
STATUTORY INSTRUMENTS

2010 No. 959

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

PART 4 E+W

Provision for different types of placement

CHAPTER 1 E+W

Placement of a child in care with P

Application E+W

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 E+W

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 E+W

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 E+W

18.—(1) The decision to place C with P must not be put into effect until it has been approved by a nominated officer, ^[F1]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,

- (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.

Textual Amendments

- F1** Words in reg. 18(1) omitted (temp.) (24.4.2020) by virtue of [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(6)** (with Pts. 12, 13)

Circumstances in which a child may be placed with P before assessment completed **E+W**

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 [^{F2}within ten working days of][^{F2}as soon as is reasonably practicable after] 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.

Textual Amendments

- F2** Words in reg. 19(b) substituted (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(7)** (with Pts. 12, 13)

Support for P **E+W**

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 **E+W**

Placement with local authority foster parents

Interpretation **E+W**

21.—(1) In this Chapter “registered person” has the same meaning as in [^{F3}the 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

- F3** 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 **E** **+W**

- 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 [^{F4}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

- F4** 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)

^{F5}Placement following consideration in accordance with section 22C(9B)(c) of the Act **E** **+W**

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) [^{F6}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) [^{F7}Before approving a decision under paragraph (2), the nominated officer must—][^{F7}Before making a placement under paragraph (1), the responsible authority 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

- F5** Reg. 22A inserted (25.7.2014) by [The Adoption and Care Planning \(Miscellaneous Amendments\) Regulations 2014 \(S.I. 2014/1556\)](#), regs. 1, **11**
- F6** Reg. 22A(2) omitted (temp.) (24.4.2020) by virtue of [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(8)(a)** (with Pts. 12, 13)
- F7** Words in reg. 22A(3) substituted (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(8)(b)** (with Pts. 12, 13)

[^{F8}Conditions to be complied with before placing C in a long term foster placement **E+W**

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) [^{F9}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,
 - (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

- F8** Reg. 22B inserted (1.4.2015) by [The Care Planning and Fostering \(Miscellaneous Amendments\) \(England\) Regulations 2015 \(S.I. 2015/495\)](#), regs. 1, **4**
- F9** Reg. 22B(2)(a) omitted (temp.) (24.4.2020) by virtue of [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(9)** (with Pts. 12, 13)

Emergency placement with a local authority foster parent **E+W**

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 [^{F10}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 [^{F11}six working days][^{F11}twenty four weeks].

(2) When the period of [^{F11}six working days][^{F11}twenty four weeks] 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

- F10** 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)
- F11** Words in reg. 23 substituted (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(10)** (with Pts. 12, 13)

[^{F12}Temporary approval of relative, friend or other person connected with C][^{F12}Temporary approval] **E+W**

[^{F13}(1) Where the responsible authority is satisfied that the most appropriate placement for C is with a person who has not yet been approved as a local authority foster parent they may approve that person as a local authority foster parent for a temporary period not exceeding 24 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 [^{F15}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 [^{F15}connected] person to be a local authority foster parent to be assessed in accordance with [^{F16}the Fostering Services Regulations] (“the full assessment process”) before the temporary approval expires.

(3) [^{F17}In this regulation “connected person” means a relative, friend or other person connected with C.]

Textual Amendments

- F12** Reg. 24 heading substituted (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(11)(a)** (with Pts. 12, 13)
- F13** Reg. 24(1) substituted (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(11)(a)** (with Pts. 12, 13)
- F14** 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)
- F15** Words in reg. 24(2) omitted (temp.) (24.4.2020) by virtue of [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(11)(b)** (with Pts. 12, 13)
- F16** 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)
- F17** Reg. 24(3) omitted (temp.) (24.4.2020) by virtue of [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(11)(c)** (with Pts. 12, 13)

Expiry of temporary approval **E+W**

25.—(1) Subject to paragraph (4), the responsible authority may extend the temporary approval of a [^{F18}connected] person if—

- (a) it is likely to expire before the full assessment process is completed, or
- (b) the [^{F18}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 [F18connected] 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 [F19the 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 [F18connected] person has not been approved as a local authority foster parent in accordance with [F20the Fostering Services Regulations], the responsible authority must terminate the placement after first making other arrangements for C's accommodation.

Textual Amendments

- F18** Words in reg. 25 omitted (temp.) (24.4.2020) by virtue of [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(12)** (with Pts. 12, 13)
- F19** 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)
- F20** 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 \(S.I. 2009/395\)](#).

