
WELSH STATUTORY INSTRUMENTS

2017 No. 713 (W. 170)

SOCIAL CARE, WALES
CHILDREN AND YOUNG PERSONS, WALES

The Care Planning and Case Review (Miscellaneous
Amendments) (Wales) Regulations 2017

<i>Made</i>	- - - -	<i>26 June 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>30 June 2017</i>
<i>Coming into force</i>	- -	<i>23 July 2017</i>

The Welsh Ministers, in exercise of the powers conferred by the provisions in Schedule 1, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Care Planning and Case Review (Miscellaneous Amendments) (Wales) Regulations 2017.

(2) These Regulations come into force on 23 July 2017.

(3) These Regulations apply in relation to Wales.

Amendment of the Review of Children’s Cases (Wales) Regulations 2007

2.—(1) The Review of Children’s Cases (Wales) Regulations 2007(1) are amended as follows.

(2) In regulation 1(2) (title, commencement, interpretation and application), in the appropriate place insert the following—

““the Partnership Regulations” (“*y Rheoliadau Partneriaeth*”) means the Partnership Arrangements (Wales) Regulations 2015(2);

“family” (“*teulu*”), in relation to a child who is part of a family which is receiving support from an IFS team, has the meaning given in regulation 18(3) of the Partnership Regulations;

(1) [S.I. 2007/307 \(W. 26\)](#) (“the 2007 Regulations”). Relevant amending instruments are [S.I. 2010/1700 \(W. 161\)](#), regulation 9(3) and [S.I. 2016/216 \(W. 85\)](#), regulation 7(6). There are other amending instruments but none are relevant.

(2) [S.I. 2015/1989 \(W. 299\)](#). These Regulations were amended by [S.I. 2017/491 \(W. 103\)](#).

“IFS team” (“*tîm integredig cymorth i deuluoedd*”) means an integrated family support team established by a partnership body in accordance with the Partnership Regulations (3);

“parent” (“*rhiant*”), in relation to a child who is part of a family which is receiving support from an IFS team, has the meaning given in regulation 18(5) of the Partnership Regulations;

“partnership body” (“*corff partneriaeth*”) has the meaning given in regulation 1(4) of the Partnership Regulations;”.

(3) In regulation 4 (time when each case to be reviewed), in paragraph (3) omit the words “the independent reviewing officer so directs” and insert the following sub-paragraphs—

- “(a) the independent reviewing officer so directs, or
- (b) the child is part of a family whose case has been referred to an IFS team and the family has been notified that their case will be supported by that team.”.

(4) In regulation 6 (considerations to which responsible authorities are to have regard)—

- (a) renumber the existing provision as paragraph (1);
- (b) after paragraph (1) (as renumbered), insert the following paragraph—
 - “(2) The additional considerations to which the responsible authority must have regard in reviewing the case of a child where the child is part of a family which is being supported by an IFS team are set out in Schedule 5.”.

(5) In regulation 8 (consultation, participation and notification)—

- (a) in paragraph (1), immediately before sub-paragraph (e), omit the word “and” and insert the following sub-paragraph—
 - “(da) in the case of a child whose family is being supported by an IFS team, a member of that team; and”;
- (b) in paragraph (3), immediately before sub-paragraph (e), omit the word “and” and insert the following sub-paragraph—
 - “(da) in the case of a child whose family is being supported by an IFS team, a member of that team; and”.

(6) After Schedule 3 (health considerations to which responsible authorities are to have regard) insert as Schedule 5(4) the Schedule set out in Schedule 2 to these Regulations.

Amendment of the Care and Support (Care Planning) (Wales) Regulations 2015

3.—(1) The Care and Support (Care Planning) (Wales) Regulations 2015(5) are amended as follows.

(2) In regulation 1(3) (title, commencement, application and interpretation), in the appropriate place insert the following—

““the Partnership Regulations” (“*y Rheoliadau Partneriaeth*”) means the Partnership Arrangements (Wales) Regulations 2015(6);

“family” (“*teulu*”), in relation to a person who is part of a family which is receiving support from an IFS team, has the meaning given in regulation 18(3) of the Partnership Regulations;

(3) See regulation 16 of the Partnership Regulations (establishment of integrated family support teams). Sections 166 to 169 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) make provision for partnership arrangements between each local health board and the local authorities within the area of each local health board in Wales to establish a partnership body to participate in arrangements for the carrying out of specified health and social services functions in partnership.

(4) Schedule 4 to the 2007 Regulations 2007 was omitted by S.I. 2016/216 (W.85), regulation 7(1) and (13).

(5) S.I. 2015/1335 (W. 126).

(6) S.I. 2015/1989 (W. 299). These Regulations were amended by S.I. 2017/491 (W. 103).

