
STATUTORY INSTRUMENTS

2010 No. 959

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

PART 7

Arrangements made by the responsible authority for ceasing to look after a child

Eligible children

Meaning of eligible child

40.—(1) For the purposes of paragraph 19B(2)(b) of Schedule 2 to the 1989 Act (*meaning of eligible child*), the prescribed period is 13 weeks and the prescribed age is 14.

(2) For the purposes of paragraph 19B(3)(b) of that Schedule, if C is a child to whom regulation 48 applies, C is not an eligible child despite falling within paragraph 19B(2) of that Schedule.

General duties

- 41.** If C is an eligible child, the responsible authority must —
- (a) assess C's needs in accordance with regulation 42, and
 - (b) prepare C's pathway plan, in accordance with regulation 43.

Assessment of needs

42.—(1) The responsible authority must complete the assessment of C's needs in accordance with paragraph 19B(4) of Schedule 2 to the 1989 Act not more than three months after the date on which C reaches the age of 16 or becomes an eligible child after that age.

(2) In carrying out their assessment of C's likely needs when C ceases to be looked after, the responsible authority must take account of the following considerations—

- (a) C's state of health (including physical, emotional and mental health) and development,
- (b) C's continuing need for education, training or employment,
- [^{F1}(ba) where C falls within regulation 5(1)(f), any needs C has as a result of that status,]
- (c) the support that will be available to C from C's parents [^{F2}and other connected persons],
- (d) C's actual and anticipated financial resources and capacity to manage personal finances independently,
- (e) the extent to which C possesses the practical and other skills necessary for independent living,
- (f) C's need for continuing care, support and accommodation,
- (g) the wishes and feelings of—

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- (i) C,
- (ii) any parent of C's and any person who is not C's parent but who has parental responsibility for C,
- (iii) the appropriate person,
- (h) the views of—
 - (i) any person or educational institution that provides C with education or training and, if C has a statement of special educational needs, the local authority who maintain the statement (if different) ^{M1},
 - (ii) the IRO,
 - (iii) any person providing health (whether physical, emotional or mental health) or dental care or treatment to C,
 - (iv) the personal adviser appointed for C, and
 - (v) any other person whose views the responsible authority, or C, consider may be relevant.

Textual Amendments

- F1** Reg. 42(2)(ba) inserted (18.8.2014) by [The Care Planning and Care Leavers \(Amendment\) Regulations 2014 \(S.I. 2014/1917\)](#), regs. 1, 4
- F2** Words in reg. 42(2)(c) omitted (temp.) (24.4.2020) by virtue of [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(16)** (with Pts. 12, 13)

Marginal Citations

- M1** “Statement of special educational needs” is defined in section 324 of the Education Act 1996.

The pathway plan

43.—(1) The pathway plan must be prepared as soon as possible after the assessment of C's needs and must include, in particular—

- (a) C's care plan, and
- (b) the information referred to in Schedule 8.

(2) The pathway plan must, in relation to each of the matters referred to in paragraphs 2 to 10 of Schedule 8, set out—

- (a) the manner in which the responsible authority propose to meet C's needs, and
- (b) the date by which, and by whom, any action required to implement any aspect of the plan will be carried out.

Functions of the personal adviser

44. The personal adviser's functions in relation to C are to—

- (a) provide advice (including practical advice) and support,
- (b) participate in reviews of C's case carried out under Part 6,
- (c) liaise with the responsible authority in the implementation of the pathway plan,
- (d) co-ordinate the provision of services and take reasonable steps to ensure C makes use of such services,
- (e) remain informed about C's progress and wellbeing, and

- (f) maintain a written record of their contacts with C.

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Changes and effects yet to be applied to :

- Regulations words substituted by [S.I. 2022/634 Sch. para. 1\(1\)\(3\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- blanket amendment words substituted by [S.I. 2023/1071 Sch. para. 1](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 27A27B inserted by [S.I. 2021/161 reg. 4](#)
- reg. 27C inserted by [S.I. 2023/416 reg. 36\(3\)](#)
- reg. 28(1A)-(1E) inserted (temp.) by [S.I. 2020/909 reg. 4\(2\)](#)
- reg. 48(4)-(8) inserted (temp.) by [S.I. 2020/909 reg. 4\(3\)\(c\)](#)