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STATUTORY INSTRUMENTS

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**2010 No. 959**

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

PART 9

Miscellaneous

**Application of these Regulations with modifications to short breaks**

**48.**—(1) In the circumstances set out in paragraph (2) these Regulations apply with the modifications set out in paragraph (3).

(2) The circumstances are that—

- (a) C is not in the care of the responsible authority,
- (b) the responsible authority have arranged to place C in a series of short-term placements with the same person or in the same accommodation (“short breaks”), and
- (c) the arrangement is such that—
  - (i) no single placement is intended to last for longer than 17 days,
  - (ii) at the end of each such placement, C returns to the care of C’s parent or a person who is not C’s parent but who has parental responsibility for C, and
  - (iii) the short breaks do not exceed 75 days in total in any period of 12 months.

(3) The modifications are that—

- (a) regulations 5 and 9 do not apply, but instead the care plan must set out the arrangements made to meet C’s needs with particular regard to—
  - (i) C’s health and emotional and behavioural development, in particular in relation to any disability C may have,
  - (ii) promoting contact between C and C’s parents and any other person who is not C’s parent but who has parental responsibility for C, during any period when C is placed,
  - (iii) C’s leisure interests, and
  - (iv) promoting C’s educational achievement,and must include the name and address of C’s registered medical practitioner, and the information set out in paragraph 3 of Schedule 2, where appropriate,
- (b) regulations 7, 13 and 49(2)(b) do not apply,
- (c) regulation 28(2) does not apply, but instead the responsible authority must ensure that R visits C on days when C is in fact placed, at regular intervals to be agreed with the IRO and C’s parents (or any person who is not C’s parent but who has parental responsibility for C) and recorded in the care plan before the start of the first placement, and in any event—
  - (i) the first visit must take place within three months of the start of the first placement, or as soon as practicable thereafter, and

- (ii) subsequent visits must take place at intervals of not more than six months, for as long as the short breaks continue,
- (d) regulation 33 does not apply, but instead—
  - (i) the responsible authority must first review C’s case within three months of the start of the first placement, and
  - (ii) the second and subsequent reviews must be carried out at intervals of not more than six months.

### **Records**

#### ***Establishment of records***

**49.**—(1) The responsible authority must establish and maintain a written case record for C (“C’s case record”), if one is not already in existence.

- (2) The case record must include—
  - (a) C’s care plan, including any changes made to the care plan and any subsequent plans,
  - (b) reports obtained under regulation 7,
  - (c) any other document created or considered as part of any assessment of C’s needs, or of any review of C’s case,
  - (d) any court order relating to C,
  - (e) details of any arrangements that have been made by the responsible authority with any other local authority or with an independent fostering agency under regulation 26 and Schedule 5, or with a provider of social work services, under which any of the responsible authority’s functions in relation to C are discharged by that local authority or independent fostering agency or provider of social work services.

#### ***Retention and confidentiality of records***

**50.**—(1) The responsible authority must retain C’s case record either—

- (a) until the seventy-fifth anniversary of C’s birth, or
- (b) if C dies before attaining the age of 18, for fifteen years beginning with the date of C’s death.

(2) The responsible authority must secure the safe keeping of C’s case record and take any necessary steps to ensure that information contained in it is treated as confidential subject only to—

- (a) any provision of, or made under or by virtue of, a statute under which access to such a record or information may be obtained or given,
- (b) any court order under which access to such a record or information may be obtained or given.

#### **Revocations**

**51.** The Regulations set out in Schedule 9 are revoked.