



Department
for Education

Permanence, long-term foster placements and ceasing to look after a child

Statutory guidance for local authorities

March 2015

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Summary

About this guidance

The Care Planning and Fostering (Miscellaneous Amendments) Regulations 2015 amend the Care Planning, Placement and Case Review Regulations 2010 with respect to:

- the review of the delegation of authority to make decisions about looked-after children to their carers;
- the arrangements for making, supervising and reviewing long-term foster care placements; and
- the assessment and planning arrangements where the responsible authority is considering ceasing to look after a child.

This guidance is issued by the Department for Education under section 7 of the Local Authority Social Services Act 1970, which requires local authorities, in exercising their social services functions, to act under the general guidance of the Secretary of State. This guidance should be complied with by local authorities when exercising these functions, unless local circumstances indicate exceptional reasons that justify a variation.

Expiry or review date

This guidance:

- replaces paragraphs 2.3 to 2.6 of the Children Act 1989 Guidance, Volume 2: Care Planning, Placement and Case Review;
- amends paragraphs 3.3, 3.158, 4.23, 4.27
- inserts paragraph 3.95a-3.95h, 3.158a-3.158b, 4.16a-4.16b, 4.23a, 4.27a, 4.34a, 5.5a-5.5i

It is intended that a consolidated version of the Children Act 1989 Guidance, Volume 2: Care Planning, Placement and Case Review will be published in due course. This guidance will form part of that consolidated guidance and subject to review accordingly.

What legislation does this guidance refer to?

The Care Planning, Placement and Case Review (England) Regulations 2010 as amended by the Care Planning and Fostering (Miscellaneous Amendments) Regulations 2015.

Who is this guidance for?

This guidance is for:

- Local authorities
- Children's services social workers;
- Supervising social workers;
- Frontline managers who have particular responsibilities in relation to looked-after children;
- Lead members;
- Directors of children's services;
- Managers of services for looked-after children;
- Commissioners of services for looked-after children;
- Independent Reviewing Officers.

It is also relevant to providers of services to looked-after children, including private, voluntary and public sector providers, foster carers and residential workers. Looked-after children and the families of looked-after children may also have an interest.

Main points

Amendments are made to the Children Act 1989 Guidance: Care Planning, Placement and Case Review (Volume 2) in order that

- foster carers and residential child care workers are appropriately consulted and involved in decision making for children;
- where the plan for permanence is long-term foster care there is an appropriate planning process which considers the needs of the child and the capacity of the carer to meet these needs;
- where a long-term foster placement is agreed this is recorded in a child's placement plan; and that appropriate and flexible visiting and case review arrangements are made;
- where a local authority, in consultation with the child and their family, is considering ceasing to look after a child, the authority appropriately assesses the proposed arrangements for the child and sets out the support that will be provided when the child ceases to be looked-after;

- the authority consults appropriately with the child, their parents and others to ensure that the proposed arrangements are in the child's best interests and will safeguard and promote their welfare; and
- the authority has robust arrangements in place to scrutinise decisions to cease to look after a child.

Amendments to the Children Act 1989 Guidance: Care Planning, Placement and Case Review (Volume 2)

Replace paragraphs 2.3, 2.4, 2.5 and 2.6

2.3 Permanence is the long term plan for the child's upbringing and provides an underpinning framework for all social work with children and their families from family support through to adoption. The objective of planning for permanence is therefore to ensure that children have a secure, stable and loving family to support them through childhood and beyond and to give them a sense of security, continuity, commitment, identity and belonging. One of the key functions of the care plan is to ensure that each child has a plan for permanence by the time of the second review, as set out in the statutory guidance to the 2002 Act. Achieving permanence for a child will be a key consideration from the day the child becomes looked-after. The permanence planning process, informed by multi-agency contributions, will identify which permanence option is most likely to meet the needs of the individual child, taking account of his/her wishes and feelings.

2.4 A range of options for permanence exist, all of which can deliver good outcomes for individual children:

- For many children, permanence is achieved through a successful return to their birth family, where it has been possible to address the factors in family life which led to the child becoming looked-after.
- For other children routes to permanence outside the care system may include
 - family and friends care, particularly where such care can be supported by a legal order such as a child arrangement order, special guardianship order or in a few cases, adoption;
 - adoption, which for many children can offer the best route to a lifelong and legally permanent new family. Twin track or parallel planning, including concurrent planning, may provide a means to securing permanence by adoption at an early stage for some children;
 - other non-family and friends carers supported by a legal order such as a child arrangement order or special guardianship order.
- For those children who remain looked-after an important route to permanence is long-term foster care. Where the permanence plan for the child is long-term foster care this may be where the current short-term placement is assessed to meet the long term needs of the child for permanence or where a new placement is identified for the child as a result of an assessment and matching process.

