

Appendix 1: Providing short break accommodation under the different legal provisions

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Child is provided with accommodation under s17(6) CA 1989	Child is provided with accommodation under section 20(4) for a continuous period of more than 24 hours; short breaks are pre-planned and in the same place; no break lasts for more than 17 days and the total does not exceed 75 days in one year Regulation 48 applies	Child is provided with accommodation under section 20(4) for a continuous period of more than 24 hours; breaks may be with a range of providers or exceed timescale in middle column Regulation 48 does not apply
The child is not looked after The 2010 Regulations do not apply. Consequently there is no need to appoint an IRO. A child in need plan is required with the Assessment Framework As good practice, Child in Need reviews should be carried out at least every 6 months and more often if required.	The child is looked after for the period that they are provided with accommodation. The 2010 Regulations apply with modifications in respect of planning arrangements: • The authority must make a short break care plan addressing issues key to the safe care of the child; and • An IRO must be appointed. The first visit must take place within three months of the first placement day or as soon as is practicable thereafter. Subsequent visits must be at intervals of no more than six months. The child's case must be reviewed within three months of the start of the first placement and then at intervals of no more than six months.	The child is looked after for the period that they are provided with accommodation. The 2010 Regulations apply with modifications in respect of planning arrangements: • The authority must make a care plan; • An IRO must be appointed; • The child's case must be reviewed regularly. Visits must take place in accordance with Regulation 28. The child's first review must be within twenty days of the start of the placement, the second no more than three months after the first and subsequent reviews at intervals of no more than six months.
The provision of accommodation under s17(6) or 20(4) does not affect parental responsibility. From: The Children Act 1989 guidance and regulations – Volume 2: care planning, placement and case review (2015).		