons for that decision. (7) If, within the period of 40 working days referred to in paragraph (5)(c), the adoption agency receives further representations from the prospective adopter, it may refer the case together with all relevant information to the adoption panel for further consideration. (8) The adoption panel must consider any case referred to it under paragraph (7) and make a fresh recommendation to the adoption agency as to whether the prospective adopter is suitable to adopt a child.
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	review panel and the recommendation of the adoption panel made under regulation 30A.	(9) The adoption agency must make a decision on the case but— (a) if the case has been referred to the adoption panel under paragraph (7), the agency must make the decision only after taking into account the recommendations of the adoption panel made under both paragraph (8) and regulation 30A; or (b) if the prospective adopter has applied to the Secretary of State for a review by an independent review panel of the qualifying determination, the agency must make the decision only after taking into account the recommendation of the independent review panel and the any recommendation of the adoption panel made under regulation 30A.
13	Review and termination of approval 30D.—(1) The adoption agency must review the approval of each prospective adopter in accordance with this regulation, unless— (a) in a section 83 case, the prospective adopter has visited the child in the country in which the child is habitually resident and has confirmed in writing that they wish to proceed with the adoption; and (b) in any other case, a child is placed for adoption with the prospective adopter or the agency is considering placing a child with the prospective adopter in accordance with regulations 31 to 33. (2) A review must take place whenever the adoption agency considers it necessary but otherwise not more than one year after approval and thereafter at intervals of not more than one year. (3) When undertaking such a review the adoption agency must— (a) make such enquiries and obtain such information as it considers necessary in order to review whether the prospective adopter continues to be suitable to adopt a child; and (b) seek and take into account the views of the prospective adopter. (4) If, at the conclusion of the review, the adoption agency considers that the prospective adopter may no longer be suitable to adopt a child, it must— (a) prepare a written report (“the prospective adopter’s review report”) which includes the agency’s reasons; (b) notify the prospective adopter that the case is to be referred to the adoption panel; and (c) give the prospective adopter a copy of the report inviting the prospective adopter to send any observations to the agency within 10 working days beginning with the date on which that report is given to the prospective adopter. (5) At the end of the period of 10 working days referred to in paragraph (4)(c) (or earlier if the prospective adopter’s comments are received before that period has expired), the adoption agency must send the prospective adopter’s review report together with the	Review and termination of approval 30D.—(1) The adoption agency must review the approval of each prospective adopter in accordance with this regulation, unless— (a) in a section 83 case, the prospective adopter has visited the child in the country in which the child is habitually resident and has confirmed in writing that they wish to proceed with the adoption; and (b) in any other case, a child is placed for adoption with the prospective adopter or the agency is considering placing a child with the prospective adopter in accordance with regulations 31 to 33. (2) A review must take place whenever the adoption agency considers it necessary but otherwise not more than one year after approval and thereafter at intervals of not more than one year. (3) When undertaking such a review the adoption agency must— (a) make such enquiries and obtain such information as it considers necessary in order to review whether the prospective adopter continues to be suitable to adopt a child; and (b) seek and take into account the views of the prospective adopter. (4) If, at the conclusion of the review, the adoption agency considers that the prospective adopter may no longer be suitable to adopt a child, it must— (a) prepare a written report (“the prospective adopter’s review report”) which includes the agency’s reasons; (b) decide whether or not to refer the case to the adoption panel and, where applicable, notify the prospective adopter that the case is to be referred to the adoption panel; and (c) give the prospective adopter a copy of the report inviting the prospective adopter to send any observations to the agency within 10 working days beginning with the date on which that report is given to the prospective adopter. (5) At the end of the period of 10 working days referred to in paragraph (4)(c) (or earlier if the prospective adopter’s comments are received before

	prospective adopter's observations to the adoption panel.	that period has expired), the adoption agency must where applicable send the prospective adopter's review report together with the prospective adopter's observations to the adoption panel.
14	Duties of the adoption agency in a section 83 case 30E. Where the adoption agency decides in a section 83 case to approve a prospective adopter as suitable to adopt a child, the agency must send the Secretary of State— (a)written confirmation of the decision and any recommendation the agency may make in relation to the number of children the prospective adopter may be suitable to adopt, their age range, sex and likely needs; (b)all the documents and information which were passed to the adoption panel in accordance with regulation 30; c)the record of the proceedings of the adoption panel, its recommendation and the reasons for its recommendation;	Duties of the adoption agency in a section 83 case 30E. Where the adoption agency decides in a section 83 case to approve a prospective adopter as suitable to adopt a child, the agency must send the Secretary of State— (a)written confirmation of the decision and any recommendation the agency may make in relation to the number of children the prospective adopter may be suitable to adopt, their age range, sex and likely needs; (b)where applicable all the documents and information which were passed to the adoption panel in accordance with regulation 30; c)where applicable the record of the proceedings of the adoption panel, its recommendation and the reasons for its recommendation; NB Section 83 case = child brought into UK for adoption (intercountry adoption)
15	Proposed placement 31.—(1) Where an adoption agency is considering placing a child for adoption with a particular prospective adopter ("the proposed placement") the agency must— (a)provide the prospective adopter with a copy of the child's permanence report and any other information the agency considers relevant; (b)meet with the prospective adopter to discuss the proposed placement; (c)ascertain the views of the prospective adopter about— (i)the proposed placement; and (ii)the arrangements the agency proposes to make for allowing any person contact with the child; and (d)provide a counselling service for, and any further information to, the prospective adopter as may be required. (2) Where the adoption agency considers that the proposed placement should proceed, the agency must— (a)where the agency is a local authority, carry out an assessment of the needs of the child and the prospective adopter and any children of the prospective adopter ("the adoptive family") for adoption support services in accordance with regulations made under section 4(6) of the Act; (b)where the agency is a registered adoption society, notify the prospective adopter that he may request the local authority in whose area he has his home ("the relevant authority") to carry out an assessment of his needs for adoption support services under section 4(1) of the Act and pass to the relevant authority, at their	Proposed placement 31.—(1) Where an adoption agency is considering placing a child for adoption with a particular prospective adopter ("the proposed placement") the agency must— (a)provide the prospective adopter with a copy of the child's permanence report and any other information the agency considers relevant; (b)meet with the prospective adopter to discuss the proposed placement; (c)ascertain the views of the prospective adopter about— (i)the proposed placement; and (ii)the arrangements the agency proposes to make for allowing any person contact with the child; and (d)provide a counselling service for, and any further information to, the prospective adopter as may be required. (2) Where the adoption agency considers that the proposed placement should proceed, the agency must— (a)where the agency is a local authority, carry out an assessment of the needs of the child and the prospective adopter and any children of the prospective adopter ("the adoptive family") for adoption support services in accordance with regulations made under section 4(6) of the Act; (b)where the agency is a registered adoption society, notify the prospective adopter that he may request the local authority in whose area he has his home ("the relevant authority") to carry out an assessment of his needs for adoption support services under section 4(1) of the Act and pass to the relevant

	request, a copy of the child’s permanence report and a copy of the prospective adopter’s report; (c)consider the arrangements for allowing any person contact with the child; and (d)prepare a written report (“the adoption placement report”) which shall include— (i)the agency’s reasons for proposing the placement; (ii)the information obtained by the agency by virtue of paragraph (1); (iii)where the agency is a local authority, their proposals for the provision of adoption support services for the adoptive family; (iv)the arrangements the agency proposes to make for allowing any person contact with the child; and (v)any other relevant information. (3) The adoption agency must notify the prospective adopter that the proposed placement is to be referred to the adoption panel and give him a copy of the adoption placement report, inviting him to send any observations in writing to the agency within 10 working days, beginning with the date on which the notification is sent. (4) At the end of the period of 10 working days referred to in paragraph (3) (or earlier if observations are received before the 10 working days has expired) the adoption agency must send— (a)the adoption placement report; (b)the child’s permanence report; and (c)the prospective adopter’s report and his observations, to the adoption panel.	authority, at their request, a copy of the child’s permanence report and a copy of the prospective adopter’s report; (c)consider the arrangements for allowing any person contact with the child; and (d)prepare a written report (“the adoption placement report”) which shall include— (i)the agency’s reasons for proposing the placement; (ii)the information obtained by the agency by virtue of paragraph (1); (iii)where the agency is a local authority, their proposals for the provision of adoption support services for the adoptive family; (iv)the arrangements the agency proposes to make for allowing any person contact with the child; and (v)any other relevant information. (3) The adoption agency must notify the prospective adopter that whether the proposed placement is to be referred to the adoption panel and give him a copy of the adoption placement report, inviting him to send any observations in writing to the agency within 10 working days, beginning with the date on which the notification is sent. (4) At the end of the period of 10 working days referred to in paragraph (3) (or earlier if observations are received before the 10 working days has expired) the adoption agency must decide whether or not to refer the case to an adoption panel or to proceed to make a decision under regulation 33 without such a referral and, where the case is being referred to an adoption panel, the adoption agency must send— (a)the adoption placement report; (b)the child’s permanence report; and (c)the prospective adopter’s report and his observations, to the adoption panel.
...	Adoption agency decision in relation to proposed placement 33.—(1) The adoption agency must take into account the recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption with the particular prospective adopter.	Adoption agency decision in relation to proposed placement 33.—(1) The adoption agency must take into account the any recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption with the particular prospective adopter.
16	Reviews 36.—(1) Where an adoption agency is authorised to place a child for adoption but the child is not for the time being placed for adoption the agency must carry out a review of the child’s case— (a)not more than 3 months after the date on which the agency first has authority to place; and (b)thereafter not more than 6 months after the date of the previous review (“6 months review”),	Reviews (A1) Subject to paragraph (B1) an adoption agency does not have to carry out a review required by this regulation where the adoption agency decide that it is not reasonably practicable to carry out the review of the child’s case. (B1) Paragraph (A1) does not apply where the adoption agency is satisfied that a review is necessary to safeguard and promote the welfare of the child. 36.—(1) Where an adoption agency is authorised to place a child for adoption but the child is not for the time being placed for adoption the agency must carry out a review of the child’s case—

		(a)not more than 3 months after the date on which the agency first has authority to place; and (b)thereafter not more than 6 months after the date of the previous review (“6 months review”),
CHILDREN (PRIVATE ARRANGEMENTS FOR FOSTERING) REGULATIONS 2005		
17	Action to be taken by local authority on receipt of notification of proposal to foster a child privately 4.—(1) Where a local authority have received notification under regulation 3 they must, for the purposes of discharging their duty under section 67(1) of the Act (welfare of privately fostered children), arrange for an officer of the authority within seven working days to— (a)visit the premises where it is proposed that the child will be cared for and accommodated; (b)visit and speak to the proposed private foster carer and to all members of his household; (c)visit and speak to the child, alone unless the officer considers it inappropriate; (d)speak to and, if it is practicable to do so, visit every parent of or person with parental responsibility for the child; and (e)establish such matters listed in Schedule 2 as appear to the officer to be relevant.	Action to be taken by local authority on receipt of notification of proposal to foster a child privately 4.—(1) Where a local authority have received notification under regulation 3 they must, for the purposes of discharging their duty under section 67(1) of the Act (welfare of privately fostered children), arrange for an officer of the authority within seven working days or as soon as is reasonably practicable to— (a)visit the premises where it is proposed that the child will be cared for and accommodated; (b)visit and speak to the proposed private foster carer and to all members of his household; (c)visit and speak to the child, alone unless the officer considers it inappropriate; (d)speak to and, if it is practicable to do so, visit every parent of or person with parental responsibility for the child; and (e)establish such matters listed in Schedule 2 as appear to the officer to be relevant.
18	Action to be taken by local authority on receipt of notification about a child being fostered privately 7.—(1) Where a local authority have received a notification under regulation 5 or 6 they must for the purposes of discharging their functions under section 67(1) of the Act, arrange for an officer of the authority within seven working days to— (a)visit the premises where the child is being cared for and accommodated; (b)visit and speak to the private foster carer and to all members of his household; (c)visit and speak to the child, alone unless the officer considers it inappropriate; (d)speak to and, if it is practicable to do so, visit every parent of or person with parental responsibility for the child; and (e)establish such matters listed in Schedule 3 as appear to the officer to be relevant.	Action to be taken by local authority on receipt of notification about a child being fostered privately 7.—(1) Where a local authority have received a notification under regulation 5 or 6 they must for the purposes of discharging their functions under section 67(1) of the Act, arrange for an officer of the authority within seven working days or as soon as is reasonably practicable to— (a)visit the premises where the child is being cared for and accommodated; (b)visit and speak to the private foster carer and to all members of his household; (c)visit and speak to the child, alone unless the officer considers it inappropriate; (d)speak to and, if it is practicable to do so, visit every parent of or person with parental responsibility for the child; and (e)establish such matters listed in Schedule 3 as appear to the officer to be relevant.
19	Subsequent visits to children who are being fostered privately 8.—(1) Each local authority must arrange for an officer of the authority to visit every child who is being fostered privately in their area— (a)in the first year of the private fostering arrangement, at intervals of not more than six weeks; and (b)in any second or subsequent year, at intervals of not more than 12 weeks.	Subsequent visits to children who are being fostered privately 8.—(1) Each local authority must arrange for an officer of the authority to visit every child who is being fostered privately in their area— (a)in the first year of the private fostering arrangement, where reasonably practicable at intervals of not more than six weeks; and (b)in any second or subsequent year, where reasonably practicable at intervals of not more than 12 weeks.