“IFS team” (“*tîm integredig cymorth i deuluoedd*”) means an integrated family support team established by a partnership body in accordance with the Partnership Regulations(7);

“parent” (“*rhiant*”), in relation to a child who is part of a family which is receiving support from an IFS team, has the meaning given in regulation 18(5) of the Partnership Regulations;

“partnership body” (“*corff partneriaeth*”) has the meaning given in regulation 1(4) of the Partnership Regulations;”.

(3) In regulation 4 (review of plans)—

(a) after paragraph (1) insert the following—

“(1A) The local authority must review a care and support plan or a support plan if the person to whom the plan relates is part of a family whose case has been referred to an IFS team and the family has been notified that their case will be supported by that team.”.

(b) after paragraph (2) insert the following—

“(3) The considerations to which the local authority must have regard when reviewing a person’s care and support plan or support plan where the person is part of a family which is being supported by an IFS team are set out in the Schedule.”.

(4) At the end of the Regulations insert the Schedule set out in Schedule 3 to these Regulations.

Amendment of the Care Planning, Placement and Case Review (Wales) Regulations 2015

4.—(1) The Care Planning, Placement and Case Review (Wales) Regulations 2015(8) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the appropriate place insert—

““the Partnership Regulations” (“*y Rheoliadau Partneriaeth*”) means the Partnership Arrangements (Wales) Regulations 2015(9);

“partnership body” (“*corff partneriaeth*”) has the meaning given in regulation 1(4) of the Partnership Regulations;”; and

(b) for the definition of “IFS team” substitute the following—

““IFS team” (“*tîm integredig cymorth i deuluoedd*”) means an integrated family support team established by a partnership body in accordance with the Partnership Regulations(10);”.

(3) In regulation 41 (considerations to which the responsible authority must have regard)—

(a) in paragraph (1) for “paragraph 1” substitute “paragraphs 1 to 17”,

(b) in paragraph (2) for “paragraph 2” substitute “paragraphs 18 to 26”,

(c) after paragraph (2) insert the following paragraph—

“(3) In paragraph (2) and in Schedule 8—

(7) See regulation 16 of the Partnership Regulations (establishment of integrated family support teams). Sections 166 to 169 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) make provision for partnership arrangements between each local health board and the local authorities within the area of each local health board in Wales to establish a partnership body to participate in arrangements for the carrying out of specified health and social services functions in partnership.

(8) S.I. 2015/1818 (W. 261).

(9) S.I. 2015/1989 (W. 299). These Regulations were amended by S.I. 2017/491 (W. 103).

(10) See regulation 16 of the Partnership Regulations (establishment of integrated family support teams). Sections 166 to 169 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) make provision for partnership arrangements between each local health board and the local authorities within the area of each local health board in Wales to establish a partnership body to participate in arrangements for the carrying out of specified health and social services functions in partnership.

“family” (“*teulu*”) has the meaning given in regulation 18(3) of the Partnership Regulations(11).”.

(4) In regulation 57 (modifications to Part 2), in paragraph (4)(b) for “regulation (5)” substitute “regulation 7(5)”.

(5) In Schedule 8 (considerations to which the responsible authority must have regard when reviewing C’s case), after paragraph 17 insert the following—

“18. Details of any care plan or health treatment plan for P.

19. Details of any support or services provided for P by any person.

20. Any changes in P’s capacity to care for children, and in particular in relation to C, as a result of the health or social care services provided by any person, or as a result of any other factors.

21. Any changes in the family circumstances since the last review.

22. Any significant events outside the family which are relevant.

23. Any difficulties which the family may have had in engaging with the IFS team.

24. Whether there is any conflict between the needs of C and the needs of P, or any other member of P’s household, and how this can be resolved.

25. The need to prepare for the ending of the involvement of the IFS team.

26. In paragraphs 18 to 25—

“P” is to be construed as though it were a reference to “parent” within the meaning given in regulation 18(5) of the Partnership Regulations.”.

Rebecca Evans
Minister for Social Services and Public Health,
under authority of the Cabinet Secretary for
Health, Well-being and Sport, one of the Welsh
Ministers

26 June 2017

(11) See section 197(1) for the definition of “family” for the purposes of the Social Services and Well-being (Wales) Act 2014 (anaw 4), which applies in relation to other references to “family” in the Care Planning, Placement and Case Review (Wales) Regulations 2015.

