
STATUTORY INSTRUMENTS

2010 No. 959

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

PART 4

Provision for different types of placement

CHAPTER 1

Placement of a child in care with P

Application

15.—(1) This Chapter applies if C is in the care of the responsible authority and they, acting in accordance with section 22C(2), propose to place C with P.

(2) Nothing in this Chapter requires the responsible authority to remove C from P's care if C is living with P before a placement decision is made about C.

Effect of contact order

16. The responsible authority must not place C with P if to do so would be incompatible with any order made by the court under section 34.

Assessment of P's suitability to care for a child

17. Before deciding to place C with P, the responsible authority must—

- (a) assess the suitability of P to care for C, including the suitability of—
 - (i) the proposed accommodation, and
 - (ii) all other persons aged 18 and over who are members of the household in which it is proposed that C will live,
- (b) take into account all the matters set out in Schedule 3 in making their assessment,
- (c) consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the placement will safeguard and promote C's welfare and meet C's needs set out in the care plan, and
- (d) review C's case in accordance with Part 6.

Decision to place a child with P

18.—(1) The decision to place C with P must not be put into effect until it has been approved by a nominated officer, and the responsible authority have prepared a placement plan for C.

(2) Before approving a decision under paragraph (1), the nominated officer must be satisfied that—

- (a) the requirements of regulation 9(1)(b)(i) have been complied with,

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Changes to legislation: There are currently no known outstanding effects for the The Care Planning, Placement and Case Review (England) Regulations 2010, PART 4. (See end of Document for details)

- (b) the requirements of regulation 17 have been complied with,
- (c) the placement will safeguard and promote C's welfare, and
- (d) the IRO has been consulted.

Circumstances in which a child may be placed with P before assessment completed

19. Where the nominated officer considers it to be necessary and consistent with C's welfare, the responsible authority may place C with P before their assessment under regulation 17 (“the assessment”) is completed provided that they—

- (a) arrange for P to be interviewed in order to obtain as much of the information specified in Schedule 3 about P and the other persons living in P's household who are aged 18 and over as can be readily ascertained at that interview,
- (b) ensure that the assessment and the review of C's case are completed in accordance with regulation 17 within ten working days of C being placed with P, and
- (c) ensure that a decision in accordance with regulation 18 is made and approved within ten working days after the assessment is completed, and—
 - (i) if the decision is to confirm the placement, review the placement plan and, if appropriate amend it, and
 - (ii) if the decision is not to confirm the placement, terminate the placement.

Support for P

20. Where C is placed, or is to be placed, with P, the responsible authority must provide such services and support to P as appear to them to be necessary to safeguard and promote C's welfare and must record details of such services and support in C's care plan.

CHAPTER 2

Placement with local authority foster parents

Interpretation

21.—(1) In this Chapter “registered person” has the same meaning as in [F1the Fostering Services Regulations].

(2) Where C is placed jointly with two persons each of whom is approved as a local authority foster parent, any reference in these Regulations to a local authority foster parent is to be interpreted as referring equally to both such persons and any requirement to be satisfied by or relating to a particular local authority foster parent must be satisfied by, or treated as relating to, both of them.

Textual Amendments

F1 Words in reg. 21(1) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(3)(iii)** (with reg. 45)

Conditions to be complied with before placing a child with a local authority foster parent

22.—(1) This regulation applies where the responsible authority propose to place C with F.

(2) The responsible authority may only place C with F if—

- (a) F is approved by—
 - (i) the responsible authority, or

- (ii) provided that the conditions specified in paragraph (3) are also satisfied, another fostering service provider,
 - (b) the terms of F's approval are consistent with the proposed placement, and
 - (c) F has entered into a foster care agreement either with the responsible authority or with another fostering service provider in accordance with regulation [^{F2}27(5)(b) of the Fostering Services Regulations].
- (3) The conditions referred to in paragraph (2)(a)(ii) are that—
- (a) the fostering service provider by whom F is approved consents to the proposed placement, and
 - (b) where any other local authority currently have a child placed with F, that local authority consents to the proposed placement.

