STATUTORY INSTRUMENTS

2015 No. 495

CHILDREN AND YOUNG PERSONS, ENGLAND

The Care Planning and Fostering (Miscellaneous Amendments) (England) Regulations 2015

Made - - - -	*4th March 2015*
Laid before Parliament	*6th March 2015*
Coming into force - -	*1st April 2015*

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), 23E(1B), 23E(2), 25B(2)(a), 26(1) and (2), 31A(3) and 104(4) of, and paragraphs 12E, 12F and 19B(7) of Schedule 2 to the Children Act 1989(**1**).

Citation and commencement

1. These Regulations may be cited as the Care Planning and Fostering (Miscellaneous Amendments) (England) Regulations 2015 and come into force on 1st April 2015.

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

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

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

> ""long term foster placement" means an arrangement made by the responsible authority for C to be placed with F where—
>
> (a) C's plan for permanence is foster care,
>
> (b) F has agreed to act as C's foster parent until C ceases to be looked after, and

(**1**) 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 23ZA was inserted by section 15 of the 2008 Act; section 23E(1B) and (2) were inserted by sections 22(3) and 39 of the 2008 Act; section 25B was inserted by section 10(1) of 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 Adoption and Children Act 2002 (c.38) ("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; paragraph 12E of Schedule 2 was inserted by paragraph 4 of Schedule 1 to the 2008 Act and paragraph 19B(7) of Schedule 2 was amended by section 39 of the 2008 Act. For the definition of "prescribed" see section 105(1).

(**2**) S.I. 2010/959, amended by S.Is 2011/581, 2013/706 and 2013/984.

(c) the responsible authority has confirmed the nature of the arrangement to F, P and C,

and any reference to the responsible authority placing C in such a placement includes, where C is already placed with F, leaving C with F in a long term foster placement;;";

""plan for permanence" has the meaning given in regulation 5(1)(a);".

4. After regulation 22A (placement following consideration in accordance with section 22C(9B)(c) of the Act) insert—

"**Conditions to be complied with before placing C in a long term foster placement**

22B.—(1) This regulation applies where the responsible authority propose to place C with F in a long term foster placement.

(2) The responsible authority may only place C with F if—

(a) the responsible authority have prepared a placement plan for C,

(b) the requirements of regulation 9(1)(b)(i) have been complied with,

(c) the placement will safeguard and promote C's welfare,

(d) the IRO has been consulted,

(e) C's relatives have been consulted, where appropriate, and

(f) F intends to act as C's foster parent until C ceases to be looked after.".

5. In regulation 28 (frequency of visits)—

(a) after paragraph (3) insert—

"(3A) Where—

(a) C is in a long term foster placement and has been in that placement for at least one year, and

(b) C, being of sufficient age and understanding, agrees to be visited less frequently than required by paragraph (2)(c),

the responsible authority must ensure that R visits C at intervals of no more than 6 months." and

(b) in paragraph (7)(a)(ii) after "(3)" insert ", (3A)".

6. In regulation 36(1)(c) (the role of the IRO) before "have been ascertained" insert "and the views of the appropriate person,".

7. For regulation 39 (arrangements for ceasing to look after a child who is not an eligible child) substitute—

"**Arrangements to be made when the responsible authority is considering ceasing to look after C**

39.—(1) This regulation applies where the responsible authority are considering ceasing to look after C.

(2) Before deciding to cease to look after C the responsible authority must—

(a) carry out an assessment of the suitability of the proposed arrangements for C's accommodation and maintenance when C ceases to be looked after by them,

(b) carry out an assessment of the services and support that C and, where applicable P, might need when the responsible authority ceases to look after C,