



Department  
for Education

**Consultation Response Form**

**Consultation closing date: 6 February 2013  
Your comments must reach us by that date**

**Local authority responsibilities towards children looked after following  
remand: consultation on changes to the Care Planning, Placement and  
Case Review Regulations 2010:**

**Consultation Response Form**

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

**Please tick if you want us to keep your response confidential.**

Reason for confidentiality:

Name

**Pam Hibbert**

Organisation (if applicable)

**Standing Committee for Youth Justice**

Address: **c/o NCB, Wakely Street, London**

If you have a query relating to the consultation process you can contact the CYPFD Team by telephone: 0370 000 2288 or via the Department's ['Contact Us'](#) page.

Please mark the category which best describes you as a respondent

<input type="checkbox"/> Social worker	<input type="checkbox"/> Local authority youth offending services	<input type="checkbox"/> Providers/staff of youth detention accommodation
<input type="checkbox"/> Commissioner	<input type="checkbox"/> Local authority	<input type="checkbox"/> Social worker based in youth offending institute
<input type="checkbox"/> Care leaving services	<input checked="" type="checkbox"/> <b>Voluntary organisation</b>	<input type="checkbox"/> Government department
<input type="checkbox"/> Independent Reviewing Officer	<input type="checkbox"/> Other	

The Standing Committee for Youth Justice (SCYJ) is a coalition of over 25 organisations that is focused on improving the youth justice system in England and Wales. The SCYJ advocates child-focussed provision that promotes the integration of such children into society to serve their best interests and those of their communities. For more information on this response please contact Ali Crossley, Policy and Parliamentary Officer on [a.crossley@scyj.org.uk](mailto:a.crossley@scyj.org.uk) or Pam Hibbert, [pamhib@aol.com](mailto:pamhib@aol.com).

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1 Do you accept that the framework of care planning and review for looked after children requires modification to take into account the circumstances of children who as a result of the remand framework, introduced by the Legal Aid, Sentencing and Punishment of Offenders Act (LASPOA), will become looked after?

**Yes**

No

Not Sure

Comments:

SCYJ recognises that some modification of the care planning and review framework may be necessary – for example the permanency principle. However, it is crucial that any modifications do not result in a ‘second class care’ service for children subject to the provisions of the LASPO Act.

2 Do you agree with the proposal that the care plan for a child remanded into local authority accommodation should be produced within five working days of remand?

**Yes**

No

Not Sure

Comments:

Yes, this is would be good practice; however, we would wish to see the same timescale for children subject to Youth Detention Accommodation (YDA) and fail to see any rationale for this difference.

3 Do you agree that where children are remanded to local authority accommodation and are only looked after by virtue of their remand, the designated local authority should not be required to prepare a “plan for permanence”?

Yes

No

**X Not Sure**

Comments:

While SCYJ understands the rationale for this proposal, we are concerned that exclusion of the necessity to consider ‘permanence’ could preclude Local Authority’s from making representations to the YJB in relation to placements for those subject to YDA to ensure that family and other networks and supports are maintained.

4 Do you agree that otherwise the care plan for children who are remanded to local authority accommodation and are only looked after by virtue of their remand should include all the other elements of a care plan as provided for in Part 2 of the Care Planning Regulations? If not – please explain which elements you consider should be omitted, with the reasons for your view.

**X Yes**

No

Not Sure

Comments:

5 Do you agree that the review of a care plan for a child remanded to local authority accommodation should be managed in exactly the same way as any looked after child?

**Yes**

No

Not Sure

Comments:

6 Do you agree that where a child is remanded in youth detention accommodation (YDA) and is only looked after as a result of that remand, that rather than prepare a care plan, the local authority should be required to prepare a detention placement plan and that this should be signed by the senior officer of the YDA establishment?

Yes

No

**Not Sure**

Comments:

SCYJ has some concern that the title 'Detention Placement Plan' could lead to a perception that the Looked After status of these children is different. Given the emphasis in other parts of this consultation that this should not be the case, we would suggest that 'Detention Care Plan' would be a more appropriate title.

7 Do you agree that the timescale already established in regulations of 10 working days (Care Planning Regulations, regulation 2) is practical and realistic to enable a detention placement plan to be produced?

**X Yes**

No

Not Sure

Comments:

Again this would reinforce that these children are entitled to the same process and procedures as any other Looked After child, however please see our comment in question 2.

8 Do you agree that where a child has been remanded in YDA, the role of the local authority should be to liaise with the secure establishment to establish that the day to day arrangements for the child's care are providing an appropriate response to their individual needs to safeguard them and promote their welfare?

**X Yes**

No

Not Sure

Comments:

SCYJ welcomes the proposal that the YDA plan should be agreed between the local authority and the manager of the accommodation, However, we are concerned that the accountability and governance arrangements are unclear should the plan not be adhered to.

The originating home area should have an assertive safeguarding and Equality Act 2010 duty (in relation to ensuring children with disabilities are not treated in a discriminatory manner) for the child:

- during their period of sentence
- overviewing and troubleshooting planned arrangements for resettlement (liaising and facilitating transfer to a new home local authority where required)
- on return to the home community once a child is released and resident in that LA's home area

9 Do you consider that, rather than what we are proposing, the responsible authority, as far as practicable, should have responsibility for the delivery of specific services to looked after children in YDA (e.g. health assessment and education services)?

**X Yes**

No

Not Sure

Comments:

SCYJ agree that specific needs should be met by the responsible local authority, however we are aware that the logistics of this may present problems. We would like to see more specific guidance and advice on how this may be facilitated for those children placed at some distance from their 'home' authority.

