
STATUTORY INSTRUMENTS

2010 No. 959

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

PART 2

Arrangements for looking after a child

Care planning

4.—(1) Where C is not in the care of the responsible authority and a care plan for C has not already been prepared, the responsible authority must assess C's needs for services to achieve or maintain a reasonable standard of health or development, and prepare such a plan.

(2) Except in the case of a child to whom section 31A (*care orders: care plans*) applies^{M1}, or where paragraph (6) applies, the care plan must be prepared before C is first placed by the responsible authority or, if it is not practicable to do so, within ten working days of the start of the first placement.

(3) When assessing C's needs under paragraph (1), the responsible authority must consider whether C's placement meets the requirements of Part 3 of the 1989 Act.

(4) Unless paragraph (5) applies, the care plan should, so far as is reasonably practicable, be agreed by the responsible authority with—

- (a) any parent of C's and any person who is not C's parent but who has parental responsibility for C, or
- (b) if there is no such person, the person who was caring for C immediately before the responsible authority arranged a placement for C.

(5) Where C is aged 16 or over and agrees to be provided with accommodation under section 20^{M2}, the care plan should be agreed with C by the responsible authority.

(6) Where C was first placed by the responsible authority before 1st April 2011, the care plan must be prepared as soon as reasonably practicable.

Marginal Citations

M1 In the case of a child to whom section 31A applies, the court will set the timetable within which the care plan must be prepared.

M2 Section 20 of the 1989 Act was amended by section 53(2) of the Children Act 2004 and by sections 139(1) and (3) of, and paragraphs 54 and 59 of Schedule 3 to, the Adoption and Children Act 2002.

Preparation and content of the care plan

5.—^[F1(1)] The care plan must include a record of the following information—

- (a) the long term plan for C's upbringing (“the plan for permanence”),
- (b) the arrangements made by the responsible authority to meet C's needs in relation to—

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- (i) health, including the information set out in paragraph 1 of Schedule 1 (“the health plan”),
- (ii) education and training, including, so far as reasonably practicable, the information set out in paragraph 2 of Schedule 1 (“the personal education plan”),
- (iii) emotional and behavioural development,
- (iv) identity, with particular regard to C's religious persuasion, racial origin and cultural and linguistic background,
- (v) family and social relationships and in particular the information set out in paragraph 3 of Schedule 1,
- (vi) social presentation, and
- (vii) self-care skills,
- (c) except in a case where C is in the care of the responsible authority but is not provided with accommodation by them by any of the means specified in section 22C, the placement plan [^{F2}once prepared],
- (d) the name of the IRO,
- (e) details of the wishes and feelings of the persons listed in section 22(4) ^{M3} about the arrangements referred to in sub-paragraph (b) and the placement plan [^{F3}, once this has been prepared] that have been ascertained and considered in accordance with section 22(4) and (5) and the wishes and feelings of those persons in relation to any change, or proposed change, to the care plan, and
- [^{F4}(f) where C is—
 - (i) a victim, or there is reason to believe C may be a victim, of trafficking in human beings within the meaning of the Council of Europe Convention on Action against Trafficking in Human Beings,
 - (ii) an unaccompanied asylum seeking child within the meaning of the Immigration Rules and has applied, or has indicated to the responsible authority an intention to apply, for asylum and has not been granted indefinite leave to remain,
 that fact.]

[^{F4}(2) In this regulation “Immigration Rules” means the rules for the time being laid down by the Secretary of State as mentioned in section 3(2) of the Immigration Act 1971.]

Textual Amendments

- F1** Reg. 5 renumbered as reg. 5(1) (18.8.2014) by [The Care Planning and Care Leavers \(Amendment\) Regulations 2014 \(S.I. 2014/1917\)](#), regs. 1, **3(1)**
- F2** Words in reg. 5(1)(c) inserted (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(3)(a)** (with Pts. 12, 13)
- F3** Words in reg. 5(1)(e) inserted (temp.) (24.4.2020) by [The Adoption and Children \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/445\)](#), regs. 1(2), **8(3)(b)** (with Pts. 12, 13)
- F4** Reg. 5(1)(f)(2) inserted (18.8.2014) by [The Care Planning and Care Leavers \(Amendment\) Regulations 2014 \(S.I. 2014/1917\)](#), regs. 1, **3(2)**

Marginal Citations

- M3** The persons listed in that section are: (a) C, (b) any parent of C's and any person who is not C's parent but who has parental responsibility for C, and (c) any other person whose wishes and feelings the responsible authority consider to be relevant.

6.—(1) The responsible authority must keep C's care plan under review in accordance with Part 6 and, if they are of the opinion some change is required, they must revise the care plan or prepare a new care plan accordingly.

(2) Save as otherwise provided in these Regulations, the responsible authority must not make any significant change to the care plan unless the proposed change has first been considered at a review of C's case.

