# THE DEPARTMENT OF HEALTH AND SOCIAL SECURITY OF THE ISLE OF MAN

## THE CHILDREN AND YOUNG PERSONS ACT

2001

GUIDANCE

**VOLUME C** 

FAMILY PLACEMENTS

#### PREFACE

The Children and Young Persons Act 2001 introduces reforms of law relating to the care and welfare of persons under the age of 18 years. It is based, in large part, on the Children Act 1989 of Parliament. It re-enacts Parts I and II of the Family Law Act 1991.

Part 8 of the Act deals with Proceedings involving Children and Young Persons. Part 9 deals with fertilisation, embryology and surrogacy. The Guidance provided in this series covers the remaining eight parts of the Act. These two important aspects are covered elsewhere.

This Guidance is issued by the Department of Health and Social Security as one of a series designed to explain the principles of the Children and Young Persons Act and to consider their implications for policy, procedure and practice. It is written for managers, practitioners and anyone who is interested in children and families who may be affected by the Act. Though drafted before the Act comes into force it is written in the present tense.

This volume is based on the guidance relating to Parts III and VIII of the Children Act 1989, and Schedules 2 and 7.

For ease of reference and to avoid constant repetition the relevant part of the Act or other statute or publication is shown in the left hand column, next to the passage to which it relate.

CHAPTER 1 INTRODUCTION	1
DEFINITIONS	1
CHAPTER 2 ARRANGEMENTS FOR THE PLACEMENT OF CHILDREN	3
INTRODUCTION	3
CHILDREN WHO ARE LOOKED AFTER	3
WELFARE	3
FAMILY LINKS	4
PROTECTION OF THE PUBLIC	4
THE PLACEMENT OF CHILDREN (GENERAL)	
AND REVIEW OF CHILDREN'S CASES REGULATIONS	5
PARTNERSHIP AND PARTICIPATION	5
Parental responsibility	5
Principles	6
Working in partnership with parents	6
PROVISION OF ACCOMMODATION BY AGREEMENT	7
CHILDREN LOOKED AFTER WHO ARE SUBJECT TO A COURT ORDER	7
SHORT-TERM PLACEMENTS	8
MAKING THE PLAN	8
Notification	8
Agreements	9
The purpose of planning	10
The welfare of the child	10
HEALTH CARE	12
Health care needs of children from minority ethnic communities	13
Health care assessment	13
CONSENT TO MEDICAL EXAMINATION OR TREATMENT	15
Parental consent	15
Consent by children and young people	16
EDUCATION	16
The Department's role	17
The carer's contribution	18
ETHNICITY, CULTURE, RELIGION AND LINGUISTIC BACKGROUND	18
THE PLANNING PROCESS	19
Inquiry	19
Consultation	20
Assessment	24
Decision making	25
CONTENTS OF THE PLAN	26