SCHEDULE 1

Preamble

Provisions conferring power on the Welsh Ministers
which are exercised in the making of these Regulations

Enactment conferring power

The Children Act 1989⁽¹⁾ Sections 59(4)⁽²⁾, 104(4)⁽³⁾ and Schedule 6⁽⁴⁾,
paragraph 10(1)

The Social Services and Well-being (Wales) Act 2014⁽⁵⁾ Sections 54(5) and (6), 83(5) and 196(2)

- (1) 1989 c. 41 (“the 1989 Act”). See section 105(1) of the 1989 Act for the definition of “prescribed”.
- (2) The power to make regulations under section 59 of the 1989 Act are expressed to be exercised by the “appropriate national authority”, defined in section 59(7) of the 1989 Act (which is inserted by section 39 of and Schedule 3, paragraph 23(6) to the Children and Young Persons Act 2008 (c. 23) (“the 2008 Act”)) as meaning, in relation to Wales, the Welsh Ministers. This section was also amended by the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14(1) and (8), and by the Children Act 2004 (c. 31), section 49(4). There are other amendments to this section which are not relevant to these Regulations.
- (3) Section 104 of the 1989 Act was amended by the Children and Adoption Act 2006 (c. 20), Schedule 2, paragraph 10(a) and by the 2008 Act, Schedule 3, paragraph 25. There have been other amendments to this section which are not relevant to these Regulations.
- (4) The functions of the Secretary of State under paragraph 10(1) of Schedule 6 to the 1989 Act were transferred to the National Assembly of Wales by The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales under this provision have been transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). Schedule 6 to the 1989 Act was amended respectively by sections 116 and 117(2) of and paragraph 14(1) and (25) of Schedule 4 and Schedule 6 to the Care Standards Act 2000. There are other amendments to this provision which are not relevant to these Regulations.
- (5) See section 197(1) of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (“the 2014 Act”) for the definition of “specified” and “regulations”.

SCHEDULE 2

Regulation 2

“SCHEDULE 5

Regulation 6

Additional considerations to which responsible authorities
must have regard where an IFS team is involved

1. Details of any care plan or health treatment plan of a parent.
2. Details of any support or services provided to a parent by any person.
3. Any changes to the parenting capacity of a parent as a result of the health or social care services provided, or as a result of any other factors.
4. Any changes in the family circumstances since the last review.
5. Any significant events outside the family which are relevant.
6. Any difficulties which the family may have had in engaging with the IFS team.
7. Whether there is any conflict between the needs of the child and the needs of a parent, or any other family member and how this can be resolved.

(1)
(1)
(1)
(1)
(1)

8. The need to prepare for the ending of the involvement of the IFS team.”.

SCHEDULE 3

Regulation 3

“SCHEDULE

Regulation 4

Considerations to which a local authority must have regard when reviewing a plan where an IFS team is involved

1. Details of any care plan or health treatment plan of a parent.
2. Details of any support or services provided to a parent by any person.
3. Any changes to the parenting capacity of a parent as a result of the health or social care services provided, or as a result of any other factors.
4. Any changes in the family circumstances since the last review.
5. Any significant events outside the family which are relevant.
6. Any difficulties which the family may have had in engaging with the IFS team.
7. Whether there is any conflict between the needs of the child and the needs of a parent, or any other family member and how this can be resolved.
8. The need to prepare for the ending of the involvement of the IFS team.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to three sets of Regulations which make provision about the planning and review of the provision of care and support for persons under the Children Act 1989 and the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”).

The amendments make provision about the way that local authorities and other responsible authorities must review the cases of persons who are part of a family which is receiving support from an integrated family support team (“IFS team”).

Sections 166 to 169 of the 2014 Act make provision for partnership arrangements between each local health board and the local authorities that fall within the geographic footprint of each health board to establish a partnership body to participate in arrangements for the carrying out of specified health and social services functions. IFS teams are established as part of those arrangements to provide support to families who are referred to them, in accordance with regulations 16 and 17 of the Partnership Arrangements (Wales) Regulations 2015, (which are made under sections 166 to 168 of the 2014 Act).

Regulation 2 makes amendments to the Review of Children’s Cases (Wales) Regulations 2007 and inserts a new Schedule 5 into those Regulations to make provision about the additional considerations that responsible authorities under those Regulations must have regard when reviewing the case of a child whose family is receiving support from an IFS team.

Regulation 3 makes amendments to the Care and Support (Care Planning) (Wales) Regulations 2015 and inserts a Schedule to make provision about the considerations that a local authority must have regard when reviewing a person's care and support plan or support plan when the person is part of a family which is receiving support from an IFS team.

Regulation 4 makes amendments to the Care Planning, Placement and Case Review (Wales) Regulations 2015 ("the 2015 Regulations") and inserts new provision within Schedule 8 to the 2015 Regulations (considerations to which the responsible authority must have regard when reviewing C's case) to add additional considerations to which an authority must have regard when reviewing the case of a child whose family is receiving support from an IFS team.

Regulation 4(4) also corrects an error in regulation 57 of the 2015 Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.