The originating home area should have an assertive safeguarding and Equality Act 2010 duty (in relation to ensuring children with disabilities are not treated in a discriminatory manner) for the child:

- during their period of sentence
- overviewing and troubleshooting planned arrangements for resettlement (liaising and facilitating transfer to a new home local authority where required)
- on return to the home community once a child is released and resident in that LA's home area

10 Do you consider that local authorities require more information about the legal requirements and processes that will need to be followed in situations where there are concerns about the quality of services provided to individual looked after children by YDA?

**X Yes**

No

Not Sure

Comments:

1. SCYJ believes that there is the potential for confusion and conflict between Care Planning requirements and other policies and standards that apply to establishments in the secure estate. For example, in prison service establishments would the YOI rules in relation to control and security override individual plans? Could any education provision agreed in an individual plan be guaranteed? Please also see our comment in question 8 – how would these issues be resolved for individual children?

11 Do you agree that the local authority's detention placement plan should be reviewed by an Independent Reviewing Officer (IRO) at the same frequency as care plans for children in other settings?

**X Yes**

No

Not Sure

Comments:

12 Are the issues listed under paragraph 4.5 the right ones to be considered in relation to how the child is supported whilst remanded in YDA?

**X Yes**

No

Not Sure

Comments:

SCYJ would suggest that the final consideration should also include whether the plan has included support services that might be needed not only at the end of the remand period, but also at the end of any subsequent custodial sentence.

There should also be clear guidance as to who is responsible for ensuring the plan is implemented where the child does not return to their home authority following any period of detention whether remanded or sentenced.

13 Do you agree that Independent Reviewing Officers (IROs) should be the professionals who take the lead for coordinating meetings to review the range of plans in place for a child on remand in YDA?

**Yes**                       **No**                       **Not Sure**

Comments:

SCYJ notes that these regulations may not be in line with current guidance and regulation from other agencies and government departments. For example, it will be necessary to make adjustments to YJB National Standards (NS2010 3.51) and YJB Trial National Standards (p15 para 3.43) as currently they make it the responsibility of staff from the secure facilities. There needs to be clear co-operation to ensure there are no areas of confusion or potential conflict.

14 Is the information in the current IRO Handbook sufficient or would IROs require further guidance on the implications of conducting reviews in secure settings?

**Sufficient**                       **Further guidance needed**                       **Not sure**

Comments:

SCYJ would suggest that reference to YJB National Standards and the respective responsibilities of YOT, secure facilities and children’s services staff would be a useful inclusion to the IRO handbook.

15 Do staff in youth justice services, including staff in YDA, require more information and guidance about the crucial role of the IRO in care planning and review processes?

**X Yes**

No

Not Sure

Comments:

SCYJ is concerned that some staff in the secure estate will not be au fait with many issues in relation to a child having Looked After status including the role of IROs. Indeed, there may be an unfamiliarity with specific and detailed roles and responsibilities in any of the agencies concerned and agreed joint guidance would be useful.

16 If you consider that an alternative approach to review would be more appropriate please outline what this should be.

Comments:

17 Do you agree that the duty in the new regulation 47G provides for the local authority to give adequate consideration the support the child could require when their remand ceases and they are no longer looked after?

Yes

No

**X Not Sure**

Comments:

18 Or should the duty towards children who become looked after as a result of the remand framework in LASPOA be strengthened, so that the designated authority must assess the child's needs when they cease to be looked after, in the same way that authorities should assess the needs of looked after children who are "eligible children" for care leaving purposes (see regulation 42 of the Care Planning Regulations)?

**X Yes**

No

Not Sure

Comments:

SCYJ believes that there is a pressing need for better support particularly for 16 and 17 year olds in the youth justice system. Evidence from the Welsh Government suggests that this is a significant shortfall and a recent Education Committee report also commented on the lack of good safeguarding provision for older children.

1. <http://wales.gov.uk/topics/housingandcommunity/safety/publications/bail-remand-accommodation-survey/?jsessionid=08B44DEC310BE7CA8416AED77E321B08?lang=en>
2. '*Children First: the child protection system in England*'. House of Commons Education Committee. Fourth report of session 2012-2013. Volume 1

19 Please use this space for any other comments you would like to make.

Comments:

While SCYJ understands that the department does not wish to be too proscriptive in guidance to Local Authorities as to who should undertake assessments and planning for these children, we would like to see some assurances that they will be a requirement to ensure that they have recent knowledge and skills in the looked after system and particularly care planning.

SCYJ understands that the department's responsibilities do not extend to Wales. It will be important to make it clear that to secure facilities in England that these arrangements will not apply to children and young people from Wales unless the Welsh Government ratifies them.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

E-mail address for acknowledgement: \_\_\_\_\_

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and consult with those who are affected
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

Responses should be completed on-line or emailed to the relevant consultation email box. However, if you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Coordinator, tel: 0370 000 2288 / email: [carole.edge@education.gsi.gov.uk](mailto:carole.edge@education.gsi.gov.uk)

**Thank you for taking time to respond to this consultation.**

Completed questionnaires and other responses should be sent to the address shown below by 6 February 2013

Send by post to: Placement Team, Level 5, St Paul's Place, 125 Norfolk Street,  
Sheffield S1 2FS

Send by e-mail to: [CarePlanning.CHANGES@education.gsi.gov.uk](mailto:CarePlanning.CHANGES@education.gsi.gov.uk)