
STATUTORY INSTRUMENTS

2010 No. 959

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

PART 3

Placements – general provisions

Avoidance of disruption in education

10.—(1) Subject to paragraphs (2) and (3), if C is a registered pupil at a school in the fourth key stage, a decision to make any change to C's placement that would have the effect of disrupting the arrangements made for C's education must not be put into effect until it has been approved by a nominated officer⁽¹⁾.

(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 educational provision made for C at the placement will promote C's educational achievement and is consistent with C's personal education plan,
- (c) the designated teacher⁽²⁾ at the school has been consulted, and
- (d) the IRO has been consulted.

(3) Paragraph (1) does not apply in any case where—

- (a) the responsible authority terminates C's placement in accordance with regulation 14(3), or
- (b) it is necessary for any other reason to change C's placement in an emergency,

and in such a case the responsible authority must make appropriate arrangements to promote C's educational achievement as soon as reasonably practicable.

(4) In any case not falling within paragraph (1), but where the responsible authority propose making any change to C's placement that would have the effect of disrupting the arrangements made for C's education or training, the responsible authority must ensure that other arrangements are made for C's education or training that meet C's needs and are consistent with C's personal education plan.

(5) In this regulation—

- (a) "registered pupil" has the meaning given in section 20(7) of the Children and Young Persons Act 2008⁽³⁾, and

(1) For the definition of "fourth key stage" see paragraph 12D(2) of Schedule 2 to the 1989 Act. Paragraph 12D was inserted by section 8(2) of, and paragraph 4 of Schedule 1 to, the 2008 Act.

(2) The "designated teacher" in the case of a maintained school means the member of staff designated by the governing body in accordance with section 20(1) of the 2008 Act. Academies, City Technology Colleges and City Colleges for the Technology of the Arts are required by their Funding Agreements to have a designated teacher. The Designated Teacher (Looked After Pupils etc.) (England) Regulations 2009 (S.I. 2009/1538) made under section 20(3) of the 2008 Act prescribe the qualifications and experience of the designated teacher.

(3) That is, the meaning given in section 434(5) of the Education Act 1996.

(b) “school” has the meaning given in section 4 of the Education Act 1996(4).

(4) That is, an educational institution, outside the further and higher education sectors, for providing primary and/or secondary education.