

**2013 No. 706**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Care Planning, Placement and Case Review (England)  
(Miscellaneous Amendments) Regulations 2013**

<i>Made</i> - - - -	<i>21st March 2013</i>
<i>Laid before Parliament</i>	<i>28th March 2013</i>
<i>Coming into force</i> - -	<i>19th April 2013</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 22C(11), 23ZA(1)(b), (3) and (4), 23ZB(1)(a), 23A(3), 23D(2), 23E(1) and (2), 26(1) and (2), 31A(3), 51(4) and 104(4) of, and paragraphs 12E and 12F of Schedule 2 to, the Children Act 1989(a), and sections 22(7) and 118(5) and (6) of the Care Standards Act 2000(b).

In accordance with section 22(9) of the Care Standards Act 2000 the Secretary of State has consulted with such persons as were considered appropriate.

**Citation and commencement**

1. These Regulations may be cited as the Care Planning, Placement and Case Review (England) (Miscellaneous Amendments) Regulations 2013 and come into force on 19th April 2013.

**Amendment of the Care Planning, Placement and Case Review (England) Regulations 2010**

2. The Care Planning, Placement and Case Review (England) Regulations 2010(c) are amended as follows.

3. In regulation 2(1), in the appropriate places, insert—

““the 2012 Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012(d);

“director” means the person in charge of a secure training centre;

“detention placement plan” has the meaning given in regulation 47C;

“governor” means the person in charge of a young offender institution;

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(a) 1989 c.41. Section 22C was inserted by section 8(1) of the Children and Young Persons Act 2008 (c.23) (“the 2008 Act”); section 26(1) was amended by section 39 of, and paragraphs 1 and 16(1) and (2) of Schedule 3 to, the 2008 Act and section 26(2) was amended by section 118(1)(a) of the 2002 Act and by section 10(3)(a) of the 2008 Act; section 31A was inserted by section 121(2) of the 2002 Act; section 104(4) was amended by section 39 of, and Schedules 3 and 4 to, the 2008 Act; paragraphs 12E and 12F of Schedule 2 were inserted by paragraph 4 of Schedule 1 to the 2008 Act. For the definition of “prescribed” see section 105(1) of the Children Act 1989.

(b) 2000 c.14. For the definitions of “prescribed” and “regulations” see section 121(1).

(c) S.I. 2010/959, amended by S.I. 2011/581.

(d) 2012 c.10.

“registered manager” means the person who is registered under Part 2 of the Care Standards Act 2000(a) as a manager of a secure children’s home;

“remand to local authority accommodation” has the meaning given in section 91(3) of the 2012 Act(b);

“remand to youth detention accommodation” has the meaning given in section 91(4) of the 2012 Act(c);

“secure children’s home” has the meaning given in section 102(11) of the 2012 Act(d);

“secure training centre” has the meaning given in section 43(1)(d) of the Prison Act 1952(e);” and

“young offender institution” has the meaning given in section 43(1)(aa) of the Prison Act 1952(f).”

4. In regulation 3, at the end, insert “unless the child falls within regulation 47A”.

5. For regulation 39 substitute—

“39. In any case where C is not in the care of the responsible authority and is not likely to be an eligible child when the local authority cease to look after him, the care plan (or where regulation 47B(4) applies, the detention placement plan) must include details of the advice, assistance and support that the responsible authority intend to provide for C when C ceases to be looked after by them.”.

6. After regulation 47 insert—

## “PART 8A

### Application of these Regulations with modifications to children on remand

#### Application of these Regulations with modifications to children on remand

47A.—(1) These Regulations apply with the modifications set out in this Part while C is—

- (a) remanded to local authority accommodation, or
- (b) remanded to youth detention accommodation (“YDA”).

(2) In these Regulations—

- (a) where C is remanded to local authority accommodation, or to YDA, references to “the responsible authority” are to be read as if they were references to the local authority designated by the court under section 92(2) or section 102(6), as the case may be, of the 2012 Act,

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(a) 2000 c. 14.

(b) That is, remand to accommodation provided by or on behalf of a local authority in accordance with section 92 of that Act.

(c) That is, remand to (a) a secure children’s home, (b) a secure training centre, (c) a young offender institution, or (d) accommodation, or accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 (youth detention accommodation for purposes of detention and training order provisions), such as the Secretary of State directs in the child’s case in accordance with section 102 of that Act. Section 104(1) of that Act provides that a child who is remanded to youth detention accommodation is to be treated as a child who is looked after by the local authority designated by the court under section 102(6).

