**S.23 Placements with Parents**

**BACKGROUND**

The placement of a child in care (who is subject to an interim or final Care Order) with their Parents is governed by the Care Planning and Case Review (England) Regulations 2010 (referred to as the ‘2010 Regulations’ for the remainder of this procedure).

“Parents” is defined as:

* A person who is the child's birth parent;
* A person who has parental responsibility for the child;
* A person who held a Child Arrangements Order in relation to where the child was to live (previously known as a residence order) immediately before the making of a care order.

Although the length of placement for the Regulations to apply is not defined (previously defined as 24 hours) if a child is placed with parents for a continuous period of 24 hours or more then these procedures will apply.

If a child is already placed with parents when the Care Order is made then the Local Authority is not required to remove the child before a placement decision is made about the child.

**SCOPE OF THIS CHAPTER**

This procedure relates to any child who is subject to a [**Care Order**](http://www.proceduresonline.com/resources/keywords_online/nat_key/keywords/care_order.html)[**/ Interim Care Order**](http://www.proceduresonline.com/resources/keywords_online/nat_key/keywords/interim_care_order.html).

These regulations should only be used in cases where it is planned that a child subject to a Care Order will spend a continuous period of more than 24 hours in the care of parents.

It is not ordinarily expected that a social worker, upon making an initial application for a Care Order/Interim Care Order, will simultaneously be seeking to place the child at home subject to these. In such circumstances a more appropriate Order should be sought ([**Supervision Order**](http://trixresources.proceduresonline.com/nat_key/keywords/supervision_order.html) **or Child Arrangements Order**).

However, in considering an application the Court is at liberty to make whatever ‘Order’ it sees fit, including a Care Order.

In such circumstances where it was not the planned implication of the Order to remove the child from the care of the parents, the social worker should seek the Head of Services’ (also the ADM) approval, in the manner detailed below, for the ‘Placement with Parents’. All parties should, however, be warned that should the Head of Service decline to approve such a placement then the Local Authority will have no option but to remove the child from the care of the parents or to inform the court that if the court does not put an alternative legal framework in place the child will be removed from the care of the parents.

The procedure **only** applies to any placement that meets the following criteria:

* The child is subject to a Care Order or Interim Care Order;
* The placement is for 24 hours or more;
* The placement is with:
	+ A parent (irrespective of whether they currently have care of the child);
	+ A person with [**Parental Responsibility**](http://www.proceduresonline.com/resources/keywords_online/nat_key/keywords/parental_respons.html) (irrespective of whether they currently have care of the child);
	+ Any person who had a [**Child Arrangements Order**](http://trixresources.proceduresonline.com/nat_key/keywords/chi_arrange_orders.html) in respect of the child when the Care Order was made (irrespective of whether they currently have care of the child);
	+ Any person having contact with the child by virtue of an order made under S34 Children Act 1989.

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 **1.** **Decision Making**

The decision to make a placement can only be made by the Head of Service for Children’s Social Care.

A decision to place the child with parents must not be put into effect until it has been approved by the Head of Service and the [**Placement Plan**](http://trixresources.proceduresonline.com/nat_key/keywords/placement_plan.html) prepared.

A child must not be placed with parents if that would be incompatible with an order as to contact under Section 34 Children Act 1989.

During the course of a [**Looked After Review**](http://www.proceduresonline.com/resources/keywords_online/nat_key/keywords/looked_aft_review.html), it may be considered that rehabilitation under the 2010 Regulations may be appropriate. However the Independent Reviewing Officer can only recommend that the responsible team give consideration to such a placement. In cases where the Independent Reviewing Officer does not support the plan they will consider use of the IRO Dispute Resolution Protocol.

A Planning Meeting held by the responsible team can make a recommendation, but the decision always rests with the Head of Service.

The Head of Service must be satisfied that:

* The child's wishes and feelings have been ascertained and given due consideration;
* A high quality assessment has been completed by the child’s Social Worker using the correct template with a clear rationale for why the placement is appropriate, how it will be monitored and the contingency plan if the placement breaks down;
* The placement will safeguard and promote the child's welfare;
* The [**Independent Reviewing Officer**](http://trixresources.proceduresonline.com/nat_key/keywords/indep_reviewing_officer.html) has been consulted and is in support of the proposed placement.

