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STATUTORY INSTRUMENTS

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**2013 No.**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Care Planning, Placement and Case Review (Miscellaneous  
Amendments) Regulations 2013**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by [sections xxx of the Children Act 1989](a):

**Citation and commencement**

1. These Regulations may be cited as the Care Planning, Placement and Case Review (Miscellaneous Amendments) Regulations 2013 and come into force on [ ].

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

2. The Care Planning, Placement and Case Review (England) Regulations 2010(b) are amended as follows.

3. In regulation 11—

(a) for paragraph (1) substitute—

“(1) Subject to paragraphs (2) to (4), a decision to place C outside the area of the responsible authority (including a placement outside England)—

(a) must not be put into effect until it has been approved by a nominated officer, or

(b) in the case of a proposed placement which is also at a distance, must not be put into effect until it has been approved by the director of children’s services.”,

(b) in paragraph (2) after “the nominated officer” insert “or, as the case may be, the director of children’s services”,

(c) for sub-paragraph (2)(d) substitute—

“(d) (i) in the case of a decision falling within paragraph (1)(a), the area authority have been notified, or

(ii) in the case of a decision falling within paragraph (1)(b), the area authority have been consulted and have been provided with a copy of C’s care plan.”

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(a) 1989 c. 41.

(b) S.I. 2010/959, amended by S.I.s 2011/581, 2013/706 and 2013/984.

(d) After paragraph (4) insert—

“(5) In this regulation “at a distance” means [.....].”

4. In regulation 13 after paragraph (3) insert—

“(4) In the case of a placement outside the area of the responsible authority (including a placement outside England)—

- (a) the responsible authority must give written notification to the area authority of the arrangements for C’s placement before the placement is made or, if the placement is made in an emergency, within five working days of the start of the placement unless it is not reasonably practicable to do so, and
- (b) that notification must include—
  - (i) details of the responsible authority’s assessment of C’s needs and the reasons why the placement is the most suitable for responding to these,
  - (ii) a copy of C’s care plan (where this has not already been provided to the area authority by virtue of regulation 11(2)(d)(ii)).”

5. In regulation 33(3) before paragraph (a) insert—

- “(aa) C has been persistently absent from a placement,
- (ab) the responsible authority is notified that the appropriate person, P, or the area authority is concerned that C is at risk of harm,”.

6. In Part 7, before regulation 39 insert—

**“Decision to cease looking after C**

**39ZA.**—(1) In any case where C is aged 16 or 17 and is not in the care of the responsible authority, the decision to cease looking after C must not be put into effect until it has been approved by the responsible authority’s director of children’s services.

(2) Before approving a decision under paragraph (1), the director of children’s services must be satisfied that—

- (i) regulation 9(1)(b)(i) has been complied with,
- (ii) C’s IRO has been consulted,
- (iii) C’s relatives have been consulted/ notified, where appropriate,
- (iv) regulation 39, or regulations 40 to 43 (as appropriate), have been complied with.”

7. In Schedule 2 after paragraph 3(1) insert—

“(1A) Where—

- (a) the responsible authority has, or is notified of, child protection concerns relating to C, or
  - (b) where C child has gone missing from the placement or from any previous placement
- the day to day arrangements put in place by the appropriate person to keep C safe.”

8. In Schedule 7 after paragraph 5 insert—

“(5A) Whether C’s placement safeguards and promotes C’s welfare, and whether any safeguarding concerns have been raised.”

## **Amendment of the Fostering Services (England) Regulations 2011**

9. The Fostering Services (England) Regulations 2011(a) are amended as follows.

10. In regulation 13 for paragraph (3) substitute—

“(3) The fostering service provider must prepare and implement a policy, which is agreed with the local police, setting out—

- (a) the measures to be followed to prevent children placed with foster parents from going missing from their placement, and
- (b) the procedure to be followed when a child is missing from a foster parent’s home without permission.”

11. In column 2 of the table in Schedule 7—

- (a) for the word “prostitution” substitute “sexual exploitation”, and
- (b) [insert “yes” in the each of the columns headed “area authority” and “police” corresponding with the words “A child placed with foster parents is missing from the placement” in column 1. ]

Address  
Date

*Name*  
Parliamentary Under Secretary of State  
Department

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

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(a) S.I. 2011/581, amended by S.I.s 2008/640, 2009/394 and 2013/984.