
STATUTORY INSTRUMENTS

2010 No. 959

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

PART 9

Miscellaneous

Application of these Regulations with modifications to short breaks

48.—(1) In the circumstances set out in paragraph (2) these Regulations apply with the modifications set out in paragraph (3).

(2) The circumstances are that—

- (a) C is not in the care of the responsible authority,
- (b) the responsible authority have arranged to place C in a series of short-term placements with the same person or in the same accommodation (“short breaks”), and

[^{F1}(c) the arrangement is such that—

- (i) at the end of each placement, C returns to the care of C's parent or a person who is not C's parent but who has parental responsibility for C, and
- (ii) the short breaks do not exceed 75 days in total in any period of 12 months.]

(3) The modifications are that—

- (a) regulations 5 and 9 do not apply, but instead the care plan must set out the arrangements made to meet C's needs with particular regard to—
 - (i) C's health and emotional and behavioural development, in particular in relation to any disability C may have,
 - (ii) promoting contact between C and C's parents and any other person who is not C's parent but who has parental responsibility for C, during any period when C is placed,
 - (iii) C's leisure interests, and
 - (iv) promoting C's educational achievement,

and must include the name and address of C's registered medical practitioner, and the information set out in paragraph 3 of Schedule 2, where appropriate,

(b) regulations 7, 13 and 49(2)(b) do not apply,

[^{F2}(c) regulation 28(2) does not apply, but instead the responsible authority must ensure that R visits C at regular intervals during any short break to be agreed with the IRO and C's parents (or any person who is not C's parent but has parental responsibility for C),

(d) regulation 33 does not apply, but instead the responsible authority must first review C's case as soon as is reasonably practicable from the start of the first placement, and subsequent reviews must be carried out at regular intervals during any short break,

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- (e) any visit required by this regulation may be conducted by telephone, video-link or other electronic means.]

- F1** Reg. 48(2)(c) substituted (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(18)(a)** (with Pts. 12, 13)
- F2** Reg. 48(3)(c)-(e) substituted for reg. 48(3)(c)(d) (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(18)(b)** (with Pts. 12, 13)

Records

Establishment of records

49.—(1) The responsible authority must establish and maintain a written case record for C (“C’s case record”), if one is not already in existence.

(2) The case record must include—

- (a) C’s care plan, including any changes made to the care plan and any subsequent plans,
- (b) reports obtained under regulation 7,
- (c) any other document created or considered as part of any assessment of C’s needs, or of any review of C’s case,
- (d) any court order relating to C,
- (e) details of any arrangements that have been made by the responsible authority with any other local authority or with an independent fostering agency under regulation 26 and Schedule 5, or with a provider of social work services, under which any of the responsible authority’s functions in relation to C are discharged by that local authority or independent fostering agency or provider of social work services.

[^{F3}Transfer of case records

49A. The responsible authority may transfer a copy of C’s case record (or part of that record) to an adoption agency when it considers this to be in the interests of C, and a written record shall be kept of any such transfer.]

- F3** Reg. 49A inserted (5.3.2018) by [The Adoption and Care Planning \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/152\)](#), regs. 1, 4

Retention and confidentiality of records

50.—(1) The responsible authority must retain C’s case record either—

- (a) until the seventy-fifth anniversary of C’s birth, or
- (b) if C dies before attaining the age of 18, for fifteen years beginning with the date of C’s death.

(2) The responsible authority must secure the safe keeping of C’s case record and take any necessary steps to ensure that information contained in it is treated as confidential subject only to—

[^{F4}(aa) regulation 49A,]

- (a) any provision of, or made under or by virtue of, a statute under which access to such a record or information may be obtained or given,

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- (b) any court order under which access to such a record or information may be obtained or given.

F4 Reg. 50(2)(aa) inserted (5.3.2018) by [The Adoption and Care Planning \(Miscellaneous Amendments\) Regulations 2018 \(S.I. 2018/152\)](#), regs. 1, 5

Revocations

- 51.** The Regulations set out in Schedule 9 are revoked.

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