

Legislative changes arising from Amendment Regulations

Amendments to foster care and care planning:		
Legislation amended	Summary of amendment	Nottinghamshire response
The Children (Private Arrangements for Fostering) Regulations 2005	Visits to private fostering arrangements: if the local authority becomes aware of a child who is, or is about to be, privately fostered they now only need to visit them 'as soon as is reasonably practicable' rather than within seven days, and then only make reasonable steps to visit every six or 12 weeks in subsequent years.	Amendments do not need to be applied at this stage; the local authority is able to respond in line with existing regulations.
The Care Planning, Placement and Case Review (England) Regulations 2010	<p>'Connected Persons' and temporary approval as foster carer: temporary approval as a foster carer has been expanded to allow any person, not only relatives, friends and connected persons, to be approved. An emergency placement with an approved foster carer can now last 24 weeks, rather than 6 days, even if that foster carer is not approved to look after that many children. The length of the temporary approval has also been extended from 16 weeks to 24 weeks. It also allows for a child to be placed outside their local area with a carer, even if this carer is not 'connected' to them, without approval by a nominated officer.</p> <p>Looked After Children reviews: changes the requirement for care plan reviews to take place every six months – it is now 'as soon as reasonably practicable' if the six-month deadline is missed. This also applies to children in short breaks care. They should still be at least every six months where 'reasonably practicable'.</p> <p>Placement Plans: amends the requirements to complete placement plans within five or ten days once a child has been placed (depending on circumstances) – now to be completed as soon as reasonably practicable. This also applies to children on remand.</p> <p>Short break care: The definition of a short-break 'placement' has been altered. Children can stay with short breaks carers for up to 75 days in one go, rather than 17 days in one go (the 75 day per year total remains the same).</p> <p>Visits to a child: timescales for visits have been relaxed to as soon as is 'reasonably practicable'.</p>	<p>Temporary approval as a foster carer: The Department is seeking to utilise this amendment as a precautionary measure, in the event that the volume of children entering local authority care exceeds the placement options available.</p> <p>The remainder of the amendments do not need to be applied at this stage; the local authority is able to respond in line with existing regulations.</p>

	Consideration has also been given to the social distancing rules, allowing for visits to a child to take place by telephone, video link or other electronic means where necessary.	
The Fostering Services (England) Regulations 2011	Medical reports: removes the requirement for a medical report at the initial stages of foster care approval	Amendments do not need to be applied at this stage; the local authority is able to respond in line with existing regulations
Amendments to Adoption		
Legislation amended	Summary of amendment	Nottinghamshire response
The Adoption Agencies Regulations 2005	<p>Adoption Panels & Timescales for the Adoption Process: the amendments "remove the duty on adoption agencies to refer cases to the adoption panel, make some amendments to the adopter approval process, to enable information that currently has to be collected during stage 1 of the approval process to be collected during stage 2, and relax some timescales within which adoption agencies must take steps." The amendments also reduce the number of people required on an adoption panel, if it does go ahead.</p> <p>Medical & DBS checks: a potential adopter can go through the first stage of pre-assessment without medical or DBS checks, although these would still be needed before final approval.</p> <p>Adoption reviews: relaxes the requirement for adoption reviews for agencies where it is not reasonably practical to do so, unless the agency has concerns about the welfare of the child</p>	Amendments do not need to be applied at this stage; the local authority is able to respond in line with existing regulations.
In relation to residential care		
Legislation amended	Summary of amendment	Nottinghamshire response
The Children's Homes (England) Regulations 2015	<p>Contact with a child in a children's home: Where a children's home is unable to provide a safe private meeting area for a child to have contact with their parents, a private telephone or video link should be provided for contact.</p> <p>Education for children living in children's homes: there should be a 'reasonable endeavour' to make sure children achieve the education standard in Children's Homes.</p> <p>Deprivation of Child's Liberty for social isolation purposes: children can be deprived of their liberty under public health powers of the Coronavirus Act 2020 if they are symptomatic.</p>	Amendments do not need to be applied at this stage; the local authority is able to respond in line with existing regulations.

	<p>Care home staffing: changes the requirement for care from staff outside the home to be delivered by someone with the knowledge and skills to do it, to make this only 'as far as reasonably practicable'.</p> <p>Regulation 44 visits: independent visitors should 'make reasonable endeavours' to visit monthly.</p>	
Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2015	Inspections of Children's Homes: stops the requirement for children's homes to be inspected twice a year.	Amendments do not need to be applied at this stage; the local authority is able to respond in line with existing regulations.
The Residential Family Centres Regulations 2002	<p>Parent & Baby Units: For residential family centres (such as parent and baby units) the provider must only make 'reasonable endeavours to ensure' that they promote and provide for the health, welfare, care, treatment and education of residents rather than that they 'shall' do so. Complaints can be responded to within 28 days 'as far as reasonably practicable' rather than a hard time limit. Also allows for the registered provider to only have to make 'reasonable endeavours' to visit the unit once a month.</p> <p>Complaints: allows for complaints to be responded to within 28 days 'as far as reasonably practicable' rather than a hard time limit.</p> <p>Visits: registered provider only has to make 'reasonable endeavours' to visit the unit once a month.</p>	Amendments do not need to be applied at this stage; the local authority is able to respond in line with existing regulations.
Amendments in relation to Local Authority responsibilities		
Legislation amended	Summary of amendment	Nottinghamshire response
The Children Act 1989 Representations Procedure (England) Regulations 2006	Children's representations: review panels into complaints only have to respond to complainants 'as soon as reasonably practical' rather than to statutory timescales.	Amendments do not need to be applied at this stage; the local authority is able to respond in line with existing regulations.

<p>The Education and Inspections Act 2006 (Inspection of Local Authorities) Regulations 2007</p> <p>AND</p> <p>The Children Act 2004 (Joint Area Reviews) Regulations 2015;</p>	<p>Ofsted Inspections: relaxes the requirement to provide a response and proposed plan of action within 70 days of an Ofsted inspection of local authority services. The same change applies after joint area inspections.</p>	<p>Amendments do not need to be applied at this stage; the local authority is able to respond in line with existing regulations.</p>
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