Textual Amendments

- F2** Words in reg. 22(2)(c) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(4)** (with reg. 45)

[^{F3}Placement following consideration in accordance with section 22C(9B)(c) of the Act

22A.—(1) This regulation applies where the responsible authority decides to place C in accordance with section 22C of the 1989 Act with a local authority foster parent who is also an approved prospective adopter following consideration in accordance with section 22C(9B)(c) of the 1989 Act.

(2) The decision to place C must not be put into effect until it has been approved by a nominated officer, and the responsible authority have prepared a placement plan for C.

- (3) Before approving a decision under paragraph (2), the nominated officer must—
- (a) be satisfied that the placement is the most appropriate placement available for C and will safeguard and promote C's welfare;
 - (b) be satisfied that the requirements of regulation 9(1)(b) have been complied with; and
 - (c) if their whereabouts are known to the responsible authority, notify the parent or guardian of C of the proposed placement.]

Textual Amendments

- F3** Reg. 22A inserted (25.7.2014) by [The Adoption and Care Planning \(Miscellaneous Amendments\) Regulations 2014 \(S.I. 2014/1556\)](#), regs. 1, **11**

[^{F4}Conditions to be complied with before placing C in a long term foster placement

22B.—(1) This regulation applies where the responsible authority propose to place C with F in a long term foster placement.

- (2) The responsible authority may only place C with F if—
- (a) the responsible authority have prepared a placement plan for C,
 - (b) the requirements of regulation 9(1)(b)(i) have been complied with,
 - (c) the placement will safeguard and promote C's welfare,
 - (d) the IRO has been consulted,

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- (e) C's relatives have been consulted, where appropriate, and
- (f) F intends to act as C's foster parent until C ceases to be looked after.]

Textual Amendments

F4 Reg. 22B inserted (1.4.2015) by [The Care Planning and Fostering \(Miscellaneous Amendments\) \(England\) Regulations 2015 \(S.I. 2015/495\)](#), regs. 1, 4

Emergency placement with a local authority foster parent

23.—(1) Where it is necessary to place C in an emergency, the responsible authority may place C with any local authority foster parent who has been approved in accordance with [^{F5}the Fostering Services Regulations], even if the terms of that approval are not consistent with the placement, provided that the placement is for no longer than six working days.

(2) When the period of six working days referred to in paragraph (1) expires, the responsible authority must terminate the placement unless the terms of that person's approval have been amended to be consistent with the placement.

Textual Amendments

F5 Words in reg. 23(1) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(3)(iv)** (with reg. 45)

Temporary approval of relative, friend or other person connected with C

24.—(1) Where the responsible authority is satisfied that—

- (a) the most appropriate placement for C is with a connected person, notwithstanding that the connected person is not approved as a local authority foster parent, and
- (b) it is necessary for C to be placed with the connected person before the connected person's suitability to be a local authority foster parent has been assessed in accordance with [^{F6}the Fostering Services Regulations],

they may approve that person as a local authority foster parent for a temporary period not exceeding 16 weeks ("temporary approval") provided that they first comply with the requirements of paragraph (2).

(2) Before making a placement under paragraph (1), the responsible authority must—

- (a) assess the suitability of the connected person to care for C, including the suitability of—
 - (i) the proposed accommodation, and
 - (ii) all other persons aged 18 and over who are members of the household in which it is proposed that C will live,

taking into account all the matters set out in Schedule 4,

- (b) consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the proposed arrangements will safeguard and promote C's welfare and meet C's needs set out in the care plan, and
- (c) make immediate arrangements for the suitability of the connected person to be a local authority foster parent to be assessed in accordance with [^{F7}the Fostering Services Regulations] ("the full assessment process") before the temporary approval expires.

(3) In this regulation “connected person” means a relative, friend or other person connected with C.

Textual Amendments

- F6** Words in reg. 24(1)(b) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(3)(v)** (with reg. 45)
- F7** Words in reg. 24(2)(c) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(3)(v)** (with reg. 45)

Expiry of temporary approval

25.—(1) Subject to paragraph (4), the responsible authority may extend the temporary approval of a connected person if—

- (a) it is likely to expire before the full assessment process is completed, or
- (b) the connected person, having undergone the full assessment process, is not approved and seeks a review of the decision in accordance with Regulations made under paragraph 12F(1)(b) of Schedule 2 to the 1989 Act ^{M1}.