2.5 The child's care plan will set out details of this plan and the arrangements for implementing it.

2.6 It is also important to think about the needs of older children and young people in relation to achieving permanence in their lives. They may not be able to live with birth parents for a variety of reasons nor wish to be in a foster home or to be adopted but prefer to live in a children's home where they can also achieve a sense of security and belonging. The care planning process must also identify adults such as wider family and friends or other connected people who can provide emotional support and a long term trusting relationship which will provide continuing support, particularly during periods of transition. Good quality work with families can help the young person build bridges back to his/her parents or other family members who may be able to provide that support even though it is not possible for the young person to live at home.

In paragraph 3.3 after 'placement with a local authority foster carer (who is not a relative, friend or other person connected with the child;) insert:

- Long-term foster placement;

After paragraph 3.95 insert

Long-term foster placement

3.95a Where it is the case that the most appropriate route to permanence is long-term foster care, the 2010 Regulations (as amended) set out the arrangements for making such a placement **[regulation 2(1)]**. These include:

- that foster care is the 'plan for permanence' and is recorded in the child's care plan **[regulation 5(a)]**;
- that the foster carer has agreed to act as the child's foster carer until the child ceases to be looked-after; and
- that the responsible authority has confirmed the arrangement with the foster carer(s), the birth parents and the child.

3.95b The assessment and planning process for long-term foster care should address the child's current needs and likely future needs, and the capacity of the foster carer to meet these needs now and in the future. The length of placement will vary according to the child's age and the long-term plan for the child, including the transition to adulthood. These factors must all be taken into account in planning for support and services where long-term foster care has been identified as the plan for permanence for a child.

3.95c Before deciding to place a child in a long-term foster placement, (whether or not this means moving to a new carer) the responsible authority should assess the ability of

the identified long-term foster carer to care for the child. It is expected that the responsible authority will have a process in place to consider the capacity of the carer to meet the needs of the child now and in the future, and to identify the likely support and services that will be needed to ensure that the placement is stable, secure and meets the child's needs. This should take account of the carer's previous fostering or other childcare experience, family configuration (including placement of other children under fostering arrangements), existing relationship (if any) with the child, knowledge and skills and capacity to care for the child long term under a fostering arrangement.

3.95d It is imperative that the foster carer fully understands and explicitly agrees to the long term commitment they are making to the child [regulation 22B (2)(f)]. The responsible authority should record this discussion and the outcome as part of the assessment process.

3.95e The decision to place a child in a long-term foster placement with a particular foster carer should be discussed and recorded as part of the review process. This decision should then be recorded in the placement plan [**schedule 2, paragraph 3, 1ZA**] and agreed and signed by the foster carer [**regulation 9(3)**].

3.95f Where it is agreed that the child will be placed in a long-term foster placement, this should be communicated clearly to the foster carer, the child's parents or any other person who is not a parent but has parental responsibility and the child [**regulation 2(1)**].

3.95g Where the decision has been taken that the plan for permanence is long-term foster care and the child is in an existing foster care placement, it may be that the carer and (where appropriate) the child want the existing foster placement to be the long-term foster placement. The responsible authority should consider this in a reasonable timescale taking into account the existing relationship between the child and the foster carer, the length of time in placement, the child's relationships with the foster carer's wider family and community. Consideration should also be given to the progress the child has made in the placement, recorded through the case review process.

3.95h There may be circumstances where the responsible authority would not consider it appropriate to assess the ability of the current foster carer as the long-term carer for the child. In these instances, the responsible authority should clearly set out the reasons for this decision in writing to the foster carer. The responsible authority should also communicate this decision to the child, where it is appropriate to their age and understanding.

In paragraph 3.158 delete:

However, the frequency of visits should always be determined by the circumstances of the case and the authority must arrange a visit whenever

reasonably requested by a child or foster carer regardless of the status of the placement.

After paragraph 3.158 insert:

3.158a Where the child is placed in a long-term foster placement, the child should be visited within one week of the start of the placement. Thereafter, the child must be visited at interval of not more than six weeks for the first year of the placement [**regulation 28(2)(b)**]. Visits during subsequent years must take place at intervals of not more than six months, where the child, being of sufficient age and understanding, has agreed to be visited at this minimum frequency [**regulation 28 (3A)**].

3.158b However, the frequency of visits should always be determined by the circumstances of the case and the authority must arrange a visit whenever reasonably requested by a child or foster carer regardless of the status of the placement.

After paragraph 4.16 insert:

4.16a Where a child is placed in a long-term foster placement and has been in this placement for more than a year, consideration should be given to whether it is necessary to hold a meeting as part of each review.

4.16b The social worker should consult with the IRO and the child (where appropriate to age and understanding) in reaching a decision about holding a meeting. The consultation, information gathering and review process will continue on a six monthly cycle. In circumstances where it is agreed that a meeting will not be held as part of every review, a meeting should be held at least once a year. The factors leading to the decision to hold review meetings on a less frequent basis should be recorded in the child's care plan.

