
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.

Changes to legislation:

There are currently no known outstanding effects for the The Care Planning, Placement and Case Review (Wales) Regulations 2015, Section 12.