CHILDREN ACT 1989 REPRESENTATIONS PROCEDURE (ENGLAND) REGULATIONS 2006		
...	Request for review panel 18.—(1) Where the complainant is dissatisfied with the outcome of the investigation of his representations under regulation 17 the complainant or, where one has been appointed, his advocate may request that the representations be further considered by a panel in accordance with regulation 19. (2) A request under paragraph (1) must be made within 20 working days of the date on which the complainant received the notice of the local authority's response and must set out the reasons for the complainant's dissatisfaction with the outcome of the investigations.	Request for review panel 18.—(1) Where the complainant is dissatisfied with the outcome of the investigation of his representations under regulation 17 the complainant or, where one has been appointed, his advocate may request that the representations be further considered by a panel in accordance with regulation 19. (2) A request under paragraph (1) must be made within 20 working days of the date on which the complainant received the notice of the local authority's response or as soon as is reasonably practicable and must set out the reasons for the complainant's dissatisfaction with the outcome of the investigations. [[This is the only concession in the SI to those who use services]]
20	Review panel 19.—(1) Where the local authority have received a request in accordance with regulation 18 they must appoint a panel to consider the representations. (2) The panel shall consist of three independent persons, one of whom will chair the panel. (3) The independent person appointed in accordance with regulation 17(2) may not be a member of the panel. (4) The panel shall meet within 30 working days of the local authority receiving a request in accordance with regulation 18.	Review panel 19.—(1) Where the local authority have received a request in accordance with regulation 18 they must appoint a panel to consider the representations. (2) The panel shall consist of three independent persons, one of whom will chair the panel. (3) The independent person appointed in accordance with regulation 17(2) may not be a member of the panel. (4) The panel shall meet within 30 working days of the local authority receiving a request in accordance with regulation 18 or as soon as is reasonably practicable.
21-22	Recommendations 20.—(1) After the meeting referred to in regulation 19 the panel shall decide on their recommendations and compile a written report which must set out— (a) a brief summary of the representations; and (b) the panel's recommendations for the resolution of the issues raised in the representations. (2) Within 5 working days of the meeting the panel must send its report to— (a) the local authority; (b) the complainant and, where one has been appointed, his advocate; (c) the independent person appointed under regulation 17(2); and (d) any other person whom the panel consider has sufficient interest in the case to warrant their receiving such a notice. (3) Within 15 working days of receiving the panel's recommendations the local authority must, together with the independent person appointed under regulation 17(2), consider the recommendations and determine— (a) how the authority will respond to them; and (b) what they propose to do in the light of them,	Recommendations 20.—(1) After the meeting referred to in regulation 19 the panel shall decide on their recommendations and compile a written report which must set out— (a) a brief summary of the representations; and (b) the panel's recommendations for the resolution of the issues raised in the representations. (2) Within 5 working days of the meeting or as soon as is reasonably practicable the panel must send its report to— (a) the local authority; (b) the complainant and, where one has been appointed, his advocate; (c) the independent person appointed under regulation 17(2); and (d) any other person whom the panel consider has sufficient interest in the case to warrant their receiving such a notice. (3) Within 15 working days of receiving the panel's recommendations or as soon as is reasonably practicable the local authority must, together with the independent person appointed under regulation 17(2), consider the recommendations and determine— (a) how the authority will respond to them; and (b) what they propose to do in the light of them,

	and send to the complainant its response and proposals, along with information about making a complaint to a Local Commissioner.	and send to the complainant its response and proposals, along with information about making a complaint to a Local Commissioner.
EDUCATION AND INSPECTIONS ACT 2006 (INSPECTION OF LOCAL AUTHORITIES) REGULATIONS 2007		
23	Publication of a written statement of proposed action 3. A local authority in England which has received a copy of a report under section 137 of the Act must, within 70 working days of receiving that report, publish a written statement of action which they propose to take in the light of the report (a “written statement”) by— (a)sending a copy of the written statement to— (i)the Chief Inspector, and (ii)the Secretary of State; (b)sending a copy of the written statement to the persons or bodies to whom a copy of the report of the inspection was sent by virtue of regulation 2(a); (c)making a copy of the written statement available for inspection free of charge at the offices of the authority; and (d)supplying a copy of the written statement to a member of the public on demand on payment of a reasonable fee.	Publication of a written statement of proposed action 3. A local authority in England which has received a copy of a report under section 137 of the Act must, within 70 working days of receiving that report, or as soon as is reasonably practicable, publish a written statement of action which they propose to take in the light of the report (a “written statement”) by— (a)sending a copy of the written statement to— (i)the Chief Inspector, and (ii)the Secretary of State; (b)sending a copy of the written statement to the persons or bodies to whom a copy of the report of the inspection was sent by virtue of regulation 2(a); (c)making a copy of the written statement available for inspection free of charge at the offices of the authority; and (d)supplying a copy of the written statement to a member of the public on demand on payment of a reasonable fee. NB Section 137 report = inspection report
CARE PLANNING, PLACEMENT AND CASE REVIEW (ENGLAND) REGULATIONS 2010		
...	Interpretation 2.—(1) In these Regulations— “connected person” has the meaning given in regulation 24;	Interpretation 2.—(1) In these Regulations— “connected person” has the meaning given in regulation 24;
24	Preparation and content of the care plan 5. (1) The care plan must include a record of the following information— (a)the long term plan for C’s upbringing (“the plan for permanence”), (b)the arrangements made by the responsible authority to meet C’s needs in relation to— (i)health, including the information set out in paragraph 1 of Schedule 1 (“the health plan”), (ii)education and training, including, so far as reasonably practicable, the information set out in paragraph 2 of Schedule 1 (“the personal education plan”), (iii)emotional and behavioural development, (iv)identity, with particular regard to C’s religious persuasion, racial origin and cultural and linguistic background, (v)family and social relationships and in particular the information set out in paragraph 3 of Schedule 1, (vi)social presentation, and (vii)self-care skills, (c)except in a case where C is in the care of the responsible authority but is not provided with accommodation by them by any of the means specified in section 22C, the placement plan, (d)the name of the IRO, and	Preparation and content of the care plan 5. (1) The care plan must include a record of the following information— (a)the long term plan for C’s upbringing (“the plan for permanence”), (b)the arrangements made by the responsible authority to meet C’s needs in relation to— (i)health, including the information set out in paragraph 1 of Schedule 1 (“the health plan”), (ii)education and training, including, so far as reasonably practicable, the information set out in paragraph 2 of Schedule 1 (“the personal education plan”), (iii)emotional and behavioural development, (iv)identity, with particular regard to C’s religious persuasion, racial origin and cultural and linguistic background, (v)family and social relationships and in particular the information set out in paragraph 3 of Schedule 1, (vi)social presentation, and (vii)self-care skills, (c)except in a case where C is in the care of the responsible authority but is not provided with accommodation by them by any of the means specified in section 22C, the placement plan, once prepared

	(e) details of the wishes and feelings of the persons listed in section 22(4)(1) about the arrangements referred to in sub-paragraph (b) and the placement plan that have been ascertained and considered in accordance with section 22(4) and (5) and the wishes and feelings of those persons in relation to any change, or proposed change, to the care plan.	(d) the name of the IRO, and (e) details of the wishes and feelings of the persons listed in section 22(4)(1) about the arrangements referred to in sub-paragraph (b) and the placement plan, once this has been prepared that have been ascertained and considered in accordance with section 22(4) and (5) and the wishes and feelings of those persons in relation to any change, or proposed change, to the care plan.
25	Placement plan 9.—(1) Subject to paragraphs (2) and (4), before making arrangements in accordance with section 22C for C’s placement, the responsible authority must— (a) prepare a plan for the placement (“the placement plan”) which— (i) sets out how the placement will contribute to meeting C’s needs, and (ii) includes all the matters specified in Schedule 2 as are applicable, having regard to the type of the placement, and (b) ensure that— (i) C’s wishes and feelings have been ascertained and given due consideration, and (ii) the IRO has been informed. (2) If it is not reasonably practicable to prepare the placement plan before making the placement, the placement plan must be prepared within five working days of the start of the placement.	Placement plan 9.—(1) Subject to paragraphs (2) and (4), before making arrangements in accordance with section 22C for C’s placement, the responsible authority must— (a) prepare a plan for the placement (“the placement plan”) which— (i) sets out how the placement will contribute to meeting C’s needs, and (ii) includes all the matters specified in Schedule 2 as are applicable, having regard to the type of the placement, and (b) ensure that— (i) C’s wishes and feelings have been ascertained and given due consideration, and (ii) the IRO has been informed. (2) If it is not reasonably practicable to prepare the placement plan before making the placement, the placement plan must be prepared within five working days of as soon as is reasonably practicable the start of the placement.
26	Placement decision 11.—(1) Subject to paragraphs (3) and (4), a decision to place C outside the area of the responsible authority (including a placement outside England) must not be put into effect until it has been approved by a nominated officer. (2) Before approving a decision under paragraph (1), the nominated officer must be satisfied that— (a) the requirements of regulation 9(1)(b)(i) have been complied with, (b) the placement is the most appropriate placement available for C and consistent with C’s care plan, (c) C’s relatives(1) have been consulted, where appropriate, (d) the area authority have been notified, and (e) the IRO has been consulted. (3) In the case of a placement made in an emergency, paragraph (2) does not apply and before approving a decision under paragraph (1) the nominated officer must— (a) be satisfied that regulation 9(1)(b)(i) and the requirements of sub-paragraph (2)(b) have been complied with, and (b) take steps to ensure that regulation 9(1)(b)(ii) and the requirements set out in sub-paragraphs (2)(c) and (d) are complied with by the responsible authority	Placement decision 11.—(1) Subject to paragraphs (3) and (4), a decision to place C outside the area of the responsible authority (including a placement outside England) must not be put into effect until it has been approved by a nominated officer. (2) Before approving a decision under paragraph (1), the nominated officer must be satisfied that— (a) the requirements of regulation 9(1)(b)(i) have been complied with, (b) the placement is the most appropriate placement available for C and consistent with C’s care plan, (c) C’s relatives(1) have been consulted, where appropriate, (d) the area authority have been notified, and (e) the IRO has been consulted. (3) In the case of a placement made in an emergency, paragraph (2) does not apply and before approving a decision under paragraph (1) the nominated officer must— (a) be satisfied that regulation 9(1)(b)(i) and the requirements of sub-paragraph (2)(b) have been complied with, and (b) take steps to ensure that regulation 9(1)(b)(ii) and the requirements set out in sub-paragraphs (2)(c) and (d) are complied with by the responsible authority