[F21Temporary approval of prospective adopter as foster parent **E+W**

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

F21 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 **E+W**

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 **E+W**

Other arrangements

General duties of the responsible authority when placing a child in other arrangements **E+W**

27. Before placing C in accommodation in [^{F22}accordance with other arrangements] under section 22C(6)(d), the responsible authority must—

- [^{F23}(a) be satisfied that the accommodation is suitable for C and—
 - (i) where that accommodation is specified in regulation 27C(1)(a), must have regard to the matters set out in Schedule 6, and
 - (ii) where that accommodation is specified in regulation 27A or 27C(1)(b), must have regard to the matters set out in paragraph 2(a) of Schedule 6,]
- (b) unless it is not reasonably practicable, arrange for C to visit the accommodation, and
- (c) inform the IRO.

Textual Amendments

- F22** Words in [reg. 27](#) substituted (9.9.2021) by [The Care Planning, Placement and Case Review \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/161\)](#), regs. 1, **3(a)**
- F23** [Reg. 27\(a\)](#) substituted (28.10.2023) by [The Supported Accommodation \(England\) Regulations 2023 \(S.I. 2023/416\)](#), regs. 1(3), **36(2)** (with [reg. 44](#))

[^{F24}Prohibition on placing a child under 16 in other arrangements **E+W**

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;
 - (ii) a hospital as defined in section 275(1) of the National Health Service Act 2006;
 - (iii) a residential family centre as defined in section 4(2) of the Care Standards Act;
 - (iv) a school within the meaning of section 4 of the Education Act 1996 providing accommodation that is not registered as a children’s home;
 - (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;
- (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 (“the RISCWA 2016”);
 - (ii) in a hospital as defined in section 206(1) of the National Health Service (Wales) Act 2006;
 - (iii) accommodation provided by a residential family centre service, within the meaning of paragraph 3(1) of Schedule 1 to the RISCWA 2016;
 - (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;
- (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;
 - (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 (“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.]

Textual Amendments

F24 Regs. 27A, 27B inserted (9.9.2021) by The Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021 (S.I. 2021/161), regs. 1, 4

[^{F24}Exception to the prohibition on placing a child under 16 in other arrangements **E+W**

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).]

Textual Amendments

F24 Regs. 27A, 27B inserted (9.9.2021) by The Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021 (S.I. 2021/161), regs. 1, 4

[^{F25}Prohibition on placing a child who is 16 or 17 years old in other arrangements **E+W**

27C.—(1) A responsible authority may only place a child who is 16 or 17 years old in accommodation in accordance with other arrangements under section 22C(6)(d), where the accommodation—

(a) is supported accommodation, as defined in regulation 2 of the Care Standards Act 2000 (Extension of the Application of Part 2 to Supported Accommodation) (England) Regulations 2022, that is provided by a supported accommodation undertaking—

(i) in respect of which a person is registered under Part 2 of the Care Standards Act 2000, or

(ii) where regulation 44 of the Supported Accommodation (England) Regulations 2023 applies to the person carrying on the undertaking, or

(b) is excepted accommodation.

(2) Excepted accommodation is accommodation—

(a) in relation to placements in England—

(i) in a care home as defined in section 3 of the Care Standards Act 2000;

(ii) in an institution within the further education sector as defined in section 91(3) of the Further and Higher Education Act 1992;

(iii) in a 16 to 19 Academy as defined in section 1B of the Academies Act 2010;

(iv) in a hospital as defined in section 275(1) of the National Health Service Act 2006;

(v) in a residential family centre as defined in section 4(2) of the Care Standards Act 2000;

(vi) in a school within the meaning of section 4 of the Education Act 1996 providing accommodation that is not registered as a children's home;

- (vii) in an establishment that provides care and accommodation for children as a residential holiday scheme for disabled children as defined in regulation 2(1) of the Residential Holiday Schemes for Disabled Children (England) Regulations 2013;
- (b) in relation to placements in Wales—
 - (i) 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 (“the RISCWA 2016”);
 - (ii) in a hospital as defined in section 206(1) of the National Health Service (Wales) Act 2006;
 - (iii) provided by a residential family centre service within the meaning of paragraph 3(1) of Schedule 1 to the RISCWA 2016;
 - (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;
 - (v) provided by an institution within the further education sector, as defined in section 91(3) of the Further and Higher Education Act 1992 providing accommodation and care that does not constitute a care home service;
- (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;
 - (ii) 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 (“the PSR(S)A 2010”);
 - (iii) provided by a care home service within the meaning of paragraph 2 of Schedule 12 to the PSR(S)A 2010;
 - (iv) 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;
 - (vi) in an establishment that provides fundable further education or fundable higher education, as defined in section 5 of the Further and Higher Education (Scotland) Act 2005.]

Textual Amendments

F25 Reg. 27C inserted (28.10.2023) by [The Supported Accommodation \(England\) Regulations 2023 \(S.I. 2023/416\)](#), regs. 1(3), **36(3)** (with reg. 44)

Changes to legislation:

There are currently no known outstanding effects for the The Care Planning, Placement and Case Review (England) Regulations 2010, PART 4.