
STATUTORY INSTRUMENTS

2010 No. 959

The Care Planning, Placement and Case Review (England) Regulations 2010

PART 4

Provision for different types of placement

CHAPTER 2

Placement with local authority foster parents

Interpretation

21.—(1) In this Chapter “registered person” has the same meaning as in [^{F1}the Fostering Services Regulations].

(2) Where C is placed jointly with two persons each of whom is approved as a local authority foster parent, any reference in these Regulations to a local authority foster parent is to be interpreted as referring equally to both such persons and any requirement to be satisfied by or relating to a particular local authority foster parent must be satisfied by, or treated as relating to, both of them.

F1 Words in reg. 21(1) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(3)(iii)** (with reg. 45)

Conditions to be complied with before placing a child with a local authority foster parent

22.—(1) This regulation applies where the responsible authority propose to place C with F.

(2) The responsible authority may only place C with F if—

- (a) F is approved by—
 - (i) the responsible authority, or
 - (ii) provided that the conditions specified in paragraph (3) are also satisfied, another fostering service provider,
- (b) the terms of F's approval are consistent with the proposed placement, and
- (c) F has entered into a foster care agreement either with the responsible authority or with another fostering service provider in accordance with regulation [^{F2}27(5)(b) of the Fostering Services Regulations].

(3) The conditions referred to in paragraph (2)(a)(ii) are that—

- (a) the fostering service provider by whom F is approved consents to the proposed placement, and
- (b) where any other local authority currently have a child placed with F, that local authority consents to the proposed placement.

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F2 Words in reg. 22(2)(c) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011](#) (S.I. 2011/581), regs. 1(1), **43(4)** (with reg. 45)

[^{F3}Placement following consideration in accordance with section 22C(9B)(c) of the Act

22A.—(1) This regulation applies where the responsible authority decides to place C in accordance with section 22C of the 1989 Act with a local authority foster parent who is also an approved prospective adopter following consideration in accordance with section 22C(9B)(c) of the 1989 Act.

(2) [^{F4}The decision to place C must not be put into effect until it has been approved by a nominated officer, and the responsible authority have prepared a placement plan for C.]

(3) [^{F5}Before approving a decision under paragraph (2), the nominated officer must—][^{F5}Before making a placement under paragraph (1), the responsible authority must—]

- (a) be satisfied that the placement is the most appropriate placement available for C and will safeguard and promote C's welfare;
- (b) be satisfied that the requirements of regulation 9(1)(b) have been complied with; and
- (c) if their whereabouts are known to the responsible authority, notify the parent or guardian of C of the proposed placement.]

F3 Reg. 22A inserted (25.7.2014) by [The Adoption and Care Planning \(Miscellaneous Amendments\) Regulations 2014](#) (S.I. 2014/1556), regs. 1, **11**

F4 Reg. 22A(2) omitted (temp.) (24.4.2020) by virtue of [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020](#) (S.I. 2020/445), regs. 1(2), **8(8)(a)** (with Pts. 12, 13)

F5 Words in reg. 22A(3) substituted (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020](#) (S.I. 2020/445), regs. 1(2), **8(8)(b)** (with Pts. 12, 13)

[^{F6}Conditions to be complied with before placing C in a long term foster placement

22B.—(1) This regulation applies where the responsible authority propose to place C with F in a long term foster placement.

(2) The responsible authority may only place C with F if—

- (a) [^{F7}the responsible authority have prepared a placement plan for C,]
- (b) the requirements of regulation 9(1)(b)(i) have been complied with,
- (c) the placement will safeguard and promote C's welfare,
- (d) the IRO has been consulted,
- (e) C's relatives have been consulted, where appropriate, and
- (f) F intends to act as C's foster parent until C ceases to be looked after.]

F6 Reg. 22B inserted (1.4.2015) by [The Care Planning and Fostering \(Miscellaneous Amendments\) \(England\) Regulations 2015](#) (S.I. 2015/495), regs. 1, **4**

F7 Reg. 22B(2)(a) omitted (temp.) (24.4.2020) by virtue of [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020](#) (S.I. 2020/445), regs. 1(2), **8(9)** (with Pts. 12, 13)

Emergency placement with a local authority foster parent

23.—(1) Where it is necessary to place C in an emergency, the responsible authority may place C with any local authority foster parent who has been approved in accordance with [^{F8}the Fostering Services Regulations], even if the terms of that approval are not consistent with the placement, provided that the placement is for no longer than [^{F9}six working days][^{F9}twenty four weeks].

(2) When the period of [^{F9}six working days][^{F9}twenty four weeks] referred to in paragraph (1) expires, the responsible authority must terminate the placement unless the terms of that person's approval have been amended to be consistent with the placement.

- F8** Words in reg. 23(1) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(3)(iv)** (with reg. 45)
- F9** Words in reg. 23 substituted (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(10)** (with Pts. 12, 13)

[^{F10}Temporary approval of relative, friend or other person connected with C][^{F10}Temporary approval]

[^{F11}(1) Where the responsible authority is satisfied that the most appropriate placement for C is with a person who has not yet been approved as a local authority foster parent they may approve that person as a local authority foster parent for a temporary period not exceeding 24 weeks (“temporary approval”) provided that they first comply with the requirements of paragraph (2).]

- (2) Before making a placement under paragraph (1), the responsible authority must—
- (a) assess the suitability of the [^{F13}connected] person to care for C, including the suitability of—
- (i) the proposed accommodation, and
 - (ii) all other persons aged 18 and over who are members of the household in which it is proposed that C will live,

taking into account all the matters set out in Schedule 4,

- (b) consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the proposed arrangements will safeguard and promote C's welfare and meet C's needs set out in the care plan, and
- (c) make immediate arrangements for the suitability of the [^{F13}connected] person to be a local authority foster parent to be assessed in accordance with [^{F14}the Fostering Services Regulations] (“the full assessment process”) before the temporary approval expires.