(3) Subject to paragraph (4), the responsible authority must give a copy of the care plan—

- (a) to C, unless it would not be appropriate to do so having regard to C's age and understanding,
- (b) to P,
- (c) to the IRO,
- (d) where C is to be placed, or is placed, with F, to the fostering service provider that approved F in accordance with [^{F5}the Fostering Services Regulations],
- (e) where C is to be placed, or is placed, in a children's home, to the person who is registered under Part 2 of the Care Standards Act 2000 [^{F6}or, who is registered as the service provider under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016] in respect of that home, and
- (f) where C is to be placed, or is placed, in accordance with other arrangements under section 22C(6)(d), to the person who will be responsible for C at the accommodation.

(4) The responsible authority may decide not to give a copy of the care plan, or a full copy of the care plan, to P if to do so would put C at risk of significant harm.

Textual Amendments

F5 Words in reg. 6(3)(d) substituted (1.4.2011) by [The Fostering Services \(England\) Regulations 2011 \(S.I. 2011/581\)](#), regs. 1(1), **43(3)(ii)** (with reg. 45)

F6 Words in reg. 6(3)(e) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments to Secondary Legislation\) Regulations 2018 \(S.I. 2018/48\)](#), reg. 1(2), **Sch. 1 para. 21(3)**

Health care

7.—(1) Before C is first placed by them or, if that is not reasonably practicable, before the first review of C's case, the responsible authority must make arrangements for a registered medical practitioner to—

- (a) carry out an assessment of C's state of health, and
- (b) provide a written report of the assessment, addressing the matters specified in paragraph 1 of Schedule 1, as soon as reasonably practicable.

(2) Paragraph (1) does not apply if, within a period of three months immediately preceding the placement, an assessment of C's state of health has been carried out and the responsible authority has obtained a written report that meets the requirements of that paragraph.

(3) The responsible authority must make arrangements for a registered medical practitioner or a registered nurse or registered midwife acting under the supervision of a registered medical practitioner to review C's state of health and provide a written report of each review, addressing the matters specified in paragraph 1 of Schedule 1—

- (a) at least once in every period of six months before C's fifth birthday, and
- (b) at least once in every period of 12 months after C's fifth birthday.

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(4) Paragraphs (1) and (3) do not apply if C refuses consent to the assessment, being of sufficient age and understanding to do so.

(5) The responsible authority must take all reasonable steps to ensure that C is provided with appropriate health care services, in accordance with the health plan, including—

- (a) medical and dental care and treatment, and
- (b) advice and guidance on health, personal care and health promotion issues.

Contact with a child in care

[^{F7}**8ZA.** When considering whether contact between C and any of the persons mentioned in paragraphs (a) to (d) of section 34(1) of the 1989 Act is consistent with safeguarding and promoting C's welfare, the responsible authority must have regard to C's care plan.]

8.—(1) This regulation applies if C is in the care of the responsible authority and they have decided under section 34(6) (*refusal of contact as a matter of urgency*) to refuse to allow contact that would otherwise be required by virtue of section 34(1)^{M4} or an order under section 34 (*parental contact etc. with children in care*).

(2) The responsible authority must immediately give written notification to the following persons of the information specified in paragraph (3) (“the specified information”)—

- (a) C, unless it would not be appropriate to do so having regard to C's age and understanding,
- (b) P,
- (c) where, immediately before the care order was made, a person had care of C by virtue of an order made in exercise of the High Court's inherent jurisdiction with respect to children, that person,
- (d) any other person whose wishes and feelings the responsible authority consider to be relevant, and
- (e) the IRO.

(3) The specified information is—

- (a) the responsible authority's decision,
- (b) the date of the decision,
- (c) the reasons for the decision,
- (d) the duration of the decision (if applicable), and
- (e) remedies available in case of dissatisfaction.

(4) The responsible authority may depart from the terms of any order made under section 34 by agreement with the person in relation to whom the order is made, provided that—

- (a) C, being of sufficient age and understanding, also agrees, and
- (b) written notification of the specified information is given within five working days to the persons listed in paragraph (2).

(5) Where the responsible authority has decided to vary or suspend any arrangements made (otherwise than under an order under section 34) with a view to affording any person contact with C, the responsible authority must immediately give written notification containing the specified information to the persons listed in paragraph (2).

(6) The responsible authority must record any decision made under this regulation in C's care plan.

Textual Amendments

- F7** Reg. 8ZA inserted (25.7.2014) by [The Adoption and Care Planning \(Miscellaneous Amendments\) Regulations 2014 \(S.I. 2014/1556\)](#), regs. 1, **10**

Marginal Citations

- M4** Section 34(1) was amended by section 139(1) of, and paragraphs 54 and 64 of Schedule 3 to, the Adoption and Children Act 2002.

Status:

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Changes to legislation:

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