

STATUTORY INSTRUMENTS

2010 No. 959

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

PART 4

Provision for different types of placement

CHAPTER 3

Other arrangements

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

27. Before placing C in accommodation in [^{F1}accordance with other arrangements] under section 22C(6)(d), the responsible authority must—

- [^{F2}(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

- F1** 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)**
- F2** [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](#))

[^{F3}Prohibition on placing a child under 16 in other arrangements

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

- F3** 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

[^{F3}Exception to the prohibition on placing a child under 16 in other arrangements

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

F3 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

[^{F4}Prohibition on placing a child who is 16 or 17 years old in other arrangements

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

- F4** 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, CHAPTER 3.