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STATUTORY INSTRUMENTS

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**2010 No. 959**

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

PART 3

Placements – general provisions

**Placement plan**

**9.**—(1) Subject to paragraphs (2) and (4), before making arrangements in accordance with section 22C for C's placement, the responsible authority must—

- (a) prepare a plan for the placement (“the placement plan”) which—
  - (i) sets out how the placement will contribute to meeting C's needs, and
  - (ii) includes all the matters specified in Schedule 2 as are applicable, having regard to the type of the placement, and
- (b) ensure that—
  - (i) C's wishes and feelings have been ascertained and given due consideration, and
  - (ii) the IRO has been informed.

(2) If it is not reasonably practicable to prepare the placement plan before making the placement, the placement plan must be prepared within five working days of the start of the placement.

(3) The placement plan must be agreed with, and signed by, the appropriate person.

(4) Where the arrangements for C's placement were made before 1<sup>st</sup> April 2011, the responsible authority must prepare the placement plan as soon as reasonably practicable.

**Avoidance of disruption in education**

**10.**—(1) Subject to paragraphs (2) and (3), if C is a registered pupil at a school in the fourth key stage, a decision to make any change to C's placement that would have the effect of disrupting the arrangements made for C's education must not be put into effect until it has been approved by a nominated officer<sup>(1)</sup>.

(2) Before approving a decision under paragraph (1), the nominated officer must be satisfied that—

- (a) the requirements of regulation 9(1)(b)(i) have been complied with,
- (b) the educational provision made for C at the placement will promote C's educational achievement and is consistent with C's personal education plan,

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(1) For the definition of “fourth key stage” see paragraph 12D(2) of Schedule 2 to the 1989 Act. Paragraph 12D was inserted by section 8(2) of, and paragraph 4 of Schedule 1 to, the 2008 Act.

- (c) the designated teacher<sup>(2)</sup> at the school has been consulted, and
  - (d) the IRO has been consulted.
- (3) Paragraph (1) does not apply in any case where—
- (a) the responsible authority terminates C’s placement in accordance with regulation 14(3), or
  - (b) it is necessary for any other reason to change C’s placement in an emergency,
- and in such a case the responsible authority must make appropriate arrangements to promote C’s educational achievement as soon as reasonably practicable.
- (4) In any case not falling within paragraph (1), but where the responsible authority propose making any change to C’s placement that would have the effect of disrupting the arrangements made for C’s education or training, the responsible authority must ensure that other arrangements are made for C’s education or training that meet C’s needs and are consistent with C’s personal education plan.
- (5) In this regulation—
- (a) “registered pupil” has the meaning given in section 20(7) of the Children and Young Persons Act 2008<sup>(3)</sup>, and
  - (b) “school” has the meaning given in section 4 of the Education Act 1996<sup>(4)</sup>.

### ***Placement out of area***

#### ***Placement decision***

- 11.**—(1) Subject to paragraphs (3) and (4), a decision to place C outside the area of the responsible authority (including a placement outside England) must not be put into effect until it has been approved by a nominated officer.
- (2) Before approving a decision under paragraph (1), the nominated officer must be satisfied that—
- (a) the requirements of regulation 9(1)(b)(i) have been complied with,
  - (b) the placement is the most appropriate placement available for C and consistent with C’s care plan,
  - (c) C’s relatives<sup>(5)</sup> have been consulted, where appropriate,
  - (d) the area authority have been notified, and
  - (e) the IRO has been consulted.
- (3) In the case of a placement made in an emergency, paragraph (2) does not apply and before approving a decision under paragraph (1) the nominated officer must—
- (a) be satisfied that regulation 9(1)(b)(i) and the requirements of sub-paragraph (2)(b) have been complied with, and
  - (b) take steps to ensure that regulation 9(1)(b)(ii) and the requirements set out in sub-paragraphs (2)(c) and (d) are complied with by the responsible authority within five working days of approval of the decision under paragraph (1).

