

# **Streamlining of regulations and guidance for looked after children:**

## **Care planning and placements**

**6 July 2010**

**Supporting Young People  
Leaving Care**

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## **Implementation phase of 2008 Act – opportunity to rationalise and streamline regulations and guidance.**

- **Currently much confusion and lack of clarity around regulations, statutory and practice guidance by practitioners and managers**
- **Current framework is hard to access, complicated and in some areas out of date**
- **However, much of the ‘core’ primary and secondary legislation has retained original function of setting out basic requirements and functions to safeguard and promote looked after children’s welfare**

**What we are trying to do:**

**To communicate the key messages and support changes to practice starting with the suite of regulations relating to Care Planning, Placement and Case Review, which streamline social work for looked after children and bring into one coherent set of regulations – ‘*backbone and spines*’**

## Disseminating messages about key changes to regs and guidance, to practitioners and managers

- **Purpose:** To engage local authorities and other partners with recent and upcoming changes to the regulations and guidance for looked after children
- **Scope:** Phase One - Care Planning (incl. Sufficiency, IRO), other CYP 08 amendments, transitions, Phase Two - fostering service regs and guidance, children's home regs and guidance
- **Audience:** LAC managers and practitioners, ADs, other agencies delivering services to LAC, foster and residential carers, senior officers and members
- **Outcome:** That key partners are aware of changes that will be brought in by the regs and guidance which will come into force April 11, so that these can inform working practices
- **Methods:** Co-authoring of practice materials with key partners, disseminating these– ie Expert seminars and workshops with key partners, consolidated website materials, regional / national events, peer-to-peer networks

## Why do we need to do this process of engagement with LAs?

- **Many social workers don't know the current law, let alone what changes have / will be made to regs and guidance**
- **Many children and young people do not experience proper care planning, including long term plans for permanence, are not visited regularly etc.**
- **Many children not consulted about changes to placement or other significant plans for how they are looked after**
- **Ofsted inspections and outcome data show poor care planning, transitions to adulthood etc...**

### **What children said about care plans**

According to the *Being Fostered* report, when a sample of children were asked about their care plan, six out of ten children (59%) knew what was in their care plan and 44% had been asked about what it should say. 27% knew that they had a care plan but did not know what it said, whilst 26% had not been asked what they thought it should say. One in twenty did not think they had a care plan.

*(Being Fostered – Dr Roger Morgan, Children's Rights Director, 2005)*

# Proposed engagement process for next 6 months

- **Agreeing scope and best methods with partners develop steering group [May – July]:**
  - ADCS, LGA, 9 GOs, BAAF, Fostering network, other children's charities, CSP, CWDC, Ofsted, 5 LAs
- **Phase 1: Care planning, transitions and other CYP (2008)**
  - [Aug – Sep] Draft practice materials With other organisations' plans for training
  - [Oct] Trial practice materials with 5 LAs
  - [Nov – Mar] Disseminate materials & engage with English LAs, key partners
  - **April 2011** - Full set of LAC regulations, guidance and NMS comes into force
- **Phase 2: Children homes and fostering providers**
  - April 2011 – June so that we can align all of this together.

# How do all the parts fit together? [from CPPR Annex]



Key supporting legislation: Children Act 1989, Children (Leaving Care) Act 2000, Adoption and Children Act 2002, Children Act 2004

# How we're making the framework as streamlined as possible

- **Principles of:**
  - Guidance must not be over - prescriptive or go beyond what is statutorily required.
  - Can not bind other agencies - therefore importance of local protocol working.
  - Must support flexible professional solutions – rather than attempt to set rigid impractical frameworks likely to date quickly.
- **Statutory oversight**
  - Changes come from CYP Act (2008) – cross-party and sector support
  - Each document subject to statutory consultation (either already completed or to happen in next 6 months)
- **Internal quality assurance**
  - Linked in with DfE's own reviews on cost-effectiveness and reducing regulatory burdens
  - Coalition's new '1 in 1 out' etc.