(d) That is, accommodation which is provided in a children’s home, within the meaning of the Care Standards Act 2000 which (a) provides accommodation for the purposes of restricting liberty, and (b) in respect of which a person is registered under Part 2 of that Act.

(e) 1952 c.52. Section 43(1)(d) was substituted section 119 of, and paragraph 6 of Schedule 8 to, the Crime and Disorder Act 1998 (c.37), and amended by section 165(1) of, and paragraph 5(1) and (2) of Schedule 9 to, the Powers of Criminal Courts (Sentencing Act) 2000 (c.6), and by section 105 of, and paragraph 4 of Schedule 12 to, the 2012 Act.

(f) Section 43(1)(aa) was inserted by section 170 of, and paragraph 11 of Schedule 15 to, the Criminal Justice Act 1988 (c.33), and amended by section 18(3) of the Criminal Justice and Public Order Act 1994 (c.33), and by section 148(1) of, and paragraph 3 of Schedule 26 to, the Criminal Justice and Immigration Act 2008 (c.4).

- (b) where C is remanded to YDA, references to C being “placed” are to be read as if they were references to C being so remanded,
- (c) where C is remanded to YDA, references to the “placement plan” (and where C is a looked after child only by reason of being so remanded, references to the “care plan”) are to be read as if they were references to the “detention placement plan”.

**47B.**—(1) Part 2 (arrangements for looking after a child) applies with the following modifications.

(2) Where C is a looked after child only by reason of being remanded to local authority accommodation—

- (a) in regulation 4(2), the care plan must be prepared within five working days of C being so remanded, and
- (b) regulation 5(a) does not apply.

(3) Where C is remanded to YDA and was a looked after child immediately before being so remanded—

- (a) regulation 5(c) does not apply, and instead the care plan must include a detention placement plan,
- (b) in regulation 6(3), the responsible authority must also give a copy of the care plan to the director, governor or registered manager (as the case may be) of the YDA,
- (c) regulation 7(1) to (4) does not apply.

(4) Where C is a looked after child only by reason of being remanded to YDA—

- (a) regulation 5 does not apply, and instead the responsible authority must prepare a detention placement plan, which also includes details of the wishes and feelings of the persons listed in section 22(4) about the detention placement plan 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 detention placement plan,
- (b) regulation 7(1) to (4) does not apply, and regulation 7(5) applies with the modification that for “health plan” there is substituted “detention placement plan”.

**47C.**—(1) Part 3 (placements) applies with the following modifications.

(2) Where C is remanded to YDA, regulations 9, 10, 11 and 14 do not apply, and instead—

- (a) the responsible authority must prepare a plan for the remand (“the detention placement plan”) within ten working days of C’s remand to YDA which—
  - (i) sets out how the YDA will meet C’s needs, and
  - (ii) includes the address of the YDA and all the matters specified in Schedule 2A,
- (b) the responsible authority must ensure—
  - (i) that C’s wishes and feelings have been ascertained and given due consideration,
  - (ii) where C was looked after immediately before being so remanded, that the IRO has been informed of the remand,
- (c) the detention placement plan must be agreed with, and signed by, the director, governor or registered manager (as the case may be) of the YDA.

(3) Where C is remanded to local authority accommodation, regulation 9(1) applies with the modification that the placement plan must be prepared within five working days of C being so remanded.

**47D.** Part 4 (provision for different types of placement) does not apply where C is remanded to YDA.

**47E.** Part 5 (visits by the responsible authority’s representative etc.) applies with the modification that in regulation 28(7)(a), the responsible authority must also ensure that R visits C, where C is remanded to YDA, whenever reasonably requested to do so by the director, governor or registered manager (as the case may be) of the YDA.

**47F.** Part 6 (reviews) applies with the modification that in regulation 35, the considerations to which the responsible authority must have regard in reviewing C’s case where C is remanded to YDA, are set out in paragraphs 1, 4, and 6 to 13, of Schedule 7 (considerations to which the responsible authority must have regard when reviewing C’s case).”

**7.** In paragraph 2(2) of Schedule 1 (information to be included in the personal education plan), at the end insert—

“, and including the name and contact details of the person responsible for discharging the responsible authority’s duty under section 22(3A) (duty to promote the educational achievement of children looked after by the authority).”.

