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STATUTORY INSTRUMENTS

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**2013 No. 3239**

**The Children's Homes and Looked after Children  
(Miscellaneous Amendments) (England) Regulations 2013**

**PART 3**

**Care Planning, Placement and Case Review**

**Amendment of the Care Planning, Placement and Case Review (England) Regulations 2010**

**17.** The Care Planning, Placement and Case Review (England) Regulations 2010<sup>(1)</sup> are amended as follows.

**18.** In regulation 11—

(a) for paragraph (1) substitute—

“(1) Subject to paragraphs (2) to (4), a decision to place C outside the area of the responsible authority (including a placement outside England)—

- (a) must not be put into effect until it has been approved by a nominated officer, or
- (b) in the case of a proposed placement which is also at a distance, must not be put into effect until it has been approved by the director of children's services.”;

(b) in paragraph (2)—

(i) after “the nominated officer” insert “or, as the case may be, the director of children's services”;

(ii) for sub-paragraph (d) substitute—

“(d) in the case of a decision falling within—

- (i) paragraph (1)(a), the area authority have been notified, or
- (ii) paragraph (1)(b), the area authority have been consulted and have been provided with a copy of C's care plan, and”;

(c) after paragraph (4) insert—

“(5) In this regulation “at a distance” means outside the area of the responsible authority and not within the area of any adjoining local authority.”.

**19.** In regulation 13, after paragraph (3) insert—

“(4) In the case of a placement outside the area of the responsible authority (including a placement outside England)—

- (a) the responsible authority must give written notification to the area authority of the arrangements for C's placement before the placement is made or, if the placement is made in an emergency, within five working days of the start of the placement unless it is not reasonably practicable to do so, and

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<sup>(1)</sup> [S.I. 2010/959](#), amended by [S.I. 2011/581](#), [2013/235](#), [2013/706](#) and [2013/984](#).

(b) that notification must include—

- (i) details of the responsible authority’s assessment of C’s needs and the reasons why the placement is the most suitable for responding to these,
- (ii) a copy of C’s care plan (where this has not already been provided to the area authority by virtue of regulation 11(2)(d)(ii)).”.

**20.** In regulation 33—

(a) before sub-paragraph (3)(a) insert—

- “(aa) the responsible authority considers that C is, or has been, persistently absent from a placement,
- (ab) the responsible authority is notified that the appropriate person, P, or the area authority is concerned that C is at risk of harm,
- (ac) subject to paragraph (4), C so requests,”;

(b) after paragraph (3), insert—

“(4) The responsible authority is not required to carry out a review pursuant to sub-paragraph (3)(ac) if the IRO considers that a review before the time specified in paragraph (1) or (2) is not justified.”.

**21.** In Part 7, before regulation 39 insert—

**“Decision to cease looking after C**

**39ZA.**—(1) In any case where C is aged 16 or 17 and is not in the care of the responsible authority, the decision to cease looking after C must not be put into effect until it has been approved by the responsible authority’s director of children’s services.

(2) Before approving a decision under paragraph (1), the director of children’s services must be satisfied that—

- (i) regulation 9(1)(b)(i) has been complied with,
- (ii) C’s IRO has been consulted,
- (iii) C’s relatives have been consulted, where appropriate, and
- (iv) regulation 39, or regulations 40 to 43 (as appropriate), have been complied with.”.

**22.** In Schedule 2, after paragraph 3(1) insert—

“(1A) Where—

- (a) the responsible authority has, or is notified of, child protection concerns relating to C, or
- (b) C has gone missing from the placement or from any previous placement, the day to day arrangements put in place by the appropriate person to keep C safe.”.

**23.** In Schedule 7, after paragraph 5 insert—

“(5A) Whether C’s placement safeguards and promotes C’s welfare, and whether any safeguarding concerns have been raised.”.