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## STATUTORY INSTRUMENTS

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# 2010 No. 959

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

### [<sup>F1</sup>PART 8A

#### Application of these Regulations with modifications to children on remand

**F1** Pt. 8A inserted (19.4.2013) by [The Care Planning, Placement and Case Review \(England\) \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/706\)](#), regs. 1, 6 (with reg. 14)

#### **Application of these Regulations with modifications to children on remand**

**47A.**—(1) These Regulations apply with the modifications set out in this Part while C is—

- (a) remanded to local authority accommodation, or
- (b) remanded to youth detention accommodation (“YDA”).

(2) In these Regulations—

- (a) where C is remanded to local authority accommodation, or to YDA, references to “the responsible authority” are to be read as if they were references to the local authority designated by the court under section 92(2) or section 102(6), as the case may be, of the 2012 Act,
- (b) where C is remanded to YDA, references to C being “placed” are to be read as if they were references to C being so remanded,
- (c) where C is remanded to YDA, references to the “placement plan” (and where C is a looked after child only by reason of being so remanded, references to the “care plan”) are to be read as if they were references to the “detention placement plan”.

**47B.**—(1) Part 2 (arrangements for looking after a child) applies with the following modifications.

(2) Where C is a looked after child only by reason of being remanded to local authority accommodation—

- (a) in regulation 4(2), the care plan must be prepared within five working days of C being so remanded, and
- (b) regulation 5(a) does not apply.

(3) Where C is remanded to YDA and was a looked after child immediately before being so remanded—

- (a) regulation 5(c) does not apply, and instead the care plan must include a detention placement plan,
- (b) in regulation 6(3), the responsible authority must also give a copy of the care plan to the director, governor or registered manager (as the case may be) of the YDA,

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(c) regulation 7(1) to (4) does not apply.

(4) Where C is a looked after child only by reason of being remanded to YDA—

- (a) regulation 5 does not apply, and instead the responsible authority must prepare a detention placement plan, which also includes details of the wishes and feelings of the persons listed in section 22(4) about the detention placement plan that have been ascertained and considered in accordance with section 22(4) and (5), and the wishes and feelings of those persons in relation to any change, or proposed change, to the detention placement plan,
- (b) regulation 7(1) to (4) does not apply, and regulation 7(5) applies with the modification that for “health plan” there is substituted “detention placement plan”.

**47C.**—(1) Part 3 (placements) applies with the following modifications.

(2) Where C is remanded to YDA, regulations 9, 10, 11 and 14 do not apply, and instead—

- (a) the responsible authority must prepare a plan for the remand (“the detention placement plan”) within ten working days of C’s remand to YDA which—
  - (i) sets out how the YDA will meet C’s needs, and
  - (ii) includes the address of the YDA and all the matters specified in Schedule 2A,
- (b) the responsible authority must ensure—
  - (i) that C’s wishes and feelings have been ascertained and given due consideration,
  - (ii) where C was looked after immediately before being so remanded, that the IRO has been informed of the remand,
- (c) the detention placement plan must be agreed with, and signed by, the director, governor or registered manager (as the case may be) of the YDA.

(3) Where C is remanded to local authority accommodation, regulation 9(1) applies with the modification that the placement plan must be prepared [F2within five working days of][F2as soon as is reasonably practicable from] C being so remanded.

**47D.** Part 4 (provision for different types of placement) does not apply where C is remanded to YDA.

**47E.** Part 5 (visits by the responsible authority’s representative etc.) applies with the modification that in regulation 28(7)(a), the responsible authority must also ensure that R visits C, where C is remanded to YDA, whenever reasonably requested to do so by the director, governor or registered manager (as the case may be) of the YDA.

**47F.** Part 6 (reviews) applies with the modification that in regulation 35, the considerations to which the responsible authority must have regard in reviewing C’s case where C is remanded to YDA, are set out in paragraphs 1, 4, and 6 to 13, of Schedule 7 (considerations to which the responsible authority must have regard when reviewing C’s case).]

**F2** Words in reg. 47C(3) substituted (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(17)** (with Pts. 12, 13)

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