

## SCHEDULE 5

Regulation 52

### Modification of the Regulations for short breaks and secure children's homes

#### **Modifications for short breaks**

1. The following regulations do not apply to short breaks—
  - (a) regulation 5(b) (engaging with the wider system to ensure each child's needs are met);
  - (b) regulation 8(2)(a)(vi) and (viii) to (x) (the education standard);
  - (c) regulation 10(2)(b) and (c) (the health and well-being standard);
  - (d) regulation 41 (notification with respect to children admitted into, or discharged from, a children's home).
2. Regulation 6(2)(b)(vi) (the quality and purpose of care standard) applies to short breaks as if "that prepare the child to return home, to live in a new placement or to live independently as an adult" were omitted.

#### **Modifications for secure children's homes**

3. Regulation 9(2)(a)(iii) (*the enjoyment and achievement standard*) applies to a secure children's home as if for "and the wider community" there were substituted "and, to the extent that it is appropriate to do so, to the wider community".
4. Regulation 21 (*privacy and access*) applies to a secure children's home as if—
  - (a) for "The" at the beginning there were substituted "Save to the extent that it is necessary to keep children in a secure children's home, the";
  - (b) paragraph (c)(i) and (iv) were omitted.
5. In the case of a youth justice child (whether that youth justice child is looked after or not), references to "placing authority" or "placing authorities" are modified to include the Youth Justice Board for England and Wales or the Secretary of State in the following regulations—
  - (a) regulation 5(c);
  - (b) regulation 16(2);
  - (c) regulation 34(2)(b) and (c);
  - (d) regulation 40(1)(b) and (3)(b);
  - (e) regulation 41(3)(d);
  - (f) regulation 44(7)(c); and
  - (g) regulation 45(4) and (5).
6. In the case of a youth justice child who is not looked after by a local authority, references to "placing authority" or "placing authorities" are modified to include a parent of the youth justice child in the following regulations—
  - (a) regulation 40(1)(b) and (3)(b);
  - (b) regulation 41(3)(d); and
  - (c) regulation 44(2)(b).