

*Draft Regulations laid before Senedd Cymru under section 196(6) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of Senedd Cymru.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2021 No. (W.)**

**CHILDREN AND YOUNG  
PERSONS, WALES**

**EDUCATION, WALES**

**The Care Planning, Placement and  
Case Review (Wales) (Amendment)  
Regulations 2021**

**EXPLANATORY NOTE**

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

These Regulations amend the Care Planning, Placement and Case Review (Wales) Regulations 2015 (S.I. 2015/1818 (W. 261)) (“the 2015 Regulations”) in light of amendments to section 83 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (“the 2014 Act”) made by section 16 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2). Regulation 6 removes the requirement in the 2015 Regulations that a care and support plan include a personal education plan, because that requirement has been inserted into section 83 of the 2014 Act. Regulation 5 prescribes the categories of looked after children for whom no personal education plan is to be prepared as part of their care and support plan. The categories prescribed are those for whom a personal education plan was not required by the 2015 Regulations. The matters that must be included in a personal education plan are unchanged.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely cost and benefit of complying with these Regulations.

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*Made*

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*Coming into force*

*1 September 2021*

The Welsh Ministers, in exercise of the powers conferred by sections 83(2B) and (5), 84(b) and 196(2) of the Social Services and Well-being (Wales) Act 2014(1), make the following Regulations.

In accordance with section 196(6) of that Act, a draft of these Regulations was laid before, and approved by a resolution of, Senedd Cymru(2).

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- (1) 2014 anaw 4. *See* section 197(1) for the definition of “regulations”. Section 83(2A) to (2D) were inserted by, and section 83(5) and other subsections of section 83 are amended by, section 16 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2). Section 196(6) was amended by the Additional Learning Needs and Education Tribunal (Wales) Act 2018, Schedule 1, paragraph 24(1) and (4).
- (2) These are the first regulations made under section 83(2B). The reference in section 196(6) to the National Assembly for Wales now has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

### **Title and commencement**

1. The title of these Regulations is the Care Planning, Placement and Case Review (Wales) (Amendment) Regulations 2021 and they come into force on 1 September 2021.

### **Amendment of the Care Planning, Placement and Case Review (Wales) Regulations 2015**

2. The Care Planning, Placement and Case Review (Wales) Regulations 2015(1) are amended as provided for in regulations 3 to 6.

### **Amendment to regulation 2**

3. In the definition of “personal education plan” in regulation 2(1)(2), for “in regulation 5(b)(ii)” substitute “by section 83(2A) of the 2014 Act(3)”.

### **Amendment to regulation 3**

4. In regulation 3, for “These Regulations” substitute “Parts 2 to 10”.

### **Insertion of Part 1A**

5. After regulation 3 insert—

## **“PART 1A**

### **CHILDREN FOR WHOM NO PERSONAL EDUCATION PLAN IS TO BE PREPARED**

**3A.** The following categories of looked after child are prescribed for the purposes of section 83(2B) of the 2014 Act—

- (a) any child who has been placed for adoption under the Adoption and Children Act 2002(4) unless the child falls within regulation 56;
- (b) any child in relation to whom the circumstances set out in regulation 62(2) apply;
- (c) any child who is looked after only by reason of being remanded to youth detention accommodation.”

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(1) S.I. 2015/1818 (W. 261).

(2) There are amendments to regulation 2 which are not relevant.

(3) Section 83(2A) was inserted by section 16 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

(4) 2002 c. 38.

## **Amendments to regulation 5**

**6.** In regulation 5—

(a) omit paragraph (1)(b)(ii);

(b) after paragraph (1) insert—

“(1A) The personal education plan (see section 83(2A) to (2D) of the 2014 Act) must include the information set out in paragraph 2 of Schedule 2.”

*Name*

Minister for Education and the Welsh Language, one  
of the Welsh Ministers

Date