**2.** **Assessment of Parents Suitability to Care for the Child**

Before deciding to place a child with parents, the Local Authority must:

* Consider whether, in all the circumstances and taking into account the services to be provided by the Local Authority, the placement will safeguard and promote the child's welfare and meet his/her needs set out in the [**Care Plan**](http://trixresources.proceduresonline.com/nat_key/keywords/care_plan.html); and
* Review the child's case;
* Assess the suitability of the parents to care for the child, including the suitability of the proposed accommodation and all other members of the household over 18;
* Take into account:
1. The parents' capacity to care for children and, in particular in relation to the child:
	* To provide for the child 's physical needs and appropriate medical and dental care;
	* To protect the child adequately from harm or danger, includes protection from any known person who presents a risk of harm to the child;
	* To ensure that the home environment is safe for the child;
	* To ensure that the child's emotional needs are met and he/she is provided with a positive sense of self, including any particular needs arising from religious persuasion, racial origin, and cultural and linguistic background, and any disability the child has;
	* To promote the child's learning and intellectual development through encouragement, cognitive stimulation and the promotion of educational success and social opportunities;
	* To enable the child to regulate his/her emotions and behaviour, including by modelling appropriate behaviour and interactions with others;
	* To provide a stable family environment to enable the child to develop and maintain secure attachments to the parents and other persons who provide care for the child.
2. The parents' state of health (physical, emotional and mental health). This is now extended to include the parents' medical history, including current or past issues of domestic violence, substance misuse or mental health problems;
3. The parents' family relationships and the composition of the parents' household, including:
	* The identity of all other members of the household, their age and the nature of their relationship with parents and one another, including any sexual relationship; their relationship with any parent of the child;
	* Other adults who are not members of the household but are likely to have regular contact with the child;
	* Current/previous domestic violence between household members including the parents.
4. The parents' family history, including:
	* The particulars of the parents' childhood and upbringing, including the strengths and difficulties of their parents/carers;
	* The parents' relationship with their parents and siblings, and their relationships with each other;
	* The parents' educational achievement, including any specific learning difficulty/disability;
	* A chronology of significant life events;
	* Other relatives and their relationships with the child and parents.
5. Criminal offences of which the parents have been convicted or cautioned;
6. Parents' past and present employment/sources of income;
7. The nature of the neighbourhood and resources available in the community to support the child and parents.

In relation to other members of the parents' household, the assessment must take account of the above considerations except (d), (f) and (g).

The assessment should include any available information about the parents' previous experiences of looking after children. Where a parent has other children subject to care/adoption orders, earlier case records should be explored to ascertain the circumstances which led to social work involvement and any indication that the capacity of the parent to bring up children has changed.

**3.** **Placement of Child with Parents before Assessment Completed**

In very exceptional circumstances, where the Head of Service considers it necessary, is in the best interest of the child, and is consistent with the child's welfare, the child may be placed with parents before the assessment has been completed, provided:

* Arrangements are made for the parents to be interviewed as soon as is reasonably possible to obtain as much of the assessment information as can be readily ascertained at that interview;
* The assessment and the review of the child's case are completed **within 10 working days** of the child being placed;
* The decision on placement is made and approved within 10 working days of the assessment being completed; and
	+ If the decision is to confirm the placement, the Placement Plan is reviewed (and if appropriate amended);
	+ If the decision is not to confirm the placement, the placement is terminated.

The child's Social Worker must ensure that all appropriate background checks are carried out in a timely manner, which will help to gather information from other agencies about the suitability of the proposed placement.

Practitioners should also seek to meet with all other members of the household before placing the child. This is particularly relevant to identifying issues such as domestic violence, substance misuse and adults’ mental health which may impact on the child's safety.

**4.** **Process**

When a team responsible for the welfare of a child subject to a Care Order decides that a placement with parents may be appropriate, the Team Manager will convene a Planning Meeting to discuss the situation. It is essential that all relevant people are invited to this Planning Meeting, and that if relevant people are unable to attend, that their views are sought in advance.

The views of the IRO must be obtained and recorded by the Social Worker prior to the Planning Meeting being held.

If the Planning Meeting agrees that a placement with parents is appropriate, a recommendation can be made to apply for approval of such a placement by the Head of Service. The Planning Meeting recommendation should not be taken to mean that the placement has been agreed, only that the decision to place with the Parents has been recommended and this needs final approval from the Head of Service.