	within five working days of approval of the decision under paragraph (1). (4) Paragraphs (1) and (2) do not apply to a decision to place C outside the area of the responsible authority with— (a) F who is a connected person, or (b) F who is approved as a local authority foster parent by the responsible authority.	within five working days of approval of the decision under paragraph (1). (4) Paragraphs (1) and (2) do not apply to a decision to place C outside the area of the responsible authority with— (a) F who is a connected person, or (a) F who is a person with whom a placement is made under regulation 24, or (b) F who is approved as a local authority foster parent by the responsible authority. NB Regulation 24 = Temporary approval (see below) F= a person who is approved as a local authority foster parent and with whom it is proposed to place C or, as the case may be, with whom C is placed.
27	Decision to place a child with P 18.—(1) The decision to place C with P must not be put into effect until it has been approved by a nominated officer, and the responsible authority have prepared a placement plan for C. (2) Before approving a decision under paragraph (1), the nominated officer must be satisfied that— (a) the requirements of regulation 9(1)(b)(i) have been complied with, (b) the requirements of regulation 17 have been complied with, (c) the placement will safeguard and promote C’s welfare, and (d) the IRO has been consulted.	Decision to place a child with P 18.—(1) The decision to place C with P must not be put into effect until it has been approved by a nominated officer, and the responsible authority have prepared a placement plan for C. (2) Before approving a decision under paragraph (1), the nominated officer must be satisfied that— (a) the requirements of regulation 9(1)(b)(i) have been complied with, (b) the requirements of regulation 17 have been complied with, (c) the placement will safeguard and promote C’s welfare, and (d) the IRO has been consulted. NB This relates to s22C Children Act 1989: 22C Ways in which looked after children are to be accommodated and maintained (1) This section applies where a local authority are looking after a child (“C”). (2) The local authority must make arrangements for C to live with a person who falls within subsection (3) (but subject to subsection (4)). (3) A person (“P”) falls within this subsection if— (a) P is a parent of C; (b) P is not a parent of C but has parental responsibility for C; or (c) in a case where C is in the care of the local authority and there was a child arrangements order in force with respect to C immediately before the care order was made, P was a person named in the child arrangements order as a person with whom C was to live
28	Circumstances in which a child may be placed with P before assessment completed 19. Where the nominated officer considers it to be necessary and consistent with C’s welfare, the responsible authority may place C with P before their assessment under regulation 17 (“the assessment”) is completed provided that they— (a) arrange for P to be interviewed in order to obtain as much of the information specified in Schedule 3 about P and the other persons living in P’s household who are	Circumstances in which a child may be placed with P before assessment completed 19. Where the nominated officer considers it to be necessary and consistent with C’s welfare, the responsible authority may place C with P before their assessment under regulation 17 (“the assessment”) is completed provided that they— (a) arrange for P to be interviewed in order to obtain as much of the information specified in Schedule 3 about P and the other persons living in P’s household who

	aged 18 and over as can be readily ascertained at that interview, (b)ensure that the assessment and the review of C's case are completed in accordance with regulation 17 within ten working days of C being placed with P, and (c)ensure that a decision in accordance with regulation 18 is made and approved within ten working days after the assessment is completed, and— (i)if the decision is to confirm the placement, review the placement plan and, if appropriate amend it, and (ii)if the decision is not to confirm the placement, terminate the placement.	are aged 18 and over as can be readily ascertained at that interview, (b)ensure that the assessment and the review of C's case are completed in accordance with regulation 17 within ten working days of as soon as is reasonably practicable after C being placed with P, and (c)ensure that a decision in accordance with regulation 18 is made and approved within ten working days after the assessment is completed, and— (i)if the decision is to confirm the placement, review the placement plan and, if appropriate amend it, and (ii)if the decision is not to confirm the placement, terminate the placement.
29-30	Placement following consideration in accordance with section 22C(9B)(c) of the Act 22A.—(1) This regulation applies where the responsible authority decides to place C in accordance with section 22C of the 1989 Act with a local authority foster parent who is also an approved prospective adopter following consideration in accordance with section 22C(9B)(c) of the 1989 Act. (2) The decision to place C must not be put into effect until it has been approved by a nominated officer, and the responsible authority have prepared a placement plan for C. (3) Before approving a decision under paragraph (2), the nominated officer must— (a)be satisfied that the placement is the most appropriate placement available for C and will safeguard and promote C's welfare; (b)be satisfied that the requirements of regulation 9(1)(b) have been complied with; and (c)if their whereabouts are known to the responsible authority, notify the parent or guardian of C of the proposed placement.	Placement following consideration in accordance with section 22C(9B)(c) of the Act 22A.—(1) This regulation applies where the responsible authority decides to place C in accordance with section 22C of the 1989 Act with a local authority foster parent who is also an approved prospective adopter following consideration in accordance with section 22C(9B)(c) of the 1989 Act. (2) The decision to place C must not be put into effect until it has been approved by a nominated officer, and the responsible authority have prepared a placement plan for C. (3) Before approving a decision under paragraph (2), the nominated officer must—(3) Before making a placement under paragraph (1), the responsible authority must— (a)be satisfied that the placement is the most appropriate placement available for C and will safeguard and promote C's welfare; (b)be satisfied that the requirements of regulation 9(1)(b) have been complied with; and (c)if their whereabouts are known to the responsible authority, notify the parent or guardian of C of the proposed placement.
31	Conditions to be complied with before placing C in a long term foster placement 22B.—(1) This regulation applies where the responsible authority propose to place C with F in a long term foster placement. (2) The responsible authority may only place C with F if— (a)the responsible authority have prepared a placement plan for C, (b)the requirements of regulation 9(1)(b)(i) have been complied with, (c)the placement will safeguard and promote C's welfare, (d)the IRO has been consulted, (e)C's relatives have been consulted, where appropriate, and (f)F intends to act as C's foster parent until C ceases to be looked after.	Conditions to be complied with before placing C in a long term foster placement 22B.—(1) This regulation applies where the responsible authority propose to place C with F in a long term foster placement. (2) The responsible authority may only place C with F if— (a)the responsible authority have prepared a placement plan for C, (b)the requirements of regulation 9(1)(b)(i) have been complied with, (c)the placement will safeguard and promote C's welfare, (d)the IRO has been consulted, (e)C's relatives have been consulted, where appropriate, and (f)F intends to act as C's foster parent until C ceases to be looked after.

32	Emergency placement with a local authority foster parent 23.—(1) Where it is necessary to place C in an emergency, the responsible authority may place C with any local authority foster parent who has been approved in accordance with the 2002 Regulations, even if the terms of that approval are not consistent with the placement, provided that the placement is for no longer than six working days. (2) When the period of six working days referred to in paragraph (1) expires, the responsible authority must terminate the placement unless the terms of that person’s approval have been amended to be consistent with the placement.	Emergency placement with a local authority foster parent 23.—(1) Where it is necessary to place C in an emergency, the responsible authority may place C with any local authority foster parent who has been approved in accordance with the 2002 Regulations, even if the terms of that approval are not consistent with the placement, provided that the placement is for no longer than six working days twenty four weeks. (2) When the period of six working days twenty four weeks referred to in paragraph (1) expires, the responsible authority must terminate the placement unless the terms of that person’s approval have been amended to be consistent with the placement.
33-34	Temporary approval of relative, friend or other person connected with C 24.—(1) Where the responsible authority is satisfied that— (a) the most appropriate placement for C is with a connected person, notwithstanding that the connected person is not approved as a local authority foster parent, and (b) it is necessary for C to be placed with the connected person before the connected person’s suitability to be a local authority foster parent has been assessed in accordance with the 2002 Regulations, they may approve that person as a local authority foster parent for a temporary period not exceeding 16 weeks (“temporary approval”) provided that they first comply with the requirements of paragraph (2). (2) Before making a placement under paragraph (1), the responsible authority must— (a) assess the suitability of the connected person to care for C, including the suitability of— (i) the proposed accommodation, and (ii) all other persons aged 18 and over who are members of the household in which it is proposed that C will live, taking into account all the matters set out in Schedule 4, (b) consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the proposed arrangements will safeguard and promote C’s welfare and meet C’s needs set out in the care plan, and (c) make immediate arrangements for the suitability of the connected person to be a local authority foster parent to be assessed in accordance with the 2002 Regulations (“the full assessment process”) before the temporary approval expires. (3) In this regulation “connected person” means a relative, friend or other person connected with C.	Temporary approval of relative, friend or other person connected with C 24.—(1) Where the responsible authority is satisfied that— (a) the most appropriate placement for C is with a connected person, notwithstanding that the connected person is not approved as a local authority foster parent, and (b) it is necessary for C to be placed with the connected person before the connected person’s suitability to be a local authority foster parent has been assessed in accordance with the 2002 Regulations, they may approve that person as a local authority foster parent for a temporary period not exceeding 16 weeks (“temporary approval”) provided that they first comply with the requirements of paragraph (2). 24.—(1) Where the responsible authority is satisfied that the most appropriate placement for C is with a person who has not yet been approved as a local authority foster parent they may approve that person as a local authority foster parent for a temporary period not exceeding 24 weeks (“temporary approval”) provided that they first comply with the requirements of paragraph (2). (2) Before making a placement under paragraph (1), the responsible authority must— (a) assess the suitability of the connected person to care for C, including the suitability of— (i) the proposed accommodation, and (ii) all other persons aged 18 and over who are members of the household in which it is proposed that C will live, taking into account all the matters set out in Schedule 4, (b) consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the proposed arrangements will safeguard and promote C’s welfare and meet C’s needs set out in the care plan, and (c) make immediate arrangements for the suitability of the connected person to be a local authority foster parent to be assessed in accordance with the 2002

		Regulations (“the full assessment process”) before the temporary approval expires. (3) In this regulation “connected person” means a relative, friend or other person connected with C.
...	Expiry of temporary approval 25.—(1) Subject to paragraph (4), the responsible authority may extend the temporary approval of a connected person if— (a) it is likely to expire before the full assessment process is completed, or (b) the connected person, having undergone the full assessment process, is not approved and seeks a review of the decision in accordance with Regulations made under paragraph 12F(1)(b) of Schedule 2 to the 1989 Act (1). (2) In a case falling within paragraph (1)(a), the responsible authority may extend the temporary approval once for a further period of up to eight weeks. (3) In a case falling within paragraph (1)(b), the responsible authority may extend the temporary approval until the outcome of the review is known. (4) Before deciding whether to extend the temporary approval in the circumstances set out in paragraph (1), the responsible authority must first— (a) consider whether placement with the connected person is still the most appropriate placement available, (b) seek the views of the fostering panel established by the fostering service provider in accordance with the 2002 Regulations, and (c) inform the IRO. (5) A decision to extend temporary approval must be approved by a nominated officer. (6) If the period of temporary approval and of any extension to that period expires and the connected person has not been approved as a local authority foster parent in accordance with the 2002 Regulations, the responsible authority must terminate the placement after first making other arrangements for C’s accommodation.	Expiry of temporary approval 25.—(1) Subject to paragraph (4), the responsible authority may extend the temporary approval of a connected person if— (a) it is likely to expire before the full assessment process is completed, or (b) the connected person, having undergone the full assessment process, is not approved and seeks a review of the decision in accordance with Regulations made under paragraph 12F(1)(b) of Schedule 2 to the 1989 Act (1). (2) In a case falling within paragraph (1)(a), the responsible authority may extend the temporary approval once for a further period of up to eight weeks. (3) In a case falling within paragraph (1)(b), the responsible authority may extend the temporary approval until the outcome of the review is known. (4) Before deciding whether to extend the temporary approval in the circumstances set out in paragraph (1), the responsible authority must first— (a) consider whether placement with the connected person is still the most appropriate placement available, (b) seek the views of the fostering panel established by the fostering service provider in accordance with the 2002 Regulations, and (c) inform the IRO. (5) A decision to extend temporary approval must be approved by a nominated officer. (6) If the period of temporary approval and of any extension to that period expires and the connected person has not been approved as a local authority foster parent in accordance with the 2002 Regulations, the responsible authority must terminate the placement after first making other arrangements for C’s accommodation.
35-36	Frequency of visits 28.—(1) As part of their arrangements for supervising C’s welfare, the responsible authority must ensure that their representative (“R”) visits C in accordance with this regulation, wherever C is living. (2) Subject to paragraphs (3) to (6), the responsible authority must ensure that R visits C— (a) within one week of the start of any placement, (b) at intervals of not more than six weeks for the first year of any placement, and (c) thereafter— (i) where the placement is intended to last until C is aged 18, at intervals of not more than three months, (ii) and in any other case, at intervals of not more than six weeks.	Frequency of visits 28.—(1) As part of their arrangements for supervising C’s welfare, the responsible authority must ensure that their representative (“R”) visits C in accordance with this regulation, wherever C is living. 1A) Any visit required by this regulation may be conducted by telephone, video-link or other electronic means. (1B) Where R is unable to visit C within the timescales set out in this regulation the responsible authority must ensure that R visits C as soon as is reasonably practicable thereafter. (2) Subject to paragraphs (3) to (6), the responsible authority must ensure that R visits C— (a) within one week of the start of any placement,

