EXPLANATORY MEMORANDUM

The Review of Children's Cases (Amendment No.2 and Transitional)(England) Regulations 2004 No. 2253

1. This explanatory memorandum has been prepared by the Department of Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The Review of Children's Cases (Amendment) (England) Regulations 2004 amended the Review of Children's Cases Regulations 1991 by imposing new obligations on the "responsible authority" in England (a local authority, `voluntary organisation or a person carrying on a private children's home) to appoint Independent Reviewing Officers (IROs) to monitor the review process of looked after children and the implementation of their care plans. They require that all IROs are registered as a social worker on a register held by the General Social Care Council, (GSCC) or on an equivalent register in Scotland or Northern Ireland. Those regulations come into force on 27 September 2004.

2.2 These regulations further amend The Review of Children's Cases Regulations 2004 and introduce a transitional arrangement.

2.3 The amendment corrects a previous omission by adding a reference to the Care Council for Wales. This means that registration by any of the four Councils in the UK will be acceptable.

2.4 The transitional arrangement provides for a transitional period from 27th September 2004 to 31st March 2005 during which registration is not compulsory. The IRO must have a qualification that would be acceptable for the purposes of registration by the GSCC or, if he has a qualification obtained outside UK, a Letter of Verification from the GSCC or its predecessor. This is to ease the situation for Independent Reviewing Officers, (IROs) who have been unable to register as a social worker by 27 September 2004. All four UK councils will accept the same UK qualifications.

3. Matters of special interest to the Joint Committee on Statutory Instruments.

3.1 None

4. Legislative Background

4.1 See paragraphs 2.1 and 2,2 above. These regulations are made under new powers inserted into the Children Act 1989 by section 118 Adoption and Children Act 2002.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

The Minister of State has stated that in her view the provision made by these Regulations is compatible with the Convention Rights.

7. Policy background

7.1 Amendment

This amendment is made simply to correct a previous omission and include those IROs who are registered in Wales.

7.2 Transitional arrangement

The Review of Children's Cases (Amendment) (England) Regulations 2004 state that:

The independent reviewing officer must be registered as a social worker in a register maintained by the General Social Care Council under section 56 of the Care Standards Act 2000 or in a corresponding register maintained under the law of Scotland or Northern Ireland.

7.3 All social workers who intend to practice in England must be registered by the GSCC by 31 March 2005. The requirement for IROs to be registered takes effect some 5 months before that. This was the least prescriptive and most straightforward way of ensuring the level of knowledge and experience required to be an effective IRO.

7.4 Unfortunately, take up of early registration has been slow and this transitional arrangement is in response to requests from the GSCC and the Association of Directors of Social Services, (ADSS) and local authorities to ease our requirements. In order to be registered on time IROs had to have submitted their applications to the GSCC by 31 July 2004. By this date only approximately 10% of the estimated 1200 IROs had registered.

7.6 The transitional arrangement means that between 27th September 2004 and 31st March 2005 registration will not be compulsory if the person has qualifications that would be acceptable for the purposes of registration by the GSCC. As with all other social workers IROs will now have to be registered by the 31 March 2005.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is favourable. The transitional arrangement is designed to ease the situation for local authorities by allowing IROs more time to register as social workers and therefore preventing a shortage of appropriate IROs in September.

9. Contact

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