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STATUTORY INSTRUMENTS

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**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

**Decision to cease looking after C**

<sup>F1</sup>**39ZA.** . . . . .

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| <b>F1</b> Reg. 39ZA omitted (1.4.2015) by virtue of <a href="#">The Care Planning and Fostering (Miscellaneous Amendments) (England) Regulations 2015 (S.I. 2015/495)</a> , regs. 1, 8 |
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**[<sup>F2</sup>Arrangements to be made when the responsible authority is considering ceasing to look after C**

**39.**—(1) This regulation applies where the responsible authority are considering ceasing to look after C.

(2) Before deciding to cease to look after C the responsible authority must—

- (a) carry out an assessment of the suitability of the proposed arrangements for C's accommodation and maintenance when C ceases to be looked after by them,
- (b) carry out an assessment of the services and support that C and, where applicable P, might need when the responsible authority ceases to look after C,
- (c) ensure that C's wishes and feelings have been ascertained and given due consideration, and
- (d) consider whether, in all the circumstances and taking into account any services or support the responsible authority intend to provide, that ceasing to look after C will safeguard and promote C's welfare.

(3) The responsible authority must include in C's care plan (or where regulation 47B(4) applies, the detention placement plan) details of the advice, assistance and support that the responsible authority intend to provide for C when C ceases to be looked after by them.

(4) Subject to paragraph (5), where C has been a looked after child for at least 20 working days, any decision to cease to look after C must not be put into effect until it has been approved by a nominated officer.

(5) In any case where C is aged 16 or 17 and is not in the care of the local authority, the decision to cease to look after C must not be put into effect until it has been approved by the responsible authority's director of children's services.

(6) Before approving a decision under paragraph (4) or (5), the nominated officer or director of children's services must be satisfied that—

- (a) the requirements of regulation 9(1)(b)(i) have been complied with,

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Care Planning, Placement and Case Review (England) Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) ceasing to look after C will safeguard and promote C's welfare,
- (c) the support the responsible authority intend to provide will safeguard and promote C's welfare,
- (d) C's relatives have been consulted, where appropriate,
- (e) the IRO has been consulted, and
- (f) where appropriate, regulations 40 to 43 have been complied with.]

**F2** Reg. 39 substituted (1.4.2015) by [The Care Planning and Fostering \(Miscellaneous Amendments\) \(England\) Regulations 2015 \(S.I. 2015/495\)](#), regs. 1, 7

### *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,
- [<sup>F3</sup>(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 [<sup>F4</sup>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—
  - (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) <sup>M1</sup>,
  - (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.

**F3** 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

**F4** 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.

**Changes to legislation:**

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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\(3\)\(c\)](#)