**8.** After Schedule 2 insert—

## “SCHEDULE 2A

Regulation 47C(2)

### Matters to be dealt with in the detention placement plan

**1.** How on a day to day basis C will be cared for and C’s welfare will be safeguarded and promoted by the staff of the YDA.

**2.** Any arrangements made for contact between C and any parent of C’s and any person who is not C’s parent but who has parental responsibility for C, and between C and any other connected person including, if appropriate—

- (a) the reasons why contact with any such person would not be reasonably practicable or would not be consistent with C’s welfare,
- (b) if C is not in the care of the responsible authority, details of any order made under section 8,
- (c) if C is in the care of the responsible authority, details of any order relating to C made under section 34,
- (d) the arrangements for notifying any changes in the arrangements for contact.

**3.** The arrangements made for R to visit C in accordance with Part 5, the frequency of visits and the arrangements made for advice, support and assistance to be available to C between visits in accordance with regulation 31.

**4.** If an independent visitor is appointed, the arrangements made for them to visit C.

**5.** The arrangements made by the staff of the YDA for C’s health (including physical, emotional and mental health) and dental care.

**6.** The arrangements made by staff of the YDA for C’s education and training including—

- (a) the name and address of any educational or training institution C was attending, or any other person providing C with education or training, immediately before his detention,
- (b) where C has a statement of special educational needs, details of the local authority that maintains the statement.

7. C's personal history, religious persuasion, cultural and linguistic background, and racial origin, and the arrangement put in place by the staff of the YDA for meeting C's religious, cultural or linguistic needs.

8. The arrangements put in place by the staff of the YDA for supporting C to develop self-care skills.

9. The name and contact details of—

- (a) the IRO,
- (b) C's independent visitor (if one is appointed),
- (c) R,
- (d) if C is an eligible child, the personal adviser appointed for C,
- (e) the person responsible for discharging the responsible authority's duty under section 22(3A) (duty to promote the educational achievement of children looked after by the authority).

10. Details of how C's welfare should be adequately safeguarded and promoted when C ceases to be remanded to YDA, in particular—

- (a) whether C will be provided with accommodation by the responsible authority or another local authority, and
- (b) whether any other services should be provided by the responsible authority or another local authority in the exercise of their duties under the 1989 Act.”.

#### **Amendment of the Refuges (Children's Homes and Foster Placements) Regulations 1991**

9.—(1) The Refuges (Children's Homes and Foster Placements) Regulations 1991(a) are amended as follows.

(2) In regulation 2(1)—

(a) in the appropriate place insert—

““remand order” means an order of the court made under section 92, or section 102, of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(b);”, and

(b) in the definition of “responsible person”, after the words “emergency protection order” insert “, remand order”.

#### **Amendment of the Children's Homes Regulations 2001**

10.—(1) The Children's Homes Regulations 2001(c) are amended as follows.

(2) In regulation 12A after the words “regulation 9” insert “or, as the case may be, regulation 47C(2),”.

#### **Amendment of the Care Standards Act 2000 (Registration) (England) Regulations 2010**

11.—(1) The Care Standards Act 2000 (Registration) (England) Regulations 2010(d) are amended as follows.

(2) In regulation 2(1) for the definition of “placement plan” substitute—

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(a) S.I. 1991/1507.

(b) 2012 c. 10.

(c) S.I. 2001/3967. Regulation 12A was inserted by S.I. 2011/583. There are other amending regulations which are not relevant.

(d) S.I. 2010/2130.

““placement plan” means the written plan prepared in accordance with regulation 12 or 12A of the Children’s Homes Regulations 2001;”.

### **Amendment of the Care Leavers (England) Regulations 2010**

12.—(1) The Care Leavers (England) Regulations 2010(a) are amended as follows.

(2) In regulation 3(4)—

(a) in sub-paragraph (a) after the words “an order of the court” insert “, but excludes remand to youth detention accommodation”, and

(b) after sub-paragraph (b) insert—

“(c) “remand to youth detention accommodation” has the meaning given in section 102(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(b).”.

### **Amendment of the Visits to Former Looked After Children in Detention (England) Regulations 2010**

13.—(1) The Visits to Former Looked After Children in Detention (England) Regulations 2010(c) are amended as follows.