AGREEMENTS	28
Voluntary agreements	28
Copies of agreements	29
Agreements with young people	29
Agreements with people with parental responsibility	29
Arrangements for leaving accommodation	30
Changing arrangements	30
Partnership with parents	30
NOTIFICATION	31
Format of notification	32
Complaints	33
IMPLEMENTATION OF DECISIONS ARISING FROM THE PLAN	33
MONITORING THE SUPPORT AND SUPERVISION OF THE PLACEMENT	33
PLACEMENT OF CHILDREN OFF THE ISLE OF MAN	34
RECORDS	34
REGISTERS	35
CASE RECORDS	36
The organisation of case records	36
Keeping records safe	37
	77
Access to records	37
Retaining case records and entries in the register	37 38
Retaining case records and entries in the register CHAPTER 3	38
Retaining case records and entries in the register CHAPTER 3 FOSTERING SERVICE	38 <b>39</b>
Retaining case records and entries in the register CHAPTER 3 FOSTERING SERVICE INTRODUCTION	38 <b>39</b> 39
Retaining case records and entries in the register CHAPTER 3 FOSTERING SERVICE INTRODUCTION THE REGULATIONS	38 <b>39</b> 39 39
Retaining case records and entries in the register  CHAPTER 3 FOSTERING SERVICE INTRODUCTION THE REGULATIONS THE FOSTERING TASK	38 <b>39</b> 39 39 39
Retaining case records and entries in the register  CHAPTER 3 FOSTERING SERVICE INTRODUCTION THE REGULATIONS THE FOSTERING TASK THE FOSTERING SERVICE	38 <b>39</b> 39 39 39 40
Retaining case records and entries in the register  CHAPTER 3  SERVICE INTRODUCTION THE REGULATIONS THE FOSTERING TASK THE FOSTERING SERVICE Publicity and recruitment	38 <b>39</b> 39 39 40 40
Retaining case records and entries in the register  CHAPTER 3  SOURCE INTRODUCTION THE REGULATIONS THE FOSTERING TASK THE FOSTERING SERVICE Publicity and recruitment Assessment	38 <b>39</b> 39 39 40 40 40
Retaining case records and entries in the register  CHAPTER 3  SOURCE  INTRODUCTION  THE REGULATIONS  THE FOSTERING TASK  THE FOSTERING SERVICE  Publicity and recruitment  Assessment  THE ROLE OF THE FOSTERING SERVICE PROVIDER	38 <b>39</b> 39 39 40 40 41 43
Retaining case records and entries in the registerCHAPTER 3 SOURTIONINTRODUCTIONTHE REGULATIONSTHE FOSTERING TASKTHE FOSTERING SERVICE Publicity and recruitment AssessmentTHE ROLE OF THE FOSTERING SERVICE PROVIDER The fostering service provider's first duty	38 <b>39</b> 39 39 40 40 41 43 43
Retaining case records and entries in the registerCHAPTER 3 FOSTERING SERVICEINTRODUCTIONTHE REGULATIONSTHE FOSTERING TASKTHE FOSTERING SERVICEPublicity and recruitmentAssessmentTHE ROLE OF THE FOSTERING SERVICE PROVIDERThe fostering service provider's first dutyInformation to be sought about applicants	38 <b>39</b> 39 39 40 40 41 43 43 43
Retaining case records and entries in the registerCHAPTER 3 EVICEINTRODUCTIONTHE REGULATIONSTHE FOSTERING TASKTHE FOSTERING SERVICEPublicity and recruitmentAssessmentTHE ROLE OF THE FOSTERING SERVICE PROVIDERThe fostering service provider's first dutyInformation to be sought about applicantsGathering written information	38 <b>39</b> 39 39 40 40 41 43 43 43 43
Retaining case records and entries in the registerCHAPTER 3 COSTERING SERVICEINTRODUCTIONTHE REGULATIONSTHE FOSTERING TASKTHE FOSTERING SERVICEPublicity and recruitmentAssessmentTHE ROLE OF THE FOSTERING SERVICE PROVIDERThe fostering service provider's first dutyInformation to be sought about applicantsGathering written informationVisiting the household	38 <b>39</b> 39 39 40 40 41 43 43 43 43 43
Retaining case records and entries in the registerCHAPTER 3 EVICEINTRODUCTIONTHE REGULATIONSTHE FOSTERING TASKTHE FOSTERING SERVICEPublicity and recruitmentAssessmentTHE ROLE OF THE FOSTERING SERVICE PROVIDERThe fostering service provider's first dutyInformation to be sought about applicantsGathering written information	38 <b>39</b> 39 39 40 40 41 43 43 43 43
Retaining case records and entries in the registerCHAPTER 3 COSTERING SERVICEINTRODUCTIONTHE REGULATIONSTHE FOSTERING TASKTHE FOSTERING SERVICEPublicity and recruitmentAssessmentTHE ROLE OF THE FOSTERING SERVICE PROVIDERThe fostering service provider's first dutyInformation to be sought about applicantsGathering written informationVisiting the household	38 <b>39</b> 39 39 40 40 41 43 43 43 43 43
Retaining case records and entries in the registerCHAPTER 3 CONTERING SERVICEINTRODUCTIONTHE REGULATIONSTHE FOSTERING TASKTHE FOSTERING SERVICEPublicity and recruitmentAssessmentTHE ROLE OF THE FOSTERING SERVICE PROVIDERThe fostering service provider's first dutyInformation to be sought about applicantsGathering written informationVisiting the householdTaking up references	38 <b>39</b> 39 39 40 40 41 43 43 43 43 43 43 43
Retaining case records and entries in the registerCHAPTER 3 CONTERING SERVICEINTRODUCTIONTHE REGULATIONSTHE FOSTERING TASKTHE FOSTERING SERVICEPublicity and recruitmentAssessmentTHE ROLE OF THE FOSTERING SERVICE PROVIDERThe fostering service provider's first dutyInformation to be sought about applicantsGathering written informationVisiting the householdTaking up referencesPreparing the report	38 39 39 39 40 40 41 43 43 43 43 43 43 43 43 43 43 43 43

50

Representations procedure	50
THE FOSTER CARE AGREEMENT	50
TRAINING AND SUPPORT FOR FOSTER CARERS	51
REVIEW OF APPROVAL	53
Foster carer review procedure	53
Reviewing the terms of approval	54
Investigating allegations	54
The fostering review report	55
The outcome of the review	55
TERMINATION OF APPROVAL	56
Notification of termination	56
COMPLAINTS AND REPRESENTATIONS	57