(3) Where regulation 19 applies, the responsible authority must ensure that R visits C— (a) at least once a week until the first review carried out in accordance with Part 6, and (b) thereafter at intervals of not more than six weeks. (3A) Where— (a) C is in a long term foster placement and has been in that placement for at least one year, and (b) C, being of sufficient age and understanding, agrees to be visited less frequently than required by paragraph (2)(c), the responsible authority must ensure that R visits C at intervals of no more than 6 months. (4) Where regulation 24 applies, or where an interim care order has been made in relation to C under section 38 (interim orders) and C is living with P, the responsible authority must ensure that R visits C— (a) at least once a week until the first review carried out in accordance with Part 6, and (b) thereafter at intervals of not more than four weeks. (5) Where a care order has been made in relation to C under section 31 (care and supervision orders) and C is living with P, the responsible authority must ensure that R visits C— (a) within one week of the making of the care order, and (b) thereafter at intervals of not more than six weeks. (6) Where C is in the care of the responsible authority but another person is responsible for the arrangements under which C is living for the time being (“C’s living arrangements”), the responsible authority must ensure that R visits C— (a) within one week of the start of C’s living arrangements and within one week of any change to C’s living arrangements, (b) at intervals of not more than six weeks for the first year thereafter, and (c) at intervals of not more than three months in any subsequent year. (7) In addition to visits in accordance with paragraphs (2) to (6), the responsible authority must ensure that R visits C— (a) whenever reasonably requested to do so by— (i) C, (ii) where paragraphs (2), (3), (3A) or (4) apply, the appropriate person, or (iii) where paragraph (5) applies, the person responsible for C’s living arrangements, (b) within one week of first receiving notification under section 30A of the Care Standards Act 2000(1) (notification of matters relating to persons carrying on or managing certain establishments or agencies), where the children’s home in which C is placed for the time being is referred to in that notification.	(b) at intervals of not more than six weeks for the first year of any placement, and (c) thereafter— (i) where the placement is intended to last until C is aged 18, at intervals of not more than three months, (ii) and in any other case, at intervals of not more than six weeks. (3) Where regulation 19 applies, the responsible authority must ensure that R visits C— (a) at least once a week until the first review carried out in accordance with Part 6, and (b) thereafter at intervals of not more than six weeks. (3A) Where— (a) C is in a long term foster placement and has been in that placement for at least one year, and (b) C, being of sufficient age and understanding, agrees to be visited less frequently than required by paragraph (2)(c), the responsible authority must ensure that R visits C at intervals of no more than 6 months. (4) Where regulation 24 applies, or where an interim care order has been made in relation to C under section 38 (interim orders) and C is living with P, the responsible authority must ensure that R visits C— (a) at least once a week until the first review carried out in accordance with Part 6, and (b) thereafter at intervals of not more than four weeks. (5) Where a care order has been made in relation to C under section 31 (care and supervision orders) and C is living with P, the responsible authority must ensure that R visits C— (a) within one week of the making of the care order, and (b) thereafter at intervals of not more than six weeks. (6) Where C is in the care of the responsible authority but another person is responsible for the arrangements under which C is living for the time being (“C’s living arrangements”), the responsible authority must ensure that R visits C— (a) within one week of the start of C’s living arrangements and within one week of any change to C’s living arrangements, (b) at intervals of not more than six weeks for the first year thereafter, and (c) at intervals of not more than three months in any subsequent year. (7) In addition to visits in accordance with paragraphs (2) to (6), the responsible authority must ensure that R visits C— (a) whenever reasonably requested to do so by— (i) C, (ii) where paragraphs (2), (3), (3A) or (4) apply, the appropriate person, or (iii) where paragraph (5) applies, the person responsible for C’s living arrangements,
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		(b)within one week of first receiving notification under section 30A of the Care Standards Act 2000(1) (notification of matters relating to persons carrying on or managing certain establishments or agencies), where the children’s home in which C is placed for the time being is referred to in that notification. NB Provision relating to telephone, video-link or other electronic means, although understandable in current circumstances, is counted as a dilution because the private caveat has not been added, as it has in Children’s Homes Regulations below.
37	Timing of reviews 33.—(1) The responsible authority must first review C’s case within 20 working days of the date on which C becomes looked after. (2) The second review must be carried out not more than three months after the first, and subsequent reviews must be carried out at intervals of not more than six months.	Timing of reviews 33.—(1) The responsible authority must first review C’s case within 20 working days of the date on which C becomes looked after. (2) The second review must be carried out not more than three months after the first, and subsequent reviews must be carried out at intervals of not more than six months where reasonably practicable thereafter.
38	<i>The role of the IRO</i> 36.—(1) The IRO must— (a)so far as reasonably practicable, attend any meeting held as part of the review (“the review meeting”) and, if attending the review meeting, chair it, (b)speak to C in private about the matters to be considered at the review unless C, being of sufficient understanding to do so, refuses or the IRO considers it inappropriate having regard to C’s age and understanding, (c)ensure that, so far as reasonably practicable, the wishes and feelings of C’s parents, or any person who is not C’s parent but who has parental responsibility for C, have been ascertained and taken into account, and (d)ensure that the review is conducted in accordance with this Part and in particular— (i)that the persons responsible for implementing any decision taken in consequence of the review are identified, and (ii)that any failure to review the case in accordance with this Part or to take proper steps to implement decisions taken in consequence of the review are brought to the attention of an officer at an appropriate level of seniority within the responsible authority. (2) The IRO may, if not satisfied that sufficient information has been provided by the responsible authority to enable proper consideration of any of the matters in Schedule 7, adjourn the review meeting once for not more than 20 working days, and no proposal considered in the course of the review may be implemented until the review has been completed.	<i>The role of the IRO</i> 36.—(1) The IRO must— (a)so far as reasonably practicable, attend any meeting held as part of the review (“the review meeting”) and, if attending the review meeting, chair it, (b)speak to C in private about the matters to be considered at the review unless C, being of sufficient understanding to do so, refuses or the IRO considers it inappropriate having regard to C’s age and understanding, (c)ensure that, so far as reasonably practicable, the wishes and feelings of C’s parents, or any person who is not C’s parent but who has parental responsibility for C, have been ascertained and taken into account, and (d)ensure that the review is conducted in accordance with this Part and in particular— (i)that the persons responsible for implementing any decision taken in consequence of the review are identified, and (ii)that any failure to review the case in accordance with this Part or to take proper steps to implement decisions taken in consequence of the review are brought to the attention of an officer at an appropriate level of seniority within the responsible authority. (2) The IRO may, if not satisfied that sufficient information has been provided by the responsible authority to enable proper consideration of any of the matters in Schedule 7, adjourn the review meeting once for not more than 20 working days, and no proposal considered in the course of the review may be implemented until the review has been completed. (2) The IRO may adjourn the review meeting for not more than 20 working days, and no proposal

		considered in the course of the meeting may be implemented until the review has been completed.
...	<i>Assessment of needs</i> 42.—(1) The responsible authority must complete the assessment of C’s needs in accordance with paragraph 19B(4) of Schedule 2 to the 1989 Act not more than three months after the date on which C reaches the age of 16 or becomes an eligible child after that age. (2) In carrying out their assessment of C’s likely needs when C ceases to be looked after, the responsible authority must take account of the following considerations— (a)C’s state of health (including physical, emotional and mental health) and development, (b)C’s continuing need for education, training or employment, (c)the support that will be available to C from C’s parents and other connected persons, (d)C’s actual and anticipated financial resources and capacity to manage personal finances independently, (e)the extent to which C possesses the practical and other skills necessary for independent living, (f)C’s need for continuing care, support and accommodation, (g)the wishes and feelings of— (i)C, (ii)any parent of C’s and any person who is not C’s parent but who has parental responsibility for C, (iii)the appropriate person, (h)the views of— (i)any person or educational institution that provides C with education or training and, if C has a statement of special educational needs, the local authority who maintain the statement (if different)(1), (ii)the IRO, (iii)any person providing health (whether physical, emotional or mental health) or dental care or treatment to C, (iv)the personal adviser appointed for C, and (v)any other person whose views the responsible authority, or C, consider may be relevant.	<i>Assessment of needs</i> 42.—(1) The responsible authority must complete the assessment of C’s needs in accordance with paragraph 19B(4) of Schedule 2 to the 1989 Act not more than three months after the date on which C reaches the age of 16 or becomes an eligible child after that age. (2) In carrying out their assessment of C’s likely needs when C ceases to be looked after, the responsible authority must take account of the following considerations— (a)C’s state of health (including physical, emotional and mental health) and development, (b)C’s continuing need for education, training or employment, (c)the support that will be available to C from C’s parents and other connected persons, (d)C’s actual and anticipated financial resources and capacity to manage personal finances independently, (e)the extent to which C possesses the practical and other skills necessary for independent living, (f)C’s need for continuing care, support and accommodation, (g)the wishes and feelings of— (i)C, (ii)any parent of C’s and any person who is not C’s parent but who has parental responsibility for C, (iii)the appropriate person, (h)the views of— (i)any person or educational institution that provides C with education or training and, if C has a statement of special educational needs, the local authority who maintain the statement (if different)(1), (ii)the IRO, (iii)any person providing health (whether physical, emotional or mental health) or dental care or treatment to C, (iv)the personal adviser appointed for C, and (v)any other person whose views the responsible authority, or C, consider may be relevant.
39	Application of these Regulations with modifications to children on remand 47C.—(1) Part 3 (placements) applies with the following modifications. (2) Where C is remanded to YDA, regulations 9, 10, 11 and 14 do not apply, and instead— (a)the responsible authority must prepare a plan for the remand (“the detention placement plan”) within ten working days of C’s remand to YDA which— (i)sets out how the YDA will meet C’s needs, and (ii)includes the address of the YDA and all the matters specified in Schedule 2A, (b)the responsible authority must ensure— (i)that C’s wishes and feelings have been ascertained and given due consideration,	Application of these Regulations with modifications to children on remand 47C.—(1) Part 3 (placements) applies with the following modifications. (2) Where C is remanded to YDA, regulations 9, 10, 11 and 14 do not apply, and instead— (a)the responsible authority must prepare a plan for the remand (“the detention placement plan”) within ten working days of C’s remand to YDA which— (i)sets out how the YDA will meet C’s needs, and (ii)includes the address of the YDA and all the matters specified in Schedule 2A, (b)the responsible authority must ensure— (i)that C’s wishes and feelings have been ascertained and given due consideration,

	(ii)where C was looked after immediately before being so remanded, that the IRO has been informed of the remand, (c)the detention placement plan must be agreed with, and signed by, the director, governor or registered manager (as the case may be) of the YDA. (3) Where C is remanded to local authority accommodation, regulation 9(1) applies with the modification that the placement plan must be prepared within five working days of C being so remanded.	(ii)where C was looked after immediately before being so remanded, that the IRO has been informed of the remand, (c)the detention placement plan must be agreed with, and signed by, the director, governor or registered manager (as the case may be) of the YDA. (3) Where C is remanded to local authority accommodation, regulation 9(1) applies with the modification that the placement plan must be prepared within five working days of as soon as is reasonably practicable from C being so remanded.
40-42	Application of these Regulations with modifications to short breaks 48.—(1) In the circumstances set out in paragraph (2) these Regulations apply with the modifications set out in paragraph (3). (2) The circumstances are that— (a)C is not in the care of the responsible authority, (b)the responsible authority have arranged to place C in a series of short-term placements with the same person or in the same accommodation (“short breaks”), and (c)the arrangement is such that— (i)no single placement is intended to last for longer than 17 days, (ii)at the end of each such placement, C returns to the care of C’s parent or a person who is not C’s parent but who has parental responsibility for C, and (iii)the short breaks do not exceed 75 days in total in any period of 12 months. (3) The modifications are that— (a)regulations 5 and 9 do not apply, but instead the care plan must set out the arrangements made to meet C’s needs with particular regard to— (i)C’s health and emotional and behavioural development, in particular in relation to any disability C may have, (ii)promoting contact between C and C’s parents and any other person who is not C’s parent but who has parental responsibility for C, during any period when C is placed, (iii)C’s leisure interests, and (iv)promoting C’s educational achievement, and must include the name and address of C’s registered medical practitioner, and the information set out in paragraph 3 of Schedule 2, where appropriate, (b)regulations 7, 13 and 49(2)(b) do not apply, (c)regulation 28(2) does not apply, but instead the responsible authority must ensure that R visits C on days when C is in fact placed, at regular intervals to be agreed with the IRO and C’s parents (or any person who is not C’s parent but who has parental responsibility for C) and recorded in the care plan before the start of the first placement, and in any event— (i)the first visit must take place within three months of the start of the first placement, or as soon as practicable thereafter, and	Application of these Regulations with modifications to short breaks 48.—(1) In the circumstances set out in paragraph (2) these Regulations apply with the modifications set out in paragraph (3). (2) The circumstances are that— (a)C is not in the care of the responsible authority, (b)the responsible authority have arranged to place C in a series of short-term placements with the same person or in the same accommodation (“short breaks”), and (c)the arrangement is such that— (i)no single placement is intended to last for longer than 17 days, (ii)at the end of each such placement, C returns to the care of C’s parent or a person who is not C’s parent but who has parental responsibility for C, and (iii)the short breaks do not exceed 75 days in total in any period of 12 months. (c)the arrangement is such that— (i)at the end of each placement, C returns to the care of C’s parent or a person who is not C’s parent but who has parental responsibility for C, and (ii)the short breaks do not exceed 75 days in total in any period of 12 months. (3) The modifications are that— (a)regulations 5 and 9 do not apply, but instead the care plan must set out the arrangements made to meet C’s needs with particular regard to— (i)C’s health and emotional and behavioural development, in particular in relation to any disability C may have, (ii)promoting contact between C and C’s parents and any other person who is not C’s parent but who has parental responsibility for C, during any period when C is placed, (iii)C’s leisure interests, and (iv)promoting C’s educational achievement, and must include the name and address of C’s registered medical practitioner, and the information set out in paragraph 3 of Schedule 2, where appropriate, (b)regulations 7, 13 and 49(2)(b) do not apply, (c)regulation 28(2) does not apply, but instead the responsible authority must ensure that R visits C on