(2) In regulation 2, in the appropriate places, insert—

““registered manager” in relation to a secure children’s home means the person who is registered under Part 2 of the Care Standards Act 2000(d) as a manager of that home;

“secure training centre” has the meaning given in section 43(1)(d) of the Prison Act 1952(e);

“young offender institution” has the meaning given in section 43(1)(aa) of the Prison Act 1952(f); and

“youth offending team” has the meaning given in section 39(1) of the Crime and Disorder Act 1998(g).”.

(3) For regulation 3 substitute—

“3. The circumstances prescribed for the purposes of section 23ZA(1)(b) of the 1989 Act are that the child has ceased to be a looked after child as a result of being detained, pursuant to an order of the court, in—

(a) a secure children’s home,

(b) a secure training centre,

(c) a young offender institution, or

(d) accommodation, or accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing)

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(a) S.I. 2010/2571.

(b) 2012 c. 10. That is, remand to (a) a secure children’s home, (b) a secure training centre, (c) a young offender institution, or (d) accommodation, or accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 (youth detention accommodation for purposes of detention and training order provisions), such as the Secretary of State directs in the child’s case. Section 104(1) of that Act provides that a child who is remanded to youth detention accommodation is to be treated as a child who is looked after by the local authority designated by the court under section 102(6).

(c) S.I. 2010/2797.

(d) 2000 c. 14.

(e) 1952 c.52. Section 43(1)(d) was substituted section 119 of, and paragraph 6 of Schedule 8 to, the Crime and Disorder Act 1998 (c.37), and amended by section 165(1) of, and paragraph 5(1) and (2) of Schedule 9 to, the Powers of Criminal Courts (Sentencing Act) 2000 (c.6), and by section 105 of, and paragraph 4 of Schedule 12 to, the 2012 Act.

(f) Section 43(1)(aa) was inserted by section 170 of, and paragraph 11 of Schedule 15 to, the Criminal Justice Act 1988 (c.33), and amended by section 18(3) of the Criminal Justice and Public Order Act 1994 (c.33), and by section 148(1) of, and paragraph 3 of Schedule 26 to, the Criminal Justice and Immigration Act 2008 (c.4).

(g) 1998 c.37.

Act 2000 (youth detention accommodation for purposes of detention and training order provisions), such as the Secretary of State directs in the child's case."

### **Transitional provisions**

14.—(1) Where a care plan has been prepared by the responsible authority in respect of a child in accordance with regulation 9 of the 2010 Regulations before the coming into force of these Regulations, the responsible authority must ensure that the care plan or, as the case may be, the detention placement plan, for the child complies with the 2010 Regulations as amended by these Regulations as soon as reasonably practicable after the next review of the child's case.

(2) In paragraph (1)—

- (a) "the 2010 Regulations" means the Care Planning, Placement and Case Review (England) Regulations 2010, and
- (b) "the next review of the child's case" means the first review of the child's case in accordance with Part 6 of the 2010 Regulations which takes place after the coming into force of these Regulations.

*Edward Timpson*  
Parliamentary Under Secretary of State  
Department for Education

21st March 2013

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Care Planning, Placement and Case Review (England) Regulations 2010 ("the CPPCRR") which make provision about care planning for looked after children.

The amendments are mainly consequent on the commencement of provisions in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ("the 2012 Act") relating to children who are remanded by the court to youth detention accommodation. Section 104(1) of that Act provides that children who are remanded to youth detention accommodation are to be treated as looked after children.

These Regulations amend the CPPCRR so that they apply, with modifications, in relation to looked after children who are remanded to local authority accommodation or to youth detention accommodation. Regulation 6 inserts a new Part 8A into the CPPCRR which modifies the application of those regulations in relation to (i) children who are treated as looked after as a result of their remand to local authority accommodation, (ii) children who are remanded to youth detention accommodation and were already looked after children prior to their remand, and (iii) children who are treated as looked after as a result of their remand to youth detention accommodation.

They also make amendments which are consequent on the commencement of the 2012 Act and/or on the amendments made by these Regulations to the CPPCRR, to: the Refuges (Children's Homes and Foster Placements) Regulations 1991, the Children's Homes Regulations 2001, the Care Standards Act 2000 (Registration) (England) Regulations 2010, the Care Leavers (England) Regulations 2010 and the Visits to Former Looked After Children in Detention (England) Regulations 2010.

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STATUTORY INSTRUMENTS

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**2013 No. 706**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

The Care Planning, Placement and Case Review (England)  
(Miscellaneous Amendments) Regulations 2013

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