58

#### CHAPTER 4 FOSTER PLACEMENTS

CHOICE OF PLACEMENT	58
NUMBERS OF CHILDREN IN FOSTER HOMES	59
Exemption to the "usual fostering limit"	59
When Children's Homes Regulations apply to the "usual fostering limit"	60
DECIDING WHETHER AN ESTABLISHMENT IS A FOSTER HOME OR NOT	60
INFORMATION FOR FOSTER CARERS	61
PREPARATION AND INTRODUCTION	62
SUPERVISION OF PLACEMENTS	62
Frequency of placement visits	62
Seeing the child alone	63
The purpose of visits to foster placements	63
Visit reports	64
PLACEMENT OUTSIDE THE ISLAND	65
THE END OF THE PLACEMENT	67
Planning the end of the placement	67
Unplanned endings	68
Removal of a child from a placement	68
CHILDRENS' REGISTER	69
FOSTER CARER RECORDS	69
REGISTER OF FOSTER CARERS	70
OTHER RECORDS TO BE KEPT BY THE FOSTERING SERVICE PROVIDER	70
Record of people working for the agency	70
Accidents record	71
Complaints	71
Retention of records	71

CHAPTER 5 PLACEMENT OF CHILDREN IN CARE WITH PARENTS	72
INTRODUCTION	72
SCOPE OF THE REGULATIONS	73
Who is not covered by the Regulations	74
PLACEMENTS OF CHILDREN AGED 16 OR OVER	75
CIRCUMSTANCES COVERED	75
IMMEDIATE PLACEMENTS	76
SHORT TERM PLACEMENTS	76
COURT DIRECTIONS	77
PARENTAL RESPONSIBILITY	77
AIMS AND OBJECTIVES OF PLACEMENT WITH PARENTS	78
ASSESSING CHILDREN	79
Factors to be taken into account in assessing children	79
ENQUIRIES TO BE MADE ABOUT CARERS PRIOR TO PLACEMENT	81
Assessing relationships	82
Police checks	82
Health matters	82
SOCIAL WORK ASSESSMENT	83
What should be assessed – relationships and attitudes	83
What should be assessed – physical arrangements	83
The assessment process	83
When further assessment is required	84
WHOM TO CONSULT	84
Immediate family	84
Other agencies	85
Links with child protection procedures	85
The child	86
THE DECISION	87
Notification of the decision	87
AGREEMENTS	88
Reaching agreement	89
Signing agreements	89
Reviewing and amending agreements	90
INVOLVING PARENTS WHEN THEY ARE NOT THE CARERS	90
PREPARATION FOR PLACEMENT	90
SUPPORT, SUPERVISION AND MONITORING	91
Responding to difficulties	92
Support for the child	92
Planning and review	92
Support for the carer	93

Supervising the placement	94
VISITS	94
Frequency of visits	94
Purpose of visits	95
Contact with the child	96
Contacts with the carer	96
Others in the placement household	96
Reports on visits	97
TERMINATION OF A PLACEMENT	97
Notification of termination of a family placement	98
PLACEMENT OFF THE ISLAND	99

CHAPTER 6 CONTACT	101
INTRODUCTION	101
THE LEGISLATIVE FRAMEWORK	101
INFORMATION REQUIRED BY THE COURT	101
GENERAL PRINCIPLES FOR ALL LOOKED AFTER CHILDREN	102
CONTACT WITH CHILDREN IN CARE	102
Notification of change of contact arrangements	103
Limits to the obligation to provide information about the child	104
CONTACT WITH CHILDREN LOOKED AFTER BY VOLUNTARY AGREEMENT	104
CONTACT AND CHILD PROTECTION ORDERS	105
Child Protection Orders	105
Emergency Protection Orders	105
Contact with a child in police protection	105
PLANNING AND CONTACT	106
SECTION 33 ORDERS FOR CONTACT	107
THE COURT'S DUTY TO CONSIDER CONTACT ARRANGEMENTS	107
PLACEMENT AND CONTACT	107
THE SETTING FOR VISITS	107
RESIDENTIAL CARE	108
TRAVELLING ARRANGEMENTS AND EXPENSES	108
THE CHILD'S WISHES	108
RESTRICTIONS OF CONTACT WITH CHILDREN IN CARE	109
COMMUNICATING DECISIONS ABOUT CONTACT	110
DISAGREEMENT WITH PARENTS	111
REVIEWING CONTACT	111
RECORD KEEPING	112

CHAPTER 7 INDEPENDENT VISITORS	113
INTRODUCTION	113
WHEN TO APPOINT AN INDEPENDENT VISITOR	113
IDENTIFYING CHILDREN FOR WHOM AN INDEPENDENT VISITOR MIGHT BE APPOINTED	114
SELECTING AN INDEPENDENT VISITOR FOR A PARTICULAR CHILD	114
RECRUITMENT	115
TRAINING	116
ACCESS TO INFORMATION	117
KEEPING RECORDS	117
SUPPORT	118
APPOINTMENT	118
REVIEW AND TERMINATION OF APPOINTMENT	118
EXPENSES	120
WHEN A CHILD CEASES TO BE LOOKED AFTER	120
THE ROLE AND FUNCTION OF THE INDEPENDENT VISITOR	120
Visiting	121
Advising	122
Befriending	122
Advocacy	122
Meetings with the Department and other agencies	123
LEGAL REQUIREMENTS	123