	(ii)subsequent visits must take place at intervals of not more than six months, for as long as the short breaks continue, (d)regulation 33 does not apply, but instead— (i)the responsible authority must first review C’s case within three months of the start of the first placement, and (ii)the second and subsequent reviews must be carried out at intervals of not more than six months.	days when C is in fact placed, at regular intervals to be agreed with the IRO and C’s parents (or any person who is not C’s parent but who has parental responsibility for C) and recorded in the care plan before the start of the first placement, and in any event— (i)the first visit must take place within three months of the start of the first placement, or as soon as practicable thereafter, and (ii)subsequent visits must take place at intervals of not more than six months, for as long as the short breaks continue, (d)regulation 33 does not apply, but instead— (i)the responsible authority must first review C’s case within three months of the start of the first placement, and (ii)the second and subsequent reviews must be carried out at intervals of not more than six months. (c)regulation 28(2) does not apply, but instead the responsible authority must ensure that R visits C at regular intervals during any short break to be agreed with the IRO and C’s parents (or any person who is not C’s parent but has parental responsibility for C), (d)regulation 33 does not apply, but instead the responsible authority must first review C’s case as soon as is reasonably practicable from the start of the first placement, and subsequent reviews must be carried out at regular intervals during any short break, (e)any visit required by this regulation may be conducted by telephone, video-link or other electronic means.
...	SCHEDULE 4 Matters to be taken into account when assessing the suitability of a connected person to care for C 1. In respect of the connected person— (a)the nature and quality of any existing relationship with C, (b)their capacity to care for children and in particular in relation to C to— (i)provide for C’s physical needs and appropriate medical and dental care, (ii)protect C adequately from harm or danger including from any person who presents a risk of harm to C, (iii)ensure that the accommodation and home environment is suitable with regard to the age and developmental stage of C, (iv)promote C’s learning and development, and (v)provide a stable family environment which will promote secure attachments for C, including promoting positive contact with P and other connected persons, unless to do this is not consistent with the duty to safeguard and promote C’s welfare, (c)their state of health including their physical, emotional and mental health and medical history including any current or past issues of domestic violence, substance misuse or mental health problems,	SCHEDULE 4 Matters to be taken into account when assessing the suitability of a connected any person to care for C 1. In respect of the connected person— (a)the nature and quality of any existing relationship with C, (b)their capacity to care for children and in particular in relation to C to— (i)provide for C’s physical needs and appropriate medical and dental care, (ii)protect C adequately from harm or danger including from any person who presents a risk of harm to C, (iii)ensure that the accommodation and home environment is suitable with regard to the age and developmental stage of C, (iv)promote C’s learning and development, and (v)provide a stable family environment which will promote secure attachments for C, including promoting positive contact with P and other connected persons, unless to do this is not consistent with the duty to safeguard and promote C’s welfare, (c)their state of health including their physical, emotional and mental health and medical history including any current or past issues of domestic violence, substance misuse or mental health problems,

	(d)their family relationships and the composition of their household, including particulars of— (i)the identity of all other members of the household, including their age and the nature of their relationship with the connected person and with each other, including any sexual relationship, (ii)any relationship with any person who is a parent of C, (iii)any relationship between C and other members of the household (iv)other adults not being members of the household who are likely to have regular contact with C, and (v)any current or previous domestic violence between members of the household, including the connected person, (e)their family history, including— (i)particulars of their childhood and upbringing including the strengths and difficulties of their parents or other persons who cared for them, (ii)their relationships with their parents and siblings, and their relationships with each other, (iii)their educational achievement and any specific learning difficulty or disability, (iv)a chronology of significant life events, and (v)particulars of other relatives and their relationships with C and the connected person, (f)particulars of any criminal offences of which they have been convicted or in respect of which they have been cautioned, (g)their past and present employment and other sources of income, and (h)the nature of the neighbourhood in which their home is situated and resources available in the community to support C and the connected person.	(d)their family relationships and the composition of their household, including particulars of— (i)the identity of all other members of the household, including their age and the nature of their relationship with the connected person and with each other, including any sexual relationship, (ii)any relationship with any person who is a parent of C, (iii)any relationship between C and other members of the household (iv)other adults not being members of the household who are likely to have regular contact with C, and (v)any current or previous domestic violence between members of the household, including the connected person, (e)their family history, including— (i)particulars of their childhood and upbringing including the strengths and difficulties of their parents or other persons who cared for them, (ii)their relationships with their parents and siblings, and their relationships with each other, (iii)their educational achievement and any specific learning difficulty or disability, (iv)a chronology of significant life events, and (v)particulars of other relatives and their relationships with C and the connected person, v)particulars of relatives and any relationships with C and the person, (f)particulars of any criminal offences of which they have been convicted or in respect of which they have been cautioned, (g)their past and present employment and other sources of income, and (h)the nature of the neighbourhood in which their home is situated and resources available in the community to support C and the connected person.
FOSTERING SERVICES (ENGLAND) REGULATIONS 2011		
43	Review of statement of purpose and children's guide 4. The fostering service provider must— (a)keep under review and, where appropriate, revise the statement of purpose and children's guide, (b)notify the Chief Inspector of any such revision within 28 days, and (c)if the children's guide is revised, supply a copy to each foster parent approved by the fostering service provider, and to each child placed by them (subject to the child's age and understanding).	Review of statement of purpose and children's guide 4. The fostering service provider must— (a)keep under review and, where appropriate, revise the statement of purpose and children's guide, (b)notify the Chief Inspector of any such revision within 28 days as soon as is reasonably practicable, and (c)if the children's guide is revised, supply a copy to each foster parent approved by the fostering service provider, and to each child placed by them (subject to the child's age and understanding).
44	Appointment of manager 6.—(1) The registered provider must appoint an individual to manage the fostering agency. (2) Where the registered provider is— (a)an organisation, it must not appoint the person who is the responsible individual as the manager, (b)a partnership, it must not appoint any of the partners as the manager.	Appointment of manager 6.—(1) The registered provider must appoint an individual to manage the fostering agency. (2) Where the registered provider is— (a)an organisation, it must not appoint the person who is the responsible individual as the manager, (b)a partnership, it must not appoint any of the partners as the manager.

	(3) The registered provider must notify the Chief Inspector without delay of— (a) the name of any person appointed in accordance with this regulation, and (b) the date on which the appointment is to take effect.	(3) The registered provider must notify the Chief Inspector without delay as soon as is reasonably practicable of— (a) the name of any person appointed in accordance with this regulation, and (b) the date on which the appointment is to take effect.
45	Notification of offences 9. Where the registered person or the responsible individual is convicted of any criminal offence, whether in England and Wales or elsewhere, that person must without delay give notice in writing to the Chief Inspector of— (a) the date and place of the conviction, (b) the offence of which they were convicted, and (c) the penalty imposed on them in respect of the offence.	Notification of offences 9. Where the registered person or the responsible individual is convicted of any criminal offence, whether in England and Wales or elsewhere, that person must without delay as soon as is reasonably practicable give notice in writing to the Chief Inspector of— (a) the date and place of the conviction, (b) the offence of which they were convicted, and (c) the penalty imposed on them in respect of the offence.
46	Manager 10.—(1) Each local authority must appoint one of its officers to manage the local authority fostering service, and must notify the Chief Inspector without delay of— (a) the name of the person appointed, and (b) the date on which the appointment is to take effect. (2) Regulations 7, 8 and 9 apply to the manager of a local authority fostering service, in relation to that service, as they apply to the manager of a fostering agency in relation to the fostering agency. (3) The local authority must notify the Chief Inspector without delay if the person appointed under paragraph (1) ceases to manage the local authority fostering service.	Manager 10.—(1) Each local authority must appoint one of its officers to manage the local authority fostering service, and must notify the Chief Inspector without delay as soon as is reasonably practicable of— (a) the name of the person appointed, and (b) the date on which the appointment is to take effect. (2) Regulations 7, 8 and 9 apply to the manager of a local authority fostering service, in relation to that service, as they apply to the manager of a fostering agency in relation to the fostering agency. (3) The local authority must notify the Chief Inspector without delay if the person appointed under paragraph (1) ceases to manage the local authority fostering service.
47-48	Constitution and membership of fostering panel 23.—(1) The fostering service provider must maintain a list of persons who are considered by them to be suitable to be members of a fostering panel (“the central list”), including one or more social workers who have at least three years’ relevant post-qualifying experience. (2) A person who is included in the central list may at any time ask to be removed from the central list by giving one month’s notice in writing. (3) Where the fostering service provider are of the opinion that a person included in the central list is unsuitable or unable to remain on the list, the fostering service provider may remove that person’s name from the list by giving them one month’s notice in writing. (4) Subject to paragraph (5), the fostering service provider must constitute one or more fostering panels, as necessary, to perform the functions of a fostering panel under these Regulations, and must appoint panel members including— (i) a person to chair the panel who, in the case of any appointment made after 1st October 2011, must be independent of the fostering service provider, and	Constitution and membership of fostering panel 23.—(1) The fostering service provider must maintain a list of persons who are considered by them to be suitable to be members of a fostering panel (“the central list”), including one or more social workers who have at least three years’ relevant post-qualifying experience. (2) A person who is included in the central list may at any time ask to be removed from the central list by giving one month’s notice in writing. (3) Where the fostering service provider are of the opinion that a person included in the central list is unsuitable or unable to remain on the list, the fostering service provider may remove that person’s name from the list by giving them one month’s notice in writing. (4) Subject to paragraph (5), the fostering service provider must constitute may constitute one or more fostering panels, as necessary, to perform the functions of a fostering panel under these Regulations, and where a panel is constituted, the fostering service provider must appoint panel members including—