(3) [^{F15}In this regulation “connected person” means a relative, friend or other person connected with C.]

- F10** Reg. 24 heading substituted (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(11)(a)** (with Pts. 12, 13)
- F11** Reg. 24(1) substituted (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(11)(a)** (with Pts. 12, 13)
- F12** Words in reg. 24(1)(b) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(3)(v)** (with reg. 45)
- F13** Words in reg. 24(2) omitted (temp.) (24.4.2020) by virtue of [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(11)(b)** (with Pts. 12, 13)
- F14** Words in reg. 24(2)(c) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(3)(v)** (with reg. 45)

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F15 Reg. 24(3) omitted (temp.) (24.4.2020) by virtue of [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(11)(c)** (with Pts. 12, 13)

Expiry of temporary approval

25.—(1) Subject to paragraph (4), the responsible authority may extend the temporary approval of a [^{F16}connected] person if—

- (a) it is likely to expire before the full assessment process is completed, or
- (b) the [^{F16}connected] person, having undergone the full assessment process, is not approved and seeks a review of the decision in accordance with Regulations made under paragraph 12F(1)(b) of Schedule 2 to the 1989 Act ^{M1}.

(2) In a case falling within paragraph (1)(a), the responsible authority may extend the temporary approval once for a further period of up to eight weeks.

(3) In a case falling within paragraph (1)(b), the responsible authority may extend the temporary approval until the outcome of the review is known.

(4) Before deciding whether to extend the temporary approval in the circumstances set out in paragraph (1), the responsible authority must first—

- (a) consider whether placement with the [^{F16}connected] person is still the most appropriate placement available,
- (b) seek the views of the fostering panel established by the fostering service provider in accordance with [^{F17}the Fostering Services Regulations], and
- (c) inform the IRO.

(5) A decision to extend temporary approval must be approved by a nominated officer.

(6) If the period of temporary approval and of any extension to that period expires and the [^{F16}connected] person has not been approved as a local authority foster parent in accordance with [^{F18}the Fostering Services Regulations], the responsible authority must terminate the placement after first making other arrangements for C's accommodation.

F16 Words in reg. 25 omitted (temp.) (24.4.2020) by virtue of [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(12)** (with Pts. 12, 13)

F17 Words in reg. 25(4)(b) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(3)(vi)** (with reg. 45)

F18 Words in reg. 25(6) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(3)(vi)** (with reg. 45)

Marginal Citations

M1 See the [Independent Review of Determinations \(Adoptions and Fostering\) Regulations 2009 \(S.I. 2009/395\)](#).

[^{F19}Temporary approval of prospective adopter as foster parent

25A.—(1) Where the responsible authority is satisfied that—

- (a) the most appropriate placement for C is with a person who is not approved as a local authority foster parent, but who is an approved prospective adopter, and
- (b) it is in C's best interests to be placed with that person,

the responsible authority may approve that person as a local authority foster parent in relation to C for a temporary period (“temporary approval period”) provided that the responsible authority first comply with the requirements of paragraph (2).

(2) Before approving an approved prospective adopter as a local authority foster parent under paragraph (1), the responsible authority must—

- (a) assess the suitability of that person to care for C as a foster parent, and
- (b) consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the proposed arrangements will safeguard and promote C’s welfare and meet C’s needs set out in the care plan.

(3) The temporary approval period expires—

- (a) on C’s placement with the approved prospective adopter being terminated by the responsible authority,
- (b) on the approved prospective adopter’s approval as a prospective adopter being terminated,
- (c) on the approved prospective adopter being approved as a foster parent in accordance with the Fostering Services Regulations,
- (d) if the approved prospective adopter gives written notice to the responsible authority that they no longer wish to be temporarily approved as a foster parent in relation to C, with effect from 28 days from the date on which the notice is received by the responsible authority, or
- (e) on C being placed for adoption with the approved prospective adopter in accordance with the Adoption and Children Act 2002.

(4) In this regulation “approved prospective adopter” means a person who has been approved as suitable to adopt a child under the Adoption Agencies Regulations 2005 and whose approval has not been terminated.]

F19 Reg. 25A inserted (1.7.2013) by [The Care Planning, Placement and Case Review and Fostering Services \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/984\)](#), regs. 1, 3

Independent fostering agencies – discharge of responsible authority functions

26.—(1) A responsible authority may make arrangements in accordance with this regulation for the duties imposed on it as responsible authority by regulation 14(3) and regulation 22 to be discharged on their behalf by a registered person.

(2) No arrangements may be made under this regulation unless the responsible authority has entered into a written agreement with the registered person which includes the information set out in paragraph 1 of Schedule 5, and where the responsible authority proposes to make an arrangement under this regulation in relation to a particular child, the written agreement must also include the matters set out in paragraph 2 of Schedule 5.

(3) The responsible authority must report to the Chief Inspector of Education, Children's Services and Skills any concerns they may have about the services provided by a registered person.

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Changes and effects yet to be applied to :

- Regulations words substituted by [S.I. 2022/634 Sch. para. 1\(1\)\(3\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- blanket amendment words substituted by [S.I. 2023/1071 Sch. para. 1](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 27A27B inserted by [S.I. 2021/161 reg. 4](#)
- reg. 27C inserted by [S.I. 2023/416 reg. 36\(3\)](#)
- reg. 28(1A)-(1E) inserted (temp.) by [S.I. 2020/909 reg. 4\(2\)](#)
- reg. 48(4)-(8) inserted (temp.) by [S.I. 2020/909 reg. 4\(3\)\(c\)](#)