(2) In a case falling within paragraph (1)(a), the responsible authority may extend the temporary approval once for a further period of up to eight weeks.

(3) In a case falling within paragraph (1)(b), the responsible authority may extend the temporary approval until the outcome of the review is known.

(4) Before deciding whether to extend the temporary approval in the circumstances set out in paragraph (1), the responsible authority must first—

- (a) consider whether placement with the connected person is still the most appropriate placement available,
- (b) seek the views of the fostering panel established by the fostering service provider in accordance with [^{F8}the Fostering Services Regulations], and
- (c) inform the IRO.

(5) A decision to extend temporary approval must be approved by a nominated officer.

(6) If the period of temporary approval and of any extension to that period expires and the connected person has not been approved as a local authority foster parent in accordance with [^{F9}the Fostering Services Regulations], the responsible authority must terminate the placement after first making other arrangements for C's accommodation.

Textual Amendments

- F8** Words in reg. 25(4)(b) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(3)(vi)** (with reg. 45)
- F9** Words in reg. 25(6) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(3)(vi)** (with reg. 45)

Marginal Citations

- M1** See the [Independent Review of Determinations \(Adoptions and Fostering\) Regulations 2009 \(S.I. 2009/395\)](#).

[^{F10}Temporary approval of prospective adopter as foster parent

25A.—(1) Where the responsible authority is satisfied that—

- (a) the most appropriate placement for C is with a person who is not approved as a local authority foster parent, but who is an approved prospective adopter, and
- (b) it is in C’s best interests to be placed with that person,

the responsible authority may approve that person as a local authority foster parent in relation to C for a temporary period (“temporary approval period”) provided that the responsible authority first comply with the requirements of paragraph (2).

(2) Before approving an approved prospective adopter as a local authority foster parent under paragraph (1), the responsible authority must—

- (a) assess the suitability of that person to care for C as a foster parent, and
- (b) consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the proposed arrangements will safeguard and promote C’s welfare and meet C’s needs set out in the care plan.

(3) The temporary approval period expires—

- (a) on C’s placement with the approved prospective adopter being terminated by the responsible authority,
- (b) on the approved prospective adopter’s approval as a prospective adopter being terminated,
- (c) on the approved prospective adopter being approved as a foster parent in accordance with the Fostering Services Regulations,
- (d) if the approved prospective adopter gives written notice to the responsible authority that they no longer wish to be temporarily approved as a foster parent in relation to C, with effect from 28 days from the date on which the notice is received by the responsible authority, or
- (e) on C being placed for adoption with the approved prospective adopter in accordance with the Adoption and Children Act 2002.

(4) In this regulation “approved prospective adopter” means a person who has been approved as suitable to adopt a child under the Adoption Agencies Regulations 2005 and whose approval has not been terminated.]

Textual Amendments

F10 Reg. 25A inserted (1.7.2013) by [The Care Planning, Placement and Case Review and Fostering Services \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/984\)](#), regs. 1, 3

Independent fostering agencies – discharge of responsible authority functions

26.—(1) A responsible authority may make arrangements in accordance with this regulation for the duties imposed on it as responsible authority by regulation 14(3) and regulation 22 to be discharged on their behalf by a registered person.

(2) No arrangements may be made under this regulation unless the responsible authority has entered into a written agreement with the registered person which includes the information set out in paragraph 1 of Schedule 5, and where the responsible authority proposes to make an arrangement under this regulation in relation to a particular child, the written agreement must also include the matters set out in paragraph 2 of Schedule 5.

(3) The responsible authority must report to the Chief Inspector of Education, Children's Services and Skills any concerns they may have about the services provided by a registered person.

CHAPTER 3

Other arrangements

General duties of the responsible authority when placing a child in other arrangements

27. Before placing C in accommodation in an unregulated setting under section 22C(6)(d), the responsible authority must—

- (a) be satisfied that the accommodation is suitable for C, having regard to the matters set out in Schedule 6,
- (b) unless it is not reasonably practicable, arrange for C to visit the accommodation, and
- (c) inform the IRO.

Status:

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