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(2) The “designated teacher” in the case of a maintained school means the member of staff designated by the governing body in accordance with section 20(1) of the 2008 Act. Academies, City Technology Colleges and City Colleges for the Technology of the Arts are required by their Funding Agreements to have a designated teacher. The Designated Teacher (Looked After Pupils etc.) (England) Regulations 2009 (S.I. 2009/1538) made under section 20(3) of the 2008 Act prescribe the qualifications and experience of the designated teacher.

(3) That is, the meaning given in section 434(5) of the Education Act 1996.

(4) That is, an educational institution, outside the further and higher education sectors, for providing primary and/or secondary education.

(5) ‘Relative’ is defined in section 105(1) of the 1989 Act as ‘a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent’.

(4) Paragraphs (1) and (2) do not apply to a decision to place C outside the area of the responsible authority with—

- (a) F who is a connected person, or
- (b) F who is approved as a local authority foster parent by the responsible authority.

### ***Placements outside England and Wales***

**12.**—(1) This regulation applies if—

- (a) C is in the care of the responsible authority, and
- (b) the responsible authority make arrangements to place C outside England and Wales in accordance with the provisions of paragraph 19 of Schedule 2 to the 1989 Act (*placement of a child in care outside England and Wales*).

(2) The responsible authority must take steps to ensure that, so far as is reasonably practicable, requirements corresponding with the requirements which would have applied under these Regulations had C been placed in England, are complied with.

(3) The responsible authority must include in the care plan details of the arrangements made by the responsible authority to supervise C's placement.

### **Notification of placement**

**13.**—(1) Subject to paragraph (3), the responsible authority must give written notification to the persons listed in paragraph (2) 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.

(2) The persons referred to in paragraph (1) are—

- (a) C, unless it would not be appropriate to do so having regard to C's age and understanding,
- (b) P,
- (c) if C is in the care of the responsible authority, any person who is allowed contact with C under section 34(1) and any person who has contact with C by virtue of an order under section 34,
- (d) if C is looked after but is not in the care of the responsible authority, any person who has contact with C pursuant to an order made under section 8 (*residence, contact and other orders with respect to children*),
- (e) any person who was caring for C immediately before the arrangements were made,
- (f) the Primary Care Trust (or in the case of a child living or to be placed in Wales, the local health board) for the area in which C is living and, if different, for the area in which C is to be placed,
- (g) C's registered medical practitioner and, where applicable, the registered medical practitioner with whom C is to be registered during the placement,
- (h) any educational institution attended by, or person providing education or training for, C, and
- (i) the IRO.

(3) The responsible authority may decide not to give notification to any of the persons listed in sub-paragraphs (b) to (e) if to do so would put C at risk of significant harm.

**Termination of placement by the responsible authority**

14.—(1) Subject to paragraphs (3) and (5), the responsible authority may only terminate C's placement following a review of C's case in accordance with Part 6.

(2) Subject to paragraphs (3) and (4), before terminating C's placement, the responsible authority must—

- (a) make other arrangements for C's accommodation, in accordance with section 22C,
- (b) inform the IRO,
- (c) so far as is reasonably practicable, give written notification of their intention to terminate the placement to—
  - (i) all the persons to whom notification of the placement was given under regulation 13,
  - (ii) the person with whom C is placed,
  - (iii) where C is placed in the area of another local authority, that authority.

(3) Where there is an immediate risk of significant harm to C, or to protect others from serious injury, the responsible authority must terminate C's placement, and in those circumstances—

- (a) paragraph (1) does not apply, and
- (b) they must comply with paragraph (2)(a) and (b) as soon as reasonably practicable.

(4) If it is not reasonably practicable to notify any person in accordance with paragraph (2)(c), then the responsible authority must give written notification to that person, within ten working days of the date on which the placement is terminated, of the fact that the placement has been terminated.

(5) This regulation does not apply where C's placement is terminated under regulation 19(c), regulation 23(2) or regulation 25(6), nor where section 22D(6) (*review of child's case before making alternative arrangements for accommodation*) applies.