In paragraph 4.27 after 'Other matters will arise in individual cases which it is not possible to cover in a list of application' insert:

These matters should be considered with due regard to the circumstances of the child and the placement.

In paragraph 4.27 insert at end:

- Whether the delegation of authority to make decisions about the child's care continue to be appropriate and in the child's best interests.

After paragraph 4.27 insert:

4.27a Where the decision has been taken that the review process will not include a meeting, the IRO must ensure that full consultation with all relevant individuals, including the child, has taken place to inform the review of the child's case.

In paragraph 4.31 after 'It should contain an accurate and comprehensive record of the meeting, or meetings, which constituted the review, and of the views of all those who attended or were consulted as part of the review process' insert:

The record should also reflect the review process for a long-term foster placement where a meeting did not take place.

After paragraph 4.34 insert:

4.34a The IRO must be satisfied that the wishes and feelings of the child's parents, any person who is not a parent but who has parental responsibility and the current carer (foster carer or registered person in respect of a children's home) have been taken into account as part of the review process [regulation 36(1)(c)].

In paragraph 4.23 after '...part of the care planning and decision-making process' insert:

There may be exceptional circumstances where the social worker, in consultation with the IRO, decides that the attendance of the carer at all or part of the review meeting will not be appropriate or practicable. Where this is the case, a written explanation of the reasons should be given and other arrangements should be made to ensure that the carer is able to contribute to the process and decisions taken at the review. Details about the reasons why the carer is excluded from the process and a record of their input should be placed on the child's case record.

In paragraph 4.23 delete:

Other people with a legitimate interest....at a separate meeting.

After paragraph 4.23 (amended) insert:

4.23a Other people with a legitimate interest in the child should also be invited if they have a contribution in the discussions at the review meeting. The attendance of such people should always be discussed with the child before invitations are made and his/her views on their attendance obtained. It may be appropriate where the contribution from such people is strictly factual for the information to be provided in writing or at a separate meeting.

After paragraph 5.5 insert:

Considering ceasing to look after a child

5.5a Where the plan is for a child to return to the care of their family when they cease to be looked-after, there should be a robust planning and decision making process to ensure that this decision is in the best interests of the child and will safeguard and promote their welfare **[regulation 39]**.

5.5b In making the decision to cease to look after a child, the responsible authority must assess:

- Whether the proposed arrangements for the child's accommodation and maintenance when they cease to be looked-after are suitable; and
- What services and support the child, and where the child is returning home, the parent, might need when they cease to be looked-after **[regulation 39 (2)(a) and (b)]**.

5.5c The responsible authority must speak to or otherwise ascertain the child's wishes and feelings about the proposed plan for their care when they are no longer looked-after **[regulation 39 (2)(c)]**.

5.5d Where the local authority is working with the parents to support a child to return home it is important to consider what support and services might be made available to parents. Local authorities should set out what support and services will be provided following reunification and ensure that the child and parents understand who to contact for support **[regulation 39(3)]**.

5.5e The local authority has general duties **[regulation 42]** to undertake an assessment of an eligible child's needs as they transition to independence, and to prepare a plan setting out how these needs will be addressed **[regulation 43]**. Some eligible children will return to the care of their parents. In such cases considerations under regulation 39 should include, but not duplicate, those under regulation 42; regulation 39 has a focus on the support that may be provided to parents during the transition and beyond reunification.

5.5f *Working Together* sets out the framework for local authorities providing early and ongoing support to families, including continuous assessment, support and review of services, where appropriate.

Decision making

5.5g Where a child has been looked-after for at least 20 working days, the decision to cease to look after her/him must not be put into effect until it has been approved by a nominated officer **[regulation 39(4)]**. Where the local authority are considering ceasing

to look after a child aged 16 or 17 years, who has been accommodated under section 20 of the 1989 Act, this decision must not be put into effect until it has been approved by the director of children's services **[regulation 39(5)]**.

5.5h Before granting this approval the nominated officer or director of children's services must be satisfied that:

- Child's wishes and feelings have been ascertained and given due consideration;
- Decision to cease to look after the child will safeguard and promote their welfare;
- The IRO has been informed; and
- Where the child is an eligible child the appropriate requirements have been met **[regulations 40 – 44]**.

5.5i Some children will be looked-after for very short periods, for example due to a family crisis or parental illness. While it will not be necessary to seek nominated officer approval to cease to look after a child in these circumstances, the authority must be satisfied that this is in the child's best interests and that the proposed arrangements will safeguard and promote the child's welfare.

Further information

Other relevant departmental advice and statutory guidance

- The Children Act 1989 Guidance and Regulations, Volume 2: Care Planning, Placement and Case Review
- The Children Act 1989 Guidance and Regulations, Volume 4: Fostering Services
- The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013
- Independent Reviewing Officer's Handbook
- Fostering Services: National Minimum Standards
- Working Together to Safeguard Children



Department
for Education

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