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| **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.

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| **Please tick if you want us to keep your response confidential.** | Confidential |
| Reason for confidentiality: |
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| Please specify |   |

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| Name | Name |
| Organisation (if applicable) | Organisation |
| Address: | Address |

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Description: Social worker | Social worker | Description: Local authority youth offending services | Local authority youth offending services | Description: Providers/staff of youth detention accommodation | Providers/staff of youth detention accommodation |
| Description: Commissioner | Commissioner | Description: Local authority | Local authority | Description: Social worker based in youth offending institute | Social worker based in youth offending institute |
| Description: Care leaving services | Care leaving services | Description: Voluntary organisation | Voluntary organisation | Description: Government department | Government department |
| Description: Independent Reviewing Officer | Independent Reviewing Officer | Description: Other | Other |  |  |

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| DfE | Please Specify: |

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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?

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| --- | --- | --- | --- | --- | --- |
| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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"?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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.

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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)?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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?

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| Sufficient | Sufficient | Further guidance needed | Further guidance needed | Not sure | Not sure |

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| DfE | Comments: |

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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?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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

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| DfE | Comments: |

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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?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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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)?

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| Yes | Yes | No | No | Not Sure | Not Sure |

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| DfE | Comments: |

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

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| DfE | Comments: |

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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 **

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| **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?

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| YesYes | NoNo |

All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance)

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

**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