#### **CHAPTER 8** REVIEW

REVIEW	124	
INTRODUCTION	124	
THE PURPOSE OF THE REVIEW	124	
WHAT IS A REVIEW?	124	
WHAT IS NOT A REVIEW	125	
REQUIREMENT TO REVIEW AND FREQUENCY	125	
SHORT TERM PLACEMENTS	126	
A SYSTEM FOR REVIEWS	126	
PREPARATIONS FOR THE REVIEW	127	
Consultation – in person	128	
Consultation - by writing	129	
WHO CHAIRS A REVIEW?	129	
AGENDA	129	
WHO SHOULD ATTEND?	130	
Parents and children	130	
Other people who should attend reviews	130	
VENUES FOR REVIEW MEETINGS	131	

MATTERS FOR CONSIDERATION AT THE REVIEW	132
REPORT OF THE REVIEW	133
NOTIFICATION OF REVIEW RESULTS	134
Notifying the child and parents	134
DISAGREEMENTS	135

AFTER CARE	136
SUMMARY	136
DEFINITIONS	136
INTRODUCTION	136
Legal framework	137
Principles	137
THE DEPARTMENT'S DUTIES AND POWERS	
UNDER SECTION 24 AND SCHEDULE 2	137
THE DUTIES OF REGISTERED CHILDREN'S HOMES UNDER S.54	139
PRINCIPLES UNDERLYING PREPARATION FOR LEAVING CARE	139
SERVICES ON LEAVING CARE	140
YOUNG PEOPLE WITH DISABILITIES	141
Definition	141
Meeting particular needs	142
THE RESPONSIBILITIES OF THE DEPARTMENT AND REGISTERED HOMES	142
OTHER RESPONSIBILITIES OF THE DEPARTMENT	143
Education	143
Health	143
Liaison	143
THE NATURE OF PREPARATION FOR LEAVING CARE	143
General	143
Enabling young people to build and maintain relationships	144
Enabling young people to develop their self-esteem	146
Practical and financial skills and knowledge	147
AFTER LEAVING CARE	148
Ways of providing support after leaving care	149
DELIVERY OF SERVICES BY THE DEPARTMENT	150
Principles	150
SERVICES PROVIDED BY OTHER AGENCIES	150
FINANCIAL ASSISTANCE – LEAVING CARE	150
Leaving care grants	151
Financial assistance – education and training	151
Information about financial assistance	151
Entitlement to financial assistance	152

**CHAPTER 9** 

THE ROLE OF THE VOLUNTARY SECTOR	152
Accommodation	152
Aftercare services	152
THE PROBATION SERVICE	153
HOUSING	153
Policy development	154
Assessing housing needs	155
THE YOUTH SERVICE	155
SCHOOL	155
CAREERS GUIDANCE	156
TRAINING	157
FINANCIAL ASSISTANCE FOR YOUNG PEOPLE LEAVING CARE	157
SOCIAL SECURITY	158

159

#### CHAPTER 10 REPRESENTATIONS PROCEDURE

INTRODUCTION	159
DEFINITIONS	159
WHO MAY COMPLAIN	160
WHAT MAY BE COMPLAINED ABOUT	160
OBJECTIVES	161
PROBLEM SOLVING	162
PUBLICITY	162
MANAGEMENT ISSUES	163
REPRESENTATIONS INVOLVING AUTHORITIES OFF THE ISLAND	163
LINKS WITH OTHER PROCEDURES WITHIN THE DEPARTMENT	164
OTHER AGENCIES' PROCEDURES	164
OTHER AVENUES OF COMPLAINT, INCLUDING APPEALS	164
Appeals against the "usual fostering limit" exemption	164
Appeals against court orders	164
Appeals re child minding (day care registrations Section 68)	164
Children with disabilities	164
PROCEDURE WHERE THE COMPLAINT FORMS PART	
OF ANOTHER PROCEDURE ISSUE	165
SUPPORT FOR THOSE USING THE PROCEDURE	166
Children	166
Staff	166
STAFF TASKS	166
SETTING UP THE PROCEDURE	167
PROCEDURES FOR HANDLING COMPLAINTS	167
Receipt of complaint	167

Oral complaints	167
Eligibility to complain	168
Notification of eligibility	168
Steps in the complaints procedure	168
Notification of the Department's decision	169
Subsequent action	170
MONITORING	170