	(ii) one or two persons who may act as chair if the person appointed to chair the panel is absent or that office is vacant (“the vice chairs”) from the persons on the central list. (5) A fostering panel may be constituted jointly by any two or more fostering service providers, in which case the appointment of members must be made by agreement between the fostering service providers. (6) A local authority may pay to any member of a fostering panel constituted by them such fee as they may determine, being a fee of a reasonable amount. (7) The fostering service provider must ensure that the fostering panel has sufficient members, and that individual members have between them the experience and expertise necessary, to effectively discharge the functions of the panel. (8) Any fostering panel member may resign at any time by giving one month’s notice in writing to the fostering service provider which appointed them. (9) Where a fostering service provider are of the opinion that any member of the fostering panel appointed by them is unsuitable or unable to continue as a panel member, they may terminate that member’s appointment at any time by giving the member notice in writing. (10) For the purposes of this regulation and regulation 24— (a) a person is not independent of the fostering service provider if— (i) they are currently approved by the fostering service provider as a foster parent, (ii) in the case of a local authority fostering service, the person is an elected member of that local authority, or is employed by that local authority for the purposes of the fostering service or for the purposes of any of that local authority’s functions relating to the protection or placement of children, or (iii) in the case of a fostering agency, the person is employed by, or is a trustee of, that fostering agency, and (b) ‘social worker’ means 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 Care Standards Act 2000(1), or in a corresponding register maintained under the law of Scotland or Northern Ireland.	(i) a person to chair the panel who, in the case of any appointment made after 1st October 2011, must be independent of the fostering service provider, and (ii) one or two persons who may act as chair if the person appointed to chair the panel is absent or that office is vacant (“the vice chairs”) from the persons on the central list. (5) A fostering panel may be constituted jointly by any two or more fostering service providers, in which case the appointment of members must be made by agreement between the fostering service providers. (6) A local authority may pay to any member of a fostering panel constituted by them such fee as they may determine, being a fee of a reasonable amount. (7) The fostering service provider must ensure that the fostering panel has sufficient members, and that individual members have between them the experience and expertise necessary, to effectively discharge the functions of the panel. (8) Any fostering panel member may resign at any time by giving one month’s notice in writing to the fostering service provider which appointed them. (9) Where a fostering service provider are of the opinion that any member of the fostering panel appointed by them is unsuitable or unable to continue as a panel member, they may terminate that member’s appointment at any time by giving the member notice in writing. (10) For the purposes of this regulation and regulation 24— (a) a person is not independent of the fostering service provider if— (i) they are currently approved by the fostering service provider as a foster parent, (ii) in the case of a local authority fostering service, the person is an elected member of that local authority, or is employed by that local authority for the purposes of the fostering service or for the purposes of any of that local authority’s functions relating to the protection or placement of children, or (iii) in the case of a fostering agency, the person is employed by, or is a trustee of, that fostering agency, and (b) ‘social worker’ means 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 Care Standards Act 2000(1), or in a corresponding register maintained under the law of Scotland or Northern Ireland.
49	Meetings of fostering panel 24.—(1) No business may be conducted by a fostering panel unless at least the following meet as the panel— (i) either the person appointed to chair the panel or one of the vice chairs, (ii) one member who is a social worker who has at least three years’ relevant post-qualifying experience, and	Meetings of fostering panel 24.—(1) No business may be conducted by a fostering panel unless at least the following meet as the panel— (i) either the person appointed to chair the panel or one of the vice chairs, (ii) one member who is a social worker who has at least three years’ relevant post-qualifying experience, and

	(iii)three, or in the case of a fostering panel established under regulation 23(5) four, other members, and where the chair is not present and the vice chair who is present is not independent of the fostering service provider, at least one of the other panel members must be independent of the fostering service provider.	(iii)three, or in the case of a fostering panel established under regulation 23(5) four, other members, and where the chair is not present and the vice chair who is present is not independent of the fostering service provider, at least one of the other panel members must be independent of the fostering service provider. one other independent person, and
50	Functions of fostering panel 25.—(1) The functions of the fostering panel in respect of cases referred to it by the fostering service provider are— (a)to consider each application for approval and to recommend whether or not a person is suitable to be a foster parent, (b)where it recommends approval of an application, to recommend any terms on which the approval is to be given, (c)to recommend whether or not a person remains suitable to be a foster parent, and whether or not the terms of their approval (if any) remain appropriate— (i)on the first review carried out in accordance with regulation 28(2), and (ii)on the occasion of any other review, if requested to do so by the fostering service provider in accordance with regulation 28(5), and (d)to consider any case referred to it under regulation 27(9) or 28(10). (2) In considering what recommendation to make under paragraph (1), the fostering panel— (a)must consider and take into account all of the information passed to it in accordance with regulation 26, 27 or 28 (as the case may be), (b)may request the fostering service provider to obtain any other relevant information or to provide such other assistance as the fostering panel considers necessary, and (c)may obtain such legal advice or medical advice as it considers necessary. (3) The fostering service provider must obtain such information as the fostering panel considers necessary and send that information to the panel, and provide such other assistance as the fostering panel may request, so far as is reasonably practicable. (4) The fostering panel must also— (a)advise, where appropriate, on the procedures under which reviews in accordance with regulation 28 are carried out by the fostering service provider, and periodically monitor their effectiveness, (b)oversee the conduct of assessments carried out by the fostering service provider, and (c)give advice, and make recommendations, on such other matters or cases as the fostering service provider may refer to it. (5) In this regulation “recommend” means recommend to the fostering service provider.	Functions of fostering panel 25.—(1) The functions of the fostering panel in respect of cases referred to it by the fostering service provider are— (a)to consider each application for approval and to recommend whether or not a person is suitable to be a foster parent, (b)where it recommends approval of an application, to recommend any terms on which the approval is to be given, (c)to recommend whether or not a person remains suitable to be a foster parent, and whether or not the terms of their approval (if any) remain appropriate— (i)on the first review carried out in accordance with regulation 28(2), and (ii)on the occasion of any other review, if requested to do so by the fostering service provider in accordance with regulation 28(5), and (d)to consider any case referred to it under regulation 27(9) or 28(10). (2) In considering what recommendation to make under paragraph (1), the fostering panel— (a)must consider and take into account all of the information passed to it in accordance with regulation 26, 27 or 28 (as the case may be), (b)may request the fostering service provider to obtain any other relevant information or to provide such other assistance as the fostering panel considers necessary, and (c)may obtain such legal advice or medical advice as it considers necessary. (3) The fostering service provider must obtain such information as the fostering panel considers necessary and send that information to the panel, and provide such other assistance as the fostering panel may request, so far as is reasonably practicable. (4) The fostering panel must also may also— (a)advise, where appropriate, on the procedures under which reviews in accordance with regulation 28 are carried out by the fostering service provider, and periodically monitor their effectiveness, (b)oversee the conduct of assessments carried out by the fostering service provider, and (c)give advice, and make recommendations, on such other matters or cases as the fostering service provider may refer to it. (5) In this regulation “recommend” means recommend to the fostering service provider.