# Map and timeline for revised suite of regulations, guidance: Phase 1

Title and who they relate to	What's already happened	What's coming up	What impact these will have
<b>Care Planning (eligible LAC)</b>	Care Planning, Placement & Case Review regulations, statutory guidance, IRO Handbook, Sufficiency, Short Breaks in Mar 10	Revised (shorter?) Care Planning guidance in Oct; additional regs for non-LAC	Replace and update multiple regulations and 1991 guidance all care planning requirements in one place; strengthen and clarify timings etc.;
<b>Transitions (relevant and former relevant)</b>	Consultation – strong support, additional information on FE, adult services	Final versions pub Oct	Mostly update of 2001; Personal advisor to 25; timing of reviews and visits; defines suitable accommodation
<b>Visits in custody for former LAC</b>	Consultation – no criticisms	Final versions pub Oct	New requirement: social workers must visit per care planning timings; clarify roles for care planning during custody, prior to and upon release
<b>Other CYP 08: Short Breaks; long term residential; enforcement standards in residential</b>	Consultation – no significant criticisms	Final versions pub Oct	-Improve quality and consistency of short break services for carers of disabled children - regular visits and support for children to maintain contact with family when placed >3 months -Ensure LAs aware of action against residential providers
<b>family &amp; friends</b>	Consultation – broad support	Final version pub Nov	Every LA to have transparent policy on supporting F&F care but no additional burdens
<b>Common registration regs – providers</b>		Consultation in July	- Streamline registration process and improve information available to LAs

# Map and timeline for revised suite of regulations, guidance: Phase 2

Title and who they relate to	What's already happened	What's coming up	What impact these will have
<b>Fostering and residential statutory guidance</b>		Consultation in July	Replace and update 1991 Vols 3&4
<b>Fostering Service regulations - providers</b>		Consultation in July	Streamlined, updated
<b>Children's Homes regulations - providers</b>		Consultation in July	Streamlined, updated
<b>National Minimum Standards – fostering, residential and adoption providers</b>	Consultation – asked for further reductions, clarification on fit with other docs	Revised draft to stakeholders in June; Final version published Oct.	Significant reduction in number and scope of standards; clearer description of accountability; better alignment with inspection

## Some principles of better Care Planning

- increase the level of scrutiny and oversight of the care plan,
- increase the participation of children, young people and their families in these processes in and
- to secure greater stability for looked after children.
- In addition, the plan developed under the new regulations must be capable of meeting the requirements of the court in family justice proceedings
- Clear process of: **assessment, care planning, intervention and review** around improving experience and outcomes for LAC

## Key messages about Care Planning

- **Care Planning = eligible** looked after children; **Transitions = relevant and former relevant** care leavers
- The structure of the draft Regulations and guidance aims to mirror the journey of a looked after child and make improvements
- Through the development of a care plan which is based on a thorough assessment of the child's needs;
- Through the development of a high quality placement plan that sets out the purpose of the placement in contributing to the care plan and how the child's needs will be met during the placement which is part of the care planning process
- Through ensuring that the timing of a placement termination is determined by the child's needs and not the interests of the local authority; and
- Ensuring that any decision made by an authority to cease to look after a child is properly considered and planned and informed by a case review chaired by an IRO
- **That being looked after can provide a very positive set of experiences and enhance resilience as a base for transition back to birth family or adulthood**

# Key changes in Care Planning for young people

- There is a new requirement to conduct a review for a child who is ceasing to be provided with accommodation to ensure a plan for support and services is in place
- Specifies the role of IRO for child, in relation to reviews and wider case management
- A record of the child's wishes and feelings following visits to prospective placements
  - Clarifies responsibilities for youth custody and planning for release
- Clarifies that the *care plan must be maintained for eligible children* to ensure that they continue to be treated as looked after children and prepared for when they cease to be looked after

## Pathway plan v. care plan –

The pathway plan must be completed using the ...assessment and be drawn up as soon as possible...will include the young person's care plan and include any services being provided..disability...custody...UASC

-See [Schedule 8] on: accommodation, EET, health, finance, PA etc.

- key aspects: voice; who will do what; not leave care too soon

## Setting out the revised LAC framework alongside best practice

- **Important to stress that the purpose of this project is to improve outcomes for looked after children.**
- **Previous fieldwork and evidence suggests that most LAC teams, placement providers and partners are doing what is set out in the statutory frameworks really well, but none are doing the 4 core processes: assessment; care planning; placement & interventions; case review *as a package***
- **Will shortly be talking to various partners, LAs to establish how to best support them updating local procedures, policies.**
- **Some interesting examples from Ofsted inspections, C4EO and third sector about best practice**

## Some questions

- **What were your overall thoughts on the regs and guidance?**
- What do you need to help you implement it?
- Who is best placed provide support?
- What are the likely risks, issues?

[1]