

Explanatory Memorandum to:

The Care Planning, Placement and Case Review (Wales) (Amendment) Regulations 2018

This Explanatory Memorandum has been prepared by the Health and Social Services Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of:

The Care Planning, Placement and Case Review (Wales) (Amendment) Regulations 2018.

Huw Irranca-Davies
Minister for Children and Social Care

2 February 2018

Part 1 – OVERVIEW

1. Description

Part 6 of the Social Services and Well-being (Wales) Act 2014 sets out the duties of local authorities in relation to looked after children, including the ways in which they are to be accommodated and maintained. The Care Planning, Placement and Case Review (Wales) Regulations 2015 contain provisions about placements for looked after children. Regulation 12 sets out arrangements for placements to be made outside the local authority's area ('an out of area placement'), including which information must be notified to the out-of-area authority and when.

This Explanatory Memorandum relates to the Care Planning, Placement and Case Review (Wales) (Amendment) Regulations 2018 ('the Regulations') which will come into force on 2 April 2018.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

No specific matters have been identified.

3. Legislative background

The powers enabling these Regulations to be made are contained in sections 81(6)(d), 84(f), 87, 107(8) and 196(2) of the Social Services and Well-being (Wales) Act 2014.

4. Purpose & intended effect of the legislation

These amendments to the Care Planning, Placements and Case Review (Wales) Regulations 2015 will apply to Welsh local authorities which are placing children in emergency placements in another local authority area, where it has not been possible to follow the usual panel arrangements for planned moves. They are intended to reduce the notification period so that key information is shared with the local authority in whose area the child has been placed within 24 hours of a placement being made.

The Care Planning, Placement and Case Review (Wales) Regulations 2015, and the statutory Code of Practice under Part 6 of the Social Services and Well-being (Wales) Act 2014 (Looked After and Accommodated Children), specify that, before an out-of-area placement is made, the home local authority must refer the case to a panel for approval. The panel must agree all the arrangements for the out-of-area placement, including funding and how the child's health and educational needs will be met. The panel must include a representative from the local authority where it is proposed to place the child.

Where a child is placed out-of-area in an emergency, the placing local authority must currently provide notification of key information, including the child's Part 6 care and

support plan, to the out-of-area local authority within 5 working days of the placement being made.

The amending regulations amend Regulation 12 to require a placing authority to notify the out-of-area local authority of prescribed additional information relating to an emergency placement within 24 hours of the placement being made, including any risk factors that have been identified in the child's Part 6 care and support plan. The Part 6 Code of Practice has also been amended to reflect these changes.

5. Consultation

These Regulations were subject to a formal 12 week consultation between 4 September and 27 November 2017.

15 responses were received overall. No changes were made to the Care Planning, Placement and Case Review (Wales) (Amendment) Regulations 2018 as a result of feedback from respondents. A summary of the comments that were made and the Welsh Government's response to these is set out in the consultation summary report¹ published on the Welsh Government website in February 2018.

6. Regulatory Impact Assessment (RIA)

A regulatory impact assessment has not been prepared in respect of these Regulations as any financial impact on business, charities, voluntary or public sector bodies is likely to be negligible. The reduction in the notification period for local authorities should not impose any additional administrative burden on local authorities. It involves the timely sharing of key information which should be readily available, and the change simply reflects best practice in arranging emergency placements.

¹ <https://consultations.gov.wales/consultations/secure-accommodation-and-placements-children-out-area>