
STATUTORY INSTRUMENTS

2014 No. 1917

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Care Planning and Care Leavers
(Amendment) Regulations 2014**

<i>Made</i>	- - - -	<i>17th July 2014</i>
<i>Laid before Parliament</i>		<i>22nd July 2014</i>
<i>Coming into force</i>	- -	<i>18th August 2014</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 22C(11), 23E(1B), (1C) and (2), 26(1) and (2), 31A(3) and 104(4) of, and paragraph 19B(7) of Schedule 2 to, the Children Act 1989⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Care Planning and Care Leavers (Amendment) Regulations 2014 and come into force on 18th August 2014.

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

2. The Care Planning, Placement and Case Review (England) Regulations 2010⁽²⁾ are amended as follows.

3.—(1) Regulation 5 is re-numbered as paragraph (1) of that regulation.

(2) In regulation 5(1) (preparation and content of the care plan) at the end insert—

“(f) where C is—

(i) a victim, or there is reason to believe C may be a victim, of trafficking in human beings within the meaning of the Council of Europe Convention on Action against Trafficking in Human Beings,

(1) 1989 c. 41. Section 22C was inserted by section 8(1) of the Children and Young Persons Act 2008 (c.23) (“the 2008 Act”). Section 26(1) was amended by section 39 of, and paragraphs 1 and 16(1) and (2) of Schedule 3 to, the 2008 Act and section 26(2) was amended by section 118(1)(a) of the Adoption and Children Act 2002 (c.38) (“the 2002 Act”) and by section 10(3)(a) of the 2008 Act; section 31A was inserted by section 121(2) of the 2002 Act and paragraph 19B of Schedule 2 was amended by paragraphs 1, 27(1) and (3) of the 2008 Act. For the definition of “prescribed” see section 105(1) of the Children Act 1989.

(2) S.I. 2010/959, amended by S.I.s 2011/581, 2013/706 and 2013/984.

(ii) an unaccompanied asylum seeking child within the meaning of the Immigration Rules and has applied, or has indicated to the responsible authority an intention to apply, for asylum and has not been granted indefinite leave to remain, that fact.

(2) In this regulation “Immigration Rules” means the rules for the time being laid down by the Secretary of State as mentioned in section 3(2) of the Immigration Act 1971(3).”.

4. In regulation 42(2) (assessment of needs) after subparagraph (b) insert—

“(ba) where C falls within regulation 5(1)(f), any needs C has as a result of that status,”.

5. In Schedule 7 (considerations to which the responsible authority must have regard when reviewing C’s case) at the end insert—

“14. Where C falls within regulation 5(1)(f), whether C’s needs as a result of that status are being met.”.

Amendment of the Care Leavers (England) Regulations 2010

6. The Care Leavers (England) Regulations 2010(4) are amended as follows.

7. In regulation 5 (assessment of needs)—

(a) after subparagraph (4)(b) insert—

“(c) where the relevant child is—

(i) a victim, or there is reason to believe they may be a victim, of trafficking in human beings within the meaning of the Council of Europe Convention on Action against Trafficking in Human Beings,

(ii) an unaccompanied asylum seeking child within the meaning of the Immigration Rules and has applied, or has indicated to the responsible authority an intention to apply, for asylum and has not been granted indefinite leave to remain

take into account the relevant child’s needs as a result of that status,”.

(b) in paragraph (6) after “In this regulation—“ insert—

“(aa) “Immigration Rules” means the rules for the time being laid down by the Secretary of State as mentioned in section 3(2) of the Immigration Act 1971.”.

8. In Schedule 1 (matters to be dealt with in the pathway plan and review) at the end insert—

“11. Where the child falls within regulation 5(4)(aa), whether the child’s needs as a result of that status are being met.”.

17th July 2014

Edward Timpson
Parliamentary Under Secretary of State
Department for Education

(3) 1971 c.77.
(4) S.I. 2010/2571.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Care Planning, Placement and Case Review (England) Regulations 2010 (“the CPPCRR”), which make provision about care planning for children who are looked after by a local authority, and the Care Leavers (England) Regulations 2010 (“the CLR”), which make provision about support to be provided to certain children and young people who are no longer looked after by a local authority.

Regulation 5 of the CPPCRR is amended to require that a child’s care plan must record whether the child is a victim, or there is reason to believe they may be a victim, of trafficking in human beings or is an unaccompanied asylum seeking child and has applied or intends to apply for asylum (regulation 3).

Regulation 42(2) of the CPPCRR is amended to require that the local authority’s assessment of a relevant child’s needs must include the child’s needs related to their status as a victim of trafficking or an unaccompanied asylum seeking child (regulation 4).

Schedule 7 of the CPPCRR is amended to require that, when a local authority is reviewing a child’s case it must consider the child’s status as a victim of trafficking or an unaccompanied asylum seeking child and whether their related needs are being met (regulation 5).

Regulation 5 of the CLR is amended to require that the care leaver’s needs in relation to their status as a victim of trafficking or an unaccompanied asylum seeking child must be considered when the local authority is preparing an assessment of needs (regulation 7).

Schedule 1 of the CLR is amended to require that, where a child is a victim of trafficking or an unaccompanied asylum seeking child the local authority must consider whether their related needs are being met when reviewing the child’s pathway plan (regulation 8).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.