

2013 No. 000

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Care Planning, Placement and Case Review (England)
(Amendment) Regulations 2013**

<i>Made</i>	- - - -	2013
<i>Laid before Parliament</i>		2013
<i>Coming into force</i>	- -	2013

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 22C(11), 23ZA(3) and (4), 23ZB(1)(a), 23D(2), 23E(1) and (2), 26(1) and (2), 31A(3) and 104(4) of, and paragraphs 12E and 12F of Schedule 2 to, the Children Act 1989(a).

Citation and commencement

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

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 2(1), in the appropriate place, insert—

“detention placement plan” has the meaning given in regulation 47C;”.

4. In regulation 3, at the end, insert “unless the child falls within regulation 47A”.

5. After regulation 47 insert—

(a) 1989 c.41. Section 22C was inserted by section 8(1) of the Children and Young Persons Act 2008 (c.23) (“the 2008 Act”); section 26(1) was amended by section 39 of, and paragraphs 1 and 16(1) and (2) of Schedule 3 to, the 2008 Act and section 26(2) was amended by section 118(1)(a) of the 2002 Act and by section 10(3)(a) of the 2008 Act; [section 31A was inserted by section 121(2) of the 2002 Act;] [section 59(2) was amended by sections 8 and 39 of, and Schedule 4 to, the 2008 Act and section 59(3A) was inserted by paragraph 2(6) of Schedule 1 to the 2008 Act;] section 104(4) was amended by section 39 of, and Schedules 3 and 4 to, the 2008 Act; paragraphs 12E and 12F of Schedule 2 were inserted by paragraph 4 of Schedule 1 to the 2008 Act. For the definition of “prescribed” see section 105(1) of the Children Act 1989.

(b) S.I. 2010/959, amended by S.I. 2011/581 [].

“PART 8A

Application of these Regulations to children on remand

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) “remand to local authority accommodation” has the meaning given in section 92 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a),
- (b) “remand to youth detention accommodation” has the meaning given in section 102 of that Act(b),
- (c) “youth detention accommodation” has the meaning given in section 107 of the Powers of Criminal Courts (Sentencing) Act 2000(c),
- (d) 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 102(6) of that Act,
- (e) 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
- (f) [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 Governor, Director or Registered Manager (as the case may be) of the YDA,
- (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(a) to (c) does not apply, and instead the responsible authority must prepare a detention placement plan,

(a) 2012 c.10.

(b) That is remand to (a) a secure children’s home, (b) a secure training centre, (c) a young offender institution, or (d) accommodation, or accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 (youth detention accommodation for purposes of detention and training order provisions), such as the Secretary of State directs in the child’s case. Section 104(1) of that Act provides that a child who is remanded to youth detention accommodation is to be treated as a child who is looked after by the local authority designated by the court under section 102(6).

(c) xx

- (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 contribute to meeting C’s needs, and
 - (ii) includes the address of the YDA and the matters set out in paragraph 1(1) to (6) and (8), and paragraph 3(2) of Schedule 2,
- (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 Governor, Director 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 within five working days of 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 Governor, Director 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.

47G. —(1) Part 7 (*arrangements made by the responsible authority for ceasing to look after a child*) applies with the following modification.

(2) For regulation 39 substitute—

“**39.** In any case where C is not in the care of the responsible authority and is not likely to be an eligible child when the local authority cease to look after him, the care plan (or where regulation 47B(4) applies, the detention placement plan) must include 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.”

Date

Parliamentary Under Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into force on [] 2013. They amend the Care Planning, Placement and Case Review (England) Regulations 2010 (the 2010 Regulations), which make provision about

care planning for looked after children (i.e. children who are looked after by a local authority), and associated matters.

They provide for the 2010 Regulations to apply, with modifications, in relation to looked after children who are remanded to local authority accommodation or to youth detention accommodation.