
WELSH STATUTORY INSTRUMENTS

2015 No. 1818

**The Care Planning, Placement and
Case Review (Wales) Regulations 2015**

PART 3

Placements – general provisions

Placements out of area

Placement decision

12.—(1) A responsible authority may only decide to place C outside its area if it is satisfied that there is no placement available within its area capable of meeting C's needs (“an out of area placement”).

(2) Where paragraph (1) applies, the responsible authority must seek an out of area placement for C, in accordance with the following order of preference,—

- (a) within a local authority whose area borders that of the responsible authority;
- (b) within a local authority in England whose area borders that of the responsible authority;
- (c) within any other local authority;
- (d) within a local authority in England, or
- (e) subject to the requirements of section 124 of the 2014 Act, outside England and Wales ^{M1}.

(3) Subject to paragraph (5), where a responsible authority is satisfied that an out of area placement is necessary in C's case, the decision to place C in an out of area placement must not be put into effect until—

- (a) the decision has been referred to and approved by a panel,
- (b) the panel's approval of that decision is recorded in writing giving reasons for its approval, and
- (c) that record of approval is endorsed in writing by the nominated officer to confirm his or her approval.

(4) Before approving a decision under paragraph (1), the panel and the nominated officer must each be satisfied that—

- (a) the requirements of regulation 10(1)(b)(i) have been complied with,
- (b) the placement is the most appropriate placement available for C and is consistent with C's care and support plan,
- (c) C's relatives ^{M2} have been consulted, where appropriate,
- (d) the IRO has been consulted,
- (e) where C has special education needs met in a special educational plan, the local authority or local authority in England in whose area is it proposed to place C has been notified of

- the placement and agreement has been reached with that authority in respect of the meeting of C's special educational needs during C's placement in its area, and
- (f) if C has health needs which require attention, the health care provider for the area of the local authority or local authority in England has been notified and, in appropriate cases, agreement has been reached with the health care provider in respect of the meeting of C's health needs.
- (5) In the case of a placement made in an emergency—
- (a) paragraph (3) does not apply;
 - (b) paragraph (4) applies subject to the modifications in sub-paragraph (c);
 - (c) the responsible authority must ensure that—
 - (i) a record of the decision is made in writing, giving reasons for the decision,
 - (ii) the record is endorsed by the nominated officer to confirm his or her agreement with the decision,
 - (iii) paragraph (4)(a) and (b) are complied with before the placement is made,
 - (iv) paragraph (4)(c) and (d) are complied with within 5 working days of the placement being made, and
 - (v) paragraph (4)(e) and (f) are complied with as soon as possible after the placement has been made.
- (6) Where a placement is made in accordance with paragraph (5)—
- (a) the responsible authority must refer the placement to a panel as soon as practicable after the placement is made and in any event not later than 25 working days after the placement is made, and
 - (b) the placement must be notified to the local authority or the local authority in England in whose area C has been placed^{F1}....
- (7) The record of any decision made in accordance with this regulation must be made available to the lead member for children's services for the responsible authority.
- (8) In this regulation—
- [^{F2}“notified” (“*hysbysu*”) in paragraph (6)(b) means that the responsible authority must provide—
- (a) not later than 24 hours after the placement is made—
 - (i) C's name and date of birth,
 - (ii) confirmation of whether C is being looked after by the local authority on a voluntary basis or under a care order,
 - (iii) details of any of the following orders which have been made and remain in force in relation to C—
 - (aa) any order made under the Children Act 1989,
 - (bb) a youth rehabilitation order, local authority residence requirement or youth rehabilitation order with fostering,
 - (cc) a compulsory supervision order or interim compulsory supervision order, and
 - (iv) details of any significant child protection factors or risk factors which relate to C, including, but not limited to, any danger of child sexual exploitation, physical or mental health issues, history of absconding and/or involvement with youth justice agencies; and
 - (b) not later than 5 working days after the placement is made—

- (i) details of its assessment of C's needs and the reasons why the placement chosen is the most appropriate way of meeting C's needs, and
- (ii) a copy of C's care and support plan if it has not already been provided;]

“panel” (“*panel*”) means a panel of representatives from such agencies as may assist a responsible authority in planning the placement for a C and in meeting C's needs during the placement and must include a representative from the local authority or local authority in England in whose area C is to be placed and, in appropriate cases, any relevant health care or education provider.

Textual Amendments

- F1 Words in reg. 12(6)(b) omitted (2.4.2018) by virtue of [The Care Planning, Placement and Case Review \(Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/111\)](#), regs. 1(2), 2(2)
- F2 Words in reg. 12(8) substituted (2.4.2018) by [The Care Planning, Placement and Case Review \(Wales\) \(Amendment\) Regulations 2018 \(S.I. 2018/111\)](#), regs. 1(2), 2(3)

Marginal Citations

- M1 Section 124 of the 2014 Act requires the permission of the court in such cases.
- M2 “Relative” is defined in section 197(1) of the 2014 Act.

