
STATUTORY INSTRUMENTS

2021 No. 161

**The Care Planning, Placement and Case Review
(England) (Amendment) Regulations 2021**

Amendment of the Care Planning, Placement and Case Review (England) Regulations 2010

4. After regulation 27 (general duties of the responsible authority when placing a child in other arrangements) insert—

“Prohibition on placing a child under 16 in other arrangements

27A. A responsible authority may only place a child under 16 in accommodation in accordance with other arrangements under section 22C(6)(d), where the accommodation is—

- (a) in relation to placements in England, in—
 - (i) a care home⁽¹⁾;
 - (ii) a hospital as defined in section 275(1) of the National Health Service Act 2006⁽²⁾;
 - (iii) a residential family centre as defined in section 4(2) of the Care Standards Act⁽³⁾;
 - (iv) a school within the meaning of section 4 of the Education Act 1996⁽⁴⁾ providing accommodation that is not registered as a children’s home⁽⁵⁾;
 - (v) an establishment that provides care and accommodation for children as a holiday scheme for disabled children as defined in regulation 2(1) of the Residential Holiday Schemes for Disabled Children (England) Regulations 2013⁽⁶⁾;
- (b) in relation to placements in Wales—
 - (i) accommodation provided by a care home service, within the meaning of paragraph 1(1) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016⁽⁷⁾ (“the RISCWA 2016”);
 - (ii) in a hospital as defined in section 206(1) of the National Health Service (Wales) Act 2006⁽⁸⁾;
 - (iii) accommodation provided by a residential family centre service, within the meaning of paragraph 3(1) of Schedule 1 to the RISCWA 2016;

(1) “Care home” is defined in section 105(1) of the Children Act 1989 (c. 41).

(2) 2006 c. 41.

(3) 2000 c. 14.

(4) 1996 c. 56. Section 4(1) is amended by the Education Act 1997 (c. 44) section 51, the Education Act 2002 (c. 32), Schedule 22, Part 3, the Childcare Act 2006 (c. 21), section 95, the Education Act 2011 (c. 21), Schedule 13, paragraph 9 and by S.I. 2019/1027.

(5) “Children’s home” is defined in section 105(1) of the Children Act 1989.

(6) S.I. 2013/1394.

(7) 2016 anaw 2.

(8) 2006 c. 42.

- (iv) in a school within the meaning of section 4 of the Education Act 1996 providing accommodation together with nursing or care that does not constitute a care home service⁽⁹⁾;
- (c) in relation to placements in Scotland—
 - (i) in a residential establishment, within the meaning of paragraph (a) of the definition in section 93(1) of the Children (Scotland) Act 1995⁽¹⁰⁾;
 - (ii) accommodation provided by the Scottish public fostering service, within the meaning of paragraph 10(a) of Schedule 12 to the Public Services Reform (Scotland) Act 2010⁽¹¹⁾ (“the PSR(S)A 2010”);
 - (iii) accommodation provided by a care home service, within the meaning of paragraph 2 of Schedule 12 to the PSR(S)A 2010;
 - (iv) accommodation provided by a school care accommodation service, within the meaning given by or under paragraph 3 of Schedule 12 to the PSR(S)A 2010;
 - (v) in a hospital as defined in section 108(1) of the National Health Service (Scotland) Act 1978⁽¹²⁾.

Exception to the prohibition on placing a child under 16 in other arrangements

27B.—(1) Subject to paragraph (2), a responsible authority placing an unaccompanied asylum seeking child whose age is uncertain and who claims to be 16 or 17 may place that child in accommodation in accordance with other arrangements under section 22C(6)(d).

(2) Where that child is later assessed as being under 16, a responsible authority may not leave the child in such accommodation where that accommodation is not specified in regulation 27A for longer than 10 working days beginning with the day on which the child’s age has been assessed as being under 16.

(3) In this regulation, an unaccompanied asylum seeking child has the same meaning as in regulation 5(1)(f)(ii)⁽¹³⁾.”

(9) Paragraph 1(2)(b) of Schedule 1 to the RISCWA 2016 provides that, subject to paragraph 1(3), accommodation together with nursing or care provided at a school does not constitute a care home service.

(10) 1995 c. 36. The definition of “residential establishment” in relation to Scotland is amended by S.I. 2013/1465.

(11) 2010 asp 8.

(12) 1978 c. 29.

(13) Regulation 5(1)(f) was inserted by S.I. 2014/1917.