51	Assessment of prospective foster parents (1) Where a person (“X”) applies to become a foster parent and the fostering service provider decide to assess X’s suitability to become a foster parent, any such assessment must be carried out in accordance with this regulation. (1A) Subject to paragraph (1B), the fostering service provider— (a) must, as soon as reasonably practicable, obtain the information specified in Part 1 of Schedule 3 relating to X and other members of X’s household and family, (b) where X has been a foster parent within the preceding 12 months and was approved as such by another fostering service provider, must request a written reference from that other fostering service provider, (c) except in a case where (b) applies and the other fostering service provider provides the reference requested, must interview at least two persons nominated by X to provide personal references for X, and prepare written reports of the interviews, (d) except where the fostering service provider is a local authority and X lives in the area of that authority, must consult, and take into account the views of, the local authority in whose area X lives, (e) may, where X was approved as a foster parent by another fostering service provider and consents, request access to the relevant records compiled by that other fostering service provider in relation to X, and (f) may, where X has been approved as a prospective adopter by an adoption agency and consents, request access to the relevant records compiled by that adoption agency in relation to X. (1B) Where— (a) having regard to any information obtained under paragraph (1A), the fostering service provider decide that X is not suitable to become a foster parent, or (b) X is not suitable to become a foster parent by virtue of paragraphs (5) to (7), and paragraph (8) does not apply, the fostering service provider must notify X in writing that X is not suitable to be a foster parent giving their reasons for that decision. (1C) The notification in paragraph (1B)— (a) may be given notwithstanding that the fostering service provider has not obtained all the information set out in paragraph (1A), and (b) may not be given more than 10 working days after the fostering service provider has obtained all the information set out in paragraph (1A). (2) Where the fostering service provider have obtained all the information set out in paragraph (1A) and have not given the notification in paragraph (1B) within 10 working days of doing so, the fostering service provider must, subject to paragraph (3)—	Assessment of prospective foster parents (1) Where a person (“X”) applies to become a foster parent and the fostering service provider decide to assess X’s suitability to become a foster parent, any such assessment must be carried out in accordance with this regulation. (1A) Subject to paragraph (1B), the fostering service provider— (a) must, as soon as reasonably practicable, obtain the information specified in Part 1 of Schedule 3 relating to X and other members of X’s household and family, (b) where X has been a foster parent within the preceding 12 months and was approved as such by another fostering service provider, must request a written reference from that other fostering service provider, (c) except in a case where (b) applies and the other fostering service provider provides the reference requested, must interview at least two persons nominated by X to provide personal references for X, and prepare written reports of the interviews, (d) except where the fostering service provider is a local authority and X lives in the area of that authority, must consult, and take into account the views of, the local authority in whose area X lives, (e) may, where X was approved as a foster parent by another fostering service provider and consents, request access to the relevant records compiled by that other fostering service provider in relation to X, and (f) may, where X has been approved as a prospective adopter by an adoption agency and consents, request access to the relevant records compiled by that adoption agency in relation to X. (1B) Where— (a) having regard to any information obtained under paragraph (1A), the fostering service provider decide that X is not suitable to become a foster parent, or (b) X is not suitable to become a foster parent by virtue of paragraphs (5) to (7), and paragraph (8) does not apply, the fostering service provider must notify X in writing that X is not suitable to be a foster parent giving their reasons for that decision. (1C) The notification in paragraph (1B)— (a) may be given notwithstanding that the fostering service provider has not obtained all the information set out in paragraph (1A), and (b) may not be given more than 10 working days must be sent as soon as is reasonably practicable after the fostering service provider has obtained all the information set out in paragraph (1A). (2) Where the fostering service provider have obtained all the information set out in paragraph (1A) and have not given the notification in paragraph (1B) within 10 working days of doing so, the fostering service
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(a) obtain the information specified in Part 2 of Schedule 3 relating to X and other members of X's household and any other information they consider relevant, (b) consider whether X is suitable to be a foster parent and whether X's household is suitable for any child, (c) prepare a written report on X which includes the following matters— (i) the information required by Schedule 3 and any other information the fostering service provider consider relevant, (ii) the fostering service provider's assessment of X's suitability to be a foster parent, and (iii) the fostering service provider's proposals about any terms of approval, and (d) notify X that the case is to be referred to the fostering panel, and give X a copy of the report prepared under subparagraph (c) inviting X to send any observations in writing to the fostering service provider within 10 working days beginning with the date on which the notification is sent. (3) Where, having regard to any information obtained under paragraph 2(a), the fostering service provider decide that X is unlikely to be considered suitable to become a foster parent, it may prepare a written report under paragraph (2)(c) notwithstanding that the fostering service provider may not have obtained all the information about X which is required by paragraph (2)(c). (4) At the end of the 10 working days referred to in paragraph (2)(d) (or when X's observations are received, whichever is sooner), the fostering service provider must send— (a) the report prepared under paragraph (2)(c), (b) X's observations on that report, if any, and (c) any other relevant information obtained by the fostering services provider, to the fostering panel.	provider must, subject to paragraph (3)— 2) Subject to paragraphs (2A) and (3), where the fostering service provider have obtained all the information set out in paragraph (1A) and have not given the notification in paragraph (1B), the fostering service provider must— (a) obtain the information specified in Part 2 of Schedule 3 relating to X and other members of X's household and any other information they consider relevant, (b) consider whether X is suitable to be a foster parent and whether X's household is suitable for any child, (c) prepare a written report on X which includes the following matters— (i) the information required by Schedule 3 and any other information the fostering service provider consider relevant, (ii) the fostering service provider's assessment of X's suitability to be a foster parent, and (iii) the fostering service provider's proposals about any terms of approval, and (d) decide whether to refer the case to the fostering panel or to proceed to make a decision under regulation 27 without such a referral and, where the case is referred the fostering service provider must notify X that the case is to be referred to the fostering panel, and give X a copy of the report prepared under subparagraph (c) inviting X to send any observations in writing to the fostering service provider within 10 working days beginning with the date on which the notification is sent. (2A) The fostering service provider may comply with paragraph (2)(a) even if the information required by paragraphs 2 and 9 of Schedule 3 has yet to be obtained. (3) Where, having regard to any information obtained under paragraph 2(a), the fostering service provider decide that X is unlikely to be considered suitable to become a foster parent, it may prepare a written report under paragraph (2)(c) notwithstanding that the fostering service provider may not have obtained all the information about X which is required by paragraph (2)(c). (4) At the end of the 10 working days referred to in paragraph (2)(d) (or when X's observations are received, whichever is sooner), the fostering service provider must send— 4) As soon as is reasonably practicable after X's observations are received the fostering service provider must, where the case is being referred to the fostering panel, send— (a) the report prepared under paragraph (2)(c), (b) X's observations on that report, if any, and (c) any other relevant information obtained by the fostering services provider, to the fostering panel.
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...	Approval of foster parents 27.—(1) A fostering service provider must not approve a person who has been approved as a foster parent by another fostering service provider where that approval has not been terminated. (2) A fostering service provider must not approve X as a foster parent unless— (a) they have completed their assessment of X’s suitability, and (b) the fostering panel has considered the application. (3) A fostering service provider must, in deciding whether to approve X as a foster parent and as to the terms of any approval, take into account the recommendation of the fostering panel. (4) No member of the fostering panel may take part in any decision made by a fostering service provider under paragraph (3). (5) If a fostering service provider decide to approve X as a foster parent they must— (a) give X notice in writing specifying any terms on which the approval is given, and (b) enter into a written agreement with X covering the matters specified in Schedule 5 (the “foster care agreement”). (6) If a fostering service provider consider that X is not suitable to be a foster parent they must, subject to paragraph (7)— (a) give X written notice that they propose not to approve X as suitable to be a foster parent (a “qualifying determination”), together with their reasons and a copy of the fostering panel’s recommendation, and (b) advise X that, within 28 days of the date of the qualifying determination, X may— (i) submit any written representations that X wishes to make to the fostering service provider, or (ii) apply to the Secretary of State for a review by an independent review panel of the qualifying determination(1). (7) Paragraph (6)(b)(ii) does not apply in a case where the fostering service provider consider in accordance with regulation 26(8) that X is not suitable to be a foster parent. (8) If, within the period referred to in paragraph (6)(b)— (a) the fostering service provider do not receive any representations, and (b) X does not apply to the Secretary of State for a review by an independent review panel of the qualifying determination, the fostering service provider may proceed to make their decision. (9) If within the period referred to in paragraph (6)(b) the fostering service provider receive any written representations, they must—	Approval of foster parents 27.—(1) A fostering service provider must not approve a person who has been approved as a foster parent by another fostering service provider where that approval has not been terminated. (2) A fostering service provider must not approve X as a foster parent unless— (a) they have completed their assessment of X’s suitability, and (b) where the case was referred to the fostering panel, the fostering panel has considered the application. (3) A fostering Where the case was referred to the fostering panel a fostering service provider must, in deciding whether to approve X as a foster parent and as to the terms of any approval, take into account the recommendation of the fostering panel. (4) No member of the fostering panel may take part in any decision made by a fostering service provider under paragraph (3). (5) If a fostering service provider decide to approve X as a foster parent they must— (a) give X notice in writing specifying any terms on which the approval is given, and (b) enter into a written agreement with X covering the matters specified in Schedule 5 (the “foster care agreement”). (6) If a fostering service provider consider that X is not suitable to be a foster parent they must, subject to paragraph (7)— (a) give X written notice that they propose not to approve X as suitable to be a foster parent (a “qualifying determination”), together with their reasons and, where the case has been referred to the fostering panel, a copy of the fostering panel’s recommendation, and (b) advise X that, within 28 days of the date of the qualifying determination, X may— (i) submit any written representations that X wishes to make to the fostering service provider, or (ii) apply to the Secretary of State for a review by an independent review panel of the qualifying determination(1). (7) Paragraph (6)(b)(ii) does not apply in a case where the fostering service provider consider in accordance with regulation 26(8) that X is not suitable to be a foster parent. (8) If, within the period referred to in paragraph (6)(b)— (a) the fostering service provider do not receive any representations, and (b) X does not apply to the Secretary of State for a review by an independent review panel of the qualifying determination, the fostering service provider may proceed to make their decision.
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	(a)refer the case to the fostering panel for further consideration, and (b)make their decision, taking into account any further recommendation made by the fostering panel. (10) If, within the period referred to in paragraph (6)(b), X applies to the Secretary of State for a review by an independent review panel of the qualifying determination, the fostering service provider must make their decision taking into account the recommendation of the fostering panel and the recommendation of the independent review panel. (11) As soon as practicable after making the decision referred to in paragraph (8), (9)(b) or (10) (as the case may be), the fostering service provider must notify X in writing and— (a)if the decision is to approve X as a foster parent, comply with paragraph (5) in relation to X, or (b)if the decision is not to approve X, provide written reasons for their decision. (12) In a case where an independent review panel has made a recommendation, the fostering service provider must send a copy of the notification referred to in paragraph (11) to the Secretary of State.	(9) If within the period referred to in paragraph (6)(b) the fostering service provider receive any written representations, they must— a)refer the case to the fostering panel for further consideration, and (b)make their decision, taking into account any further recommendation made by the fostering panel. (9) If within the period referred to in paragraph (6)(b) the fostering provider receive any written representations, they may refer the case to the fostering panel for further consideration and, where a case is referred, the fostering service provider must make their decision taking into account any further recommendation made by the fostering panel. (10) If, within the period referred to in paragraph (6)(b), X applies to the Secretary of State for a review by an independent review panel of the qualifying determination, the fostering service provider must make their decision taking into account the into account any recommendation of the fostering panel and the recommendation of the independent review panel. (11) As soon as practicable after making the decision referred to in paragraph (8), (9)(b) or (10) (as the case may be), the fostering service provider must notify X in writing and— (a)if the decision is to approve X as a foster parent, comply with paragraph (5) in relation to X, or (b)if the decision is not to approve X, provide written reasons for their decision. (12) In a case where an independent review panel has made a recommendation, the fostering service provider must send a copy of the notification referred to in paragraph (11) to the Secretary of State.
52	Reviews and terminations of approval 28.—(1) The fostering service provider must review the approval of each foster parent in accordance with this regulation. (2) A review must take place not more than a year after approval, and thereafter whenever the fostering service provider consider it necessary, but at intervals of not more than a year.	Reviews and terminations of approval 28.—(1) The fostering service provider must review the approval of each foster parent in accordance with this regulation. (2) A review must take place not more than a year after approval, and thereafter whenever the fostering service provider consider it necessary, but at intervals of not more than a year. (2) A review must, where reasonably practicable, take place not more than a year after approval, and thereafter whenever the fostering service provider consider it necessary.
...	Case records relating to foster parents and others 30.—(1) A fostering service provider must maintain a case record for each foster parent approved by them which must include copies of the documents specified in paragraph (2) and the information specified in paragraph (3). (2) The documents referred to in paragraph (1) are— (a)the report prepared under regulation 26(3)(b) and any other reports submitted to the fostering panel,	Case records relating to foster parents and others 30.—(1) A fostering service provider must maintain a case record for each foster parent approved by them which must include copies of the documents specified in paragraph (2) and the information specified in paragraph (3). (2) The documents referred to in paragraph (1) are—

	(b)any recommendations made by the fostering panel, (c)the notice of approval given under regulation 27(5)(a), (d)the foster care agreement, (e)any report of a review of approval prepared under regulation 28(4), and (f)any notice given under regulation 28(12).	(a)the report prepared under regulation 26(3)(b) and any other reports submitted to the fostering panel (if any), (b)any recommendations made by the fostering panel, (c)the notice of approval given under regulation 27(5)(a), (d)the foster care agreement, (e)any report of a review of approval prepared under regulation 28(4), and (f)any notice given under regulation 28(12).
53	Application of these Regulations with modifications to short breaks 42.—(1) In the circumstances set out in paragraph (2), these Regulations apply in relation to a child with the modifications set out in paragraph (3). (2) The circumstances are that the child— (a)is not in the care of a local authority, and (b)is placed in a series of short-term placements with the same foster parent (“short breaks”), where— (i)no single placement is intended to last for more than 17 days, (ii)at the end of each such placement the child returns to the care of the child’s parent or a person who is not his parent but who has parental responsibility for the child, (iii)the short breaks do not exceed 75 days in total in any period of 12 months. (3) The modifications are that regulations 14, 15(2)(a) and (d), and 16 do not apply in relation to the child.	Application of these Regulations with modifications to short breaks 42.—(1) In the circumstances set out in paragraph (2), these Regulations apply in relation to a child with the modifications set out in paragraph (3). (2) The circumstances are that the child— (a)is not in the care of a local authority, and (b)is placed in a series of short-term placements with the same foster parent (“short breaks”), where— (i)no single placement is intended to last for more than 17 days, (ii)at the end of each such placement the child returns to the care of the child’s parent or a person who is not his parent but who has parental responsibility for the child, (iii)the short breaks do not exceed 75 days in total in any period of 12 months. (3) The modifications are that regulations 14, 15(2)(a) and (d), and 16 do not apply in relation to the child.
54	SCHEDULE 3 Information as to prospective foster parent (“X”) and other members of their household and family PART 1 1. Full name, address and date of birth. 2. Details of health (supported by a medical report).	SCHEDULE 3 Information as to prospective foster parent (“X”) and other members of their household and family PART 1 1. Full name, address and date of birth. 2. Details of health (supported by a medical report).
55	SCHEDULE 7 Events and notifications Outbreak at the home of a foster parent of any infectious disease which in the opinion of a general practitioner attending the home is sufficiently serious to be so notified [duty to notify Chief Inspector]	SCHEDULE 7 Events and notifications Outbreak at the home of a foster parent of any infectious disease which in the opinion of a general practitioner attending the home is sufficiently serious to be so notified [duty to notify Chief Inspector [removed]
CHILDREN ACT 2004 (JOINT AREA REVIEWS) REGULATIONS 2015		
56	Written statement of proposed action 4.—(1) This regulation applies where the Chief Inspector of Schools makes a determination under regulation 3(3)(b). (2) The principal authority must make the written statement of proposed action within 70 working days of receiving the report under regulation 3.	Written statement of proposed action 4.—(1) This regulation applies where the Chief Inspector of Schools makes a determination under regulation 3(3)(b). (2) The principal authority must make the written statement of proposed action within 70 working days or as soon as is reasonably practicable of receiving the report under regulation 3.
CHILDREN’S HOMES (ENGLAND) REGULATIONS 2015		
57	The quality and purpose of care standard 6.—(1) The quality and purpose of care standard is that children receive care from staff who—	The quality and purpose of care standard 6.—(1) The quality and purpose of care standard is that children receive care from staff who—