Placement outside England and Wales

13.—(1) This regulation applies if—

- (a) C is in the care of the responsible authority, and
- (b) the responsible authority makes arrangements to place C outside England and Wales in accordance with the provisions of section 124 of the 2014 Act (arrangements to assist a child to live outside England and Wales).

(2) The responsible authority must take steps to ensure that, so far as is reasonably practicable, requirements corresponding with the requirements which would have applied under these Regulations had C been placed in Wales, are complied with.

(3) The responsible authority must include in the care and support plan details of the arrangements made by the responsible authority to supervise C's placement.

Notification of placement

14.—(1) Subject to paragraph (3), the responsible authority must give written notice to the persons listed in paragraph (2) of the arrangements for C's placement before the placement is made or, if an emergency placement is necessary, within 5 working days of the start of the placement, unless it is not reasonably practicable to do so.

(2) The persons referred to in paragraph (1) are—

- (a) C, unless it would not be appropriate to do so having regard to C's age and understanding,
- (b) P,
- (c) if C is in the care of the responsible authority, any person who is allowed contact with C under section 34(1) of the 1989 Act and any person who has contact with C by virtue of an order under section 34 of that Act (parental contact etc. with children in care),
- (d) if C is looked after but is not in the care of the responsible authority, any person who has contact with C pursuant to an order made under section 8 of the 1989 Act (child arrangements orders and other orders with respect to children),

Status: Point in time view as at 01/07/2022.

Changes to legislation: There are currently no known outstanding effects for the The Care Planning, Placement and Case Review (Wales) Regulations 2015, Cross Heading: Placements out of area. (See end of Document for details)

- (e) any person who was caring for C immediately before the arrangements were made,
 - (f) the local health board (or, in the case of a child living or to be placed in a local authority area in England, the National Health Service Commissioning Board ^{M3} and the [^{F3}integrated care board]) for the area in which C is living and, if different, for the area in which C is to be placed,
 - (g) C's registered medical practitioner and, where applicable, the registered medical practitioner with whom C is to be registered during the placement,
 - (h) any educational establishment attended by, or person providing education or training for, C,
 - (i) the LAC Education Co-ordinator for the area in which C is living, and if different, for the area in which C is to be placed,
 - (j) the IRO, and
 - (k) where C is placed in a children's home, C's link worker.
- (3) The responsible authority may decide not to give notification to any or all of the persons listed in paragraphs (2)(b) to (e), if to do so would place C at risk of harm.

Textual Amendments

F3 Words in [reg. 14\(2\)\(f\)](#) substituted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **84(3)**

Marginal Citations

M3 The National Health Service Commissioning Board is established by section 1H of the [National Health Service Act 2006 \(c. 41\)](#) ("the 2006 Act"), as inserted by section 9(1) of the [Health and Social Care Act 2012 \(c. 7\)](#) ("the 2012 Act").

Termination of placement by the responsible authority

15.—(1) Subject to paragraphs (3) and (5), the responsible authority may only terminate C's placement following a review of C's case in accordance with Part 6.

(2) Subject to paragraphs (3) and (4), before terminating C's placement, the responsible authority must—

- (a) make other arrangements for C's accommodation, in accordance with section 81 of the 2014 Act,
- (b) inform the IRO,
- (c) so far as is reasonably practicable, give written notification of its intention to terminate the placement to—
 - (i) all the persons to whom notification of the placement was given under regulation 14,
 - (ii) the person with whom C is placed,
 - (iii) where C is placed in the area of another local authority or local authority in England, that authority.

(3) Where there is an immediate risk of harm to C, or to protect others from serious injury the responsible authority must terminate C's placement, and in those circumstances—

- (a) paragraph (1) does not apply, and
- (b) the responsible authority must comply with paragraph (2)(a) and (b) as soon as reasonably practicable.

(4) If it is not reasonably practicable to notify any person in accordance with paragraph (2)(c), then the responsible authority must give written notification to that person, within 5 working days of the date on which the placement is terminated, of the fact that the placement has been terminated.

(5) This regulation does not apply where C's placement is terminated—

- (a) under regulation 20(c)(ii) (circumstances in which a child may be placed with P before assessment completed),
- (b) under regulation 24(2) (termination of an emergency placement),
- (c) under regulation 27(6), or
- (d) where section 82 of the 2014 Act (review of child's case before making alternative arrangements for accommodation) applies.

Status:

Point in time view as at 01/07/2022.

Changes to legislation:

There are currently no known outstanding effects for the The Care Planning, Placement and Case Review (Wales) Regulations 2015, Cross Heading: Placements out of area.