(a)understand the children’s home’s overall aims and the outcomes it seeks to achieve for children; (b)use this understanding to deliver care that meets children’s needs and supports them to fulfil their potential. (2) In particular, the standard in paragraph (1) requires the registered person to— (a)understand and apply the home’s statement of purpose; (b)ensure that staff— (i)understand and apply the home’s statement of purpose; (ii)protect and promote each child’s welfare; (iii)treat each child with dignity and respect; (iv)provide personalised care that meets each child’s needs, as recorded in the child’s relevant plans, taking account of the child’s background; (v)help each child to understand and manage the impact of any experience of abuse or neglect; (vi)help each child to develop resilience and skills that prepare the child to return home, to live in a new placement or to live independently as an adult; (vii)provide to children living in the home the physical necessities they need in order to live there comfortably; (viii)provide to children personal items that are appropriate for their age and understanding; and (ix)make decisions about the day-to-day arrangements for each child, in accordance with the child’s relevant plans, which give the child an appropriate degree of freedom and choice; (c)ensure that the premises used for the purposes of the home are designed and furnished so as to— (i)meet the needs of each child; and (ii)enable each child to participate in the daily life of the home; and (d)ensure that any care that is arranged or provided for a child that— (i)relates to the child’s development (within the meaning of section 17(11) of the Children Act 1989) or health; and (ii)is not arranged or provided as part of the health service continued under section 1(1) of the National Health Service Act 2006(1), satisfies the conditions in paragraph (3). (3) The conditions are— (a)that the care is approved, and kept under review throughout its duration, by the placing authority; (b)that the care meets the child’s needs; (c)that the care is delivered by a person who— (i)has the experience, knowledge and skills to deliver that care; and (ii)is under the supervision of a person who is appropriately skilled and qualified to supervise that care; and	(a)understand the children’s home’s overall aims and the outcomes it seeks to achieve for children; (b)use this understanding to deliver care that meets children’s needs and supports them to fulfil their potential. (2) In particular, the standard in paragraph (1) requires the registered person to— (a)understand and apply the home’s statement of purpose; (b)ensure that staff— (i)understand and apply the home’s statement of purpose; (ii)protect and promote each child’s welfare; (iii)treat each child with dignity and respect; (iv)provide personalised care that meets each child’s needs, as recorded in the child’s relevant plans, taking account of the child’s background; (v)help each child to understand and manage the impact of any experience of abuse or neglect; (vi)help each child to develop resilience and skills that prepare the child to return home, to live in a new placement or to live independently as an adult; (vii)provide to children living in the home the physical necessities they need in order to live there comfortably; (viii)provide to children personal items that are appropriate for their age and understanding; and (ix)make decisions about the day-to-day arrangements for each child, in accordance with the child’s relevant plans, which give the child an appropriate degree of freedom and choice; (c)ensure that the premises used for the purposes of the home are designed and furnished so as to— (i)meet the needs of each child; and (ii)enable each child to participate in the daily life of the home; and (d)ensure that any care that is arranged or provided for a child that— (i)relates to the child’s development (within the meaning of section 17(11) of the Children Act 1989) or health; and (ii)is not arranged or provided as part of the health service continued under section 1(1) of the National Health Service Act 2006(1), satisfies the conditions in paragraph (3). (3) The conditions are— (a)that the care is approved, and kept under review throughout its duration, by the placing authority; (b)that the care meets the child’s needs; (c)as far as reasonably practicable that the care is delivered by a person who— (i)has the experience, knowledge and skills to deliver that care; and (ii)is under the supervision of a person who is appropriately skilled and qualified to supervise that care; and
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	(d)that the registered person keeps the child’s general medical practitioner informed, as necessary, about the progress of the care throughout its duration.	(d)that the registered person keeps the child’s general medical practitioner informed, as necessary, about the progress of the care throughout its duration.
58	The education standard 8.—(1) The education standard is that children make measurable progress towards achieving their educational potential and are helped to do so. (2) In particular, the standard in paragraph (1) requires the registered person to ensure— (a)that staff— (i)help each child to achieve the child’s education and training targets, as recorded in the child’s relevant plans; (ii)support each child’s learning and development, including helping the child to develop independent study skills and, where appropriate, helping the child to complete independent study; (iii)understand the barriers to learning that each child may face and take appropriate action to help the child to overcome any such barriers; (iv)help each child to understand the importance and value of education, learning, training and employment; (v)promote opportunities for each child to learn informally; (vi)maintain regular contact with each child’s education and training provider, including engaging with the provider and the placing authority to support the child’s education and training and to maximise the child’s achievement; (vii)raise any need for further assessment or specialist provision in relation to a child with the child’s education or training provider and the child’s placing authority; (viii)help a child who is excluded from school, or who is of compulsory school age but not attending school, to access educational and training support throughout the period of exclusion or non-attendance and to return to school as soon as possible; (ix)help each child who is above compulsory school age to participate in further education, training or employment and to prepare for future care, education or employment; (x)help each child to attend education or training in accordance with the expectations in the child’s relevant plans; and (b)that each child has access to appropriate equipment, facilities and resources to support the child’s learning.	The education standard 8.—(1) The education standard is that children make measurable progress towards achieving their educational potential and are helped to do so. (2) In particular, the standard in paragraph (1) requires the registered person to use reasonable endeavours to ensure— (a)that staff— (i)help each child to achieve the child’s education and training targets, as recorded in the child’s relevant plans; (ii)support each child’s learning and development, including helping the child to develop independent study skills and, where appropriate, helping the child to complete independent study; (iii)understand the barriers to learning that each child may face and take appropriate action to help the child to overcome any such barriers; (iv)help each child to understand the importance and value of education, learning, training and employment; (v)promote opportunities for each child to learn informally; (vi)maintain regular contact with each child’s education and training provider, including engaging with the provider and the placing authority to support the child’s education and training and to maximise the child’s achievement; (vii)raise any need for further assessment or specialist provision in relation to a child with the child’s education or training provider and the child’s placing authority; (viii)help a child who is excluded from school, or who is of compulsory school age but not attending school, to access educational and training support throughout the period of exclusion or non-attendance and to return to school as soon as possible; (ix)help each child who is above compulsory school age to participate in further education, training or employment and to prepare for future care, education or employment; (x)help each child to attend education or training in accordance with the expectations in the child’s relevant plans; and (b)that each child has access to appropriate equipment, facilities and resources to support the child’s learning.
59	Restraint and deprivation of liberty 20.—(1) Restraint in relation to a child is only permitted for the purpose of preventing— (a)injury to any person (including the child); (b)serious damage to the property of any person (including the child); or	Restraint and deprivation of liberty 20.—(1) Restraint in relation to a child is only permitted for the purpose of preventing— (a)injury to any person (including the child); (b)serious damage to the property of any person (including the child); or

	(c) a child who is accommodated in a secure children's home from absconding from the home. (2) Restraint in relation to a child must be necessary and proportionate. (3) These Regulations do not prevent a child from being deprived of liberty where that deprivation is authorised in accordance with a court order.	(c) a child who is accommodated in a secure children's home from absconding from the home. (2) Restraint in relation to a child must be necessary and proportionate. (3) These Regulations do not prevent a child from being deprived of liberty where that deprivation is authorised in accordance with a court order or in accordance with an exercise of powers under Schedule 21 to the Coronavirus Act 2020.
--	Contact and access to communications 22.—(1) The registered person must ensure that suitable facilities are provided within the children's home for any child accommodated there to meet privately at any reasonable time with the child's parents, friends, relatives or any of the following persons— (a) a solicitor or other adviser or advocate acting for the child; (b) an officer of the Children and Family Court Advisory and Support Service appointed for the child; (c) a social worker assigned to the child; (d) a person authorised by HMCI; (e) a person authorised by the local authority in whose area the home is located; (f) a person appointed pursuant to section 23ZB (independent visitors for children looked after by a local authority) of the Children Act 1989(1); (g) a person authorised in accordance with section 80(2) of the Children Act 1989 by the Secretary of State to conduct an inspection in relation to the home and the children there; (h) a person appointed under the Children Act 1989 Representations Procedure (England) Regulations 2006(2); (i) an independent person visiting the home under regulation 44.	Contact and access to communications 22.—(1) The registered person must ensure that suitable facilities are provided within the children's home for any child accommodated there to meet privately (or where this is not possible to speak privately over the telephone, a video-link or other electronic communication method) at any reasonable time with the child's parents, friends, relatives or any of the following persons— (a) a solicitor or other adviser or advocate acting for the child; (b) an officer of the Children and Family Court Advisory and Support Service appointed for the child; (c) a social worker assigned to the child; (d) a person authorised by HMCI; (e) a person authorised by the local authority in whose area the home is located; (f) a person appointed pursuant to section 23ZB (independent visitors for children looked after by a local authority) of the Children Act 1989(1); (g) a person authorised in accordance with section 80(2) of the Children Act 1989 by the Secretary of State to conduct an inspection in relation to the home and the children there; (h) a person appointed under the Children Act 1989 Representations Procedure (England) Regulations 2006(2); (i) an independent person visiting the home under regulation 44.
60	Independent person: visits and reports 44.—(1) The registered person must ensure that an independent person visits the children's home at least once each month. (2) When the independent person is carrying out a visit, the registered person must help the independent person— (a) if they consent, to interview in private such of the children, their parents, relatives and persons working at the home as the independent person requires; and (b) to inspect the premises of the home and such of the home's records (except for a child's case records, unless the child and the child's placing authority consent) as the independent person requires.	Independent person: visits and reports 44.—(1) The registered person must use reasonable endeavours to ensure that an independent person visits the children's home at least once each month. (2) When the independent person is carrying out a visit, the registered person must help the independent person— (a) if they consent, to interview in private such of the children, their parents, relatives and persons working at the home as the independent person requires; and (b) to inspect the premises of the home and such of the home's records (except for a child's case records, unless the child and the child's placing authority consent) as the independent person requires.

HER MAJESTY’S CHIEF INSPECTOR OF EDUCATION, CHILDREN’S SERVICES AND SKILLS (FEES AND FREQUENCY OF INSPECTIONS) (CHILDREN’S HOMES ETC) REGULATIONS 2015

61-65	Frequency of inspections 27.—(1) The Chief Inspector must arrange for premises which are used— (a) for the purposes of a children’s home, to be inspected, subject to paragraphs (2), (3), (3ZA), (3ZB), (3A) and (3B), at least twice in every year; (b) for the purposes of a residential family centre, a voluntary adoption agency, an adoption support agency or a fostering agency, to be inspected at least once in every three year period; (c) for the purposes of a holiday scheme for disabled children, at least once in every year. (2) Where the Chief Inspector registers a person in respect of a children’s home before 1st October in any year, only one inspection of that children’s home is to be carried out in that year. (3) Where the Chief Inspector registers a person in respect of a children’s home on or after 1st October in any year, no inspection of that children’s home is to be carried out in that year. 3ZA) Paragraph (1)(a) does not apply to a closed children’s home. (3ZB) Where a closed children’s home ceases to be a closed children’s home— (a) before 1st October in any year, the Chief Inspector must arrange for that children’s home to be inspected at least once before 31st March that year; (b) on or after 1st October in any year, no inspection of that children’s home is to be carried out that year. 3A) Where in any year an inspection in that year results in a report prepared under section 32(5) of the Care Standards Act 2000(1): (a) which records a judgement that the overall experiences and progress of children and young people living in a children’s home are good or outstanding; and (b) there has been no subsequent inspection in that year resulting in a report prepared under that Act which records a judgement that the overall experiences and progress of the children and young people are less than good, the Chief Inspector must arrange for that home to be inspected at least once in the year following inspection. (3B) Subsection (3A) does not apply to accommodation in a children’s home approved by the Secretary of State under regulation 3 of the Children (Secure Accommodation) Regulations 1991(2). (4) Any inspection referred to in paragraph (1) may be unannounced. (5) In this regulation— (a) “year” means the period commencing on 1st April in any year and ending on 31st March in the following year; (b) “three year period” means the period commencing	Frequency of inspections 27.—(1) The Chief Inspector must arrange for premises which are used— (a) for the purposes of a children’s home, to be inspected, subject to paragraphs (2), (3), (3ZA), (3ZB), (3A) and (3B), at least twice in every year; (b) for the purposes of a residential family centre, a voluntary adoption agency, an adoption support agency or a fostering agency, to be inspected at least once in every three year period; (c) for the purposes of a holiday scheme for disabled children, at least once in every year. (2) Where the Chief Inspector registers a person in respect of a children’s home before 1st October in any year, only one inspection of that children’s home is to be carried out in that year. (3) Where the Chief Inspector registers a person in respect of a children’s home on or after 1st October in any year, no inspection of that children’s home is to be carried out in that year. 3ZA) Paragraph (1)(a) does not apply to a closed children’s home. (3ZB) Where a closed children’s home ceases to be a closed children’s home— (a) before 1st October in any year, the Chief Inspector must arrange for that children’s home to be inspected at least once before 31st March that year; (b) on or after 1st October in any year, no inspection of that children’s home is to be carried out that year. 3A) Where in any year an inspection in that year results in a report prepared under section 32(5) of the Care Standards Act 2000(1): (a) which records a judgement that the overall experiences and progress of children and young people living in a children’s home are good or outstanding; and (b) there has been no subsequent inspection in that year resulting in a report prepared under that Act which records a judgement that the overall experiences and progress of the children and young people are less than good; the Chief Inspector must arrange for that home to be inspected at least once in the year following inspection. (3B) Subsection (3A) does not apply to accommodation in a children’s home approved by the Secretary of State under regulation 3 of the Children (Secure Accommodation) Regulations 1991(2). (4) Any inspection referred to in paragraph (1) may be unannounced. (5) In this regulation— (a) “year” means the period commencing on 1st April in any year and ending on 31st March in the following year;
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	on 1st April in any year and ending on 31st March in the third year following; and (c)“closed children’s home” means a children’s home in respect of which a condition imposed under section 13(5) of the Care Standards Act 2000 is for the time being in force that the registered person(1) must inform the Chief Inspector of their intention to accommodate children at the home at least three months before any child is accommodated.	(b)“three year period” means the period commencing on 1st April in any year and ending on 31st March in the third year following; and (c)“closed children’s home” means a children’s home in respect of which a condition imposed under section 13(5) of the Care Standards Act 2000 is for the time being in force that the registered person(1) must inform the Chief Inspector of their intention to accommodate children at the home at least three months before any child is accommodated.
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