The Local Authority should always consider whether the [**Care Order**](http://trixresources.proceduresonline.com/nat_key/keywords/care_order.html) is still required. The Authority and parents may agree to apply to discharge the Care Order; such an agreement must include the level of future support and supervision by the Local Authority, and co-operation by parents. The Authority must provide such services and support to the parents as appear to be necessary to safeguard and promote the child's welfare, and record details in the [**Care Plan**](http://trixresources.proceduresonline.com/nat_key/keywords/care_plan.html) and [**Placement Plan**](http://trixresources.proceduresonline.com/nat_key/keywords/placement_plan.html).

In order to ensure an efficient response, the Service Manager should at this stage liaise with the Head of Service, and notify them that a request for placement under the 2010 Regulations is forthcoming. At this stage, the Head of Service can advise the Service Manager of any additional issues that need to be clarified before a decision can be made.

This will then be passed to the relevant Team Manager, who will ensure that enquiry letters are sent to all relevant agencies.

If responses from other agencies are received before information is sent to the Head of Service (see below) then they should be incorporated into this information. However in some cases, the information will not be received in time. Information should still be sent to the Head of Service by the social worker and the report should clearly indicate which checks have been received and which are still awaited.

The child's Social Worker will prepare a report for the Head of Service that includes:

* Basic details of young person;
* Details of proposed placement;
* Reasons for proposed placement;
* Plan for monitoring of the placement (including involvement of other agencies);
* Progress and outcomes of checks with other agencies;
* The views of other relevant agencies.

A copy of this report will be saved onto the child’s file.

The child's Social Worker will also, in partnership with the parent, complete an agreement between the Local Authority and the parent, detailing the proposed placement, monitoring plans and any additional conditions.

This information, together with electronic case files, will be reviewed by the Team Manager and then sent to the Service Manager for approval. If the Service Manager is in support of the proposed placement, and if the Service Manager believes that the report is of sufficient quality, the Service Manager will send the documentation to the Head of Service for approval.

It is crucial that the Head of Service has sufficient time to give the request their full consideration. The Head of Service may have additional questions or may want the Social Worker to make changes to the report. For this reason the documents should be sent to the Head of Service in a timely way and the Head of Service should always have a minimum of five full working days in which to consider the request. Social Workers, Team Managers, Legal Services and Service Managers should always take account of this when developing timetables.

The Head of Service will make a decision within 5 working days of receipt of the information. However this may be a provisional decision, contingent on the outcome of any background checks that have not yet been received yet. Dates of decisions should be clearly recorded in the child’s file.

The Social Worker should ensure that all relevant parties are notified in writing of the placement once it is made. This includes:

* The Independent Reviewing Officer;
* Relevant partner agencies (including school, health etc);
* Any non-resident parent;
* Any other person who has parental responsibility for the child;
* Any person who has contact with the child by virtue of an order under S34 Children Act 1989.

The letter should make the child's legal status clear as well as the fact that the Local Authority share **parental responsibility**. Where this placement is in another local authority area, the child's social worker should ensure that the procedure for notifying that Local Authority of the placement is followed.

The child's Social Worker will ensure that the relevant CLA documentation e.g. CLA [**Care Plan**](http://trixresources.proceduresonline.com/nat_key/keywords/care_plan.html), Risk Assessment etc. are updated to show that the plans for the child have changed and the reasons for this. Case notes and Chronology on the child’s file should also record significant events and Team Manager should ensure there is management oversight for recording rational for decision making.

**5.** **Supervision of Placement**

When a placement is made under the 2010 Regulations, the Local Authority continues to share [**Parental Responsibility**](http://www.proceduresonline.com/resources/keywords_online/nat_key/keywords/parental_respons.html) for the child, and hence, the child remains [**Looked After**](http://www.proceduresonline.com/resources/keywords_online/nat_key/keywords/looked_after.html). For this reason, all the statutory monitoring mechanisms for looked after children continue to apply. [**Looked After Reviews**](http://www.proceduresonline.com/resources/keywords_online/nat_key/keywords/looked_aft_review.html) and Statutory Visits are still required.

Looked After Reviews are required to take place at the following intervals:

* Within 20 working days of the start of the placement;
* Within 3 months of the first review;
* Thereafter at 5 monthly intervals.

In order to ensure that the first review can take place within 20 working days of placement, the Social Worker should ensure that the child’s [**IRO**](http://www.proceduresonline.com/resources/keywords_online/nat_key/keywords/indep_reviewing_officer.html) is kept informed once the decision is made to apply for approval of the placement (e.g. following the Planning Meeting).

The Looked After Review for a child placed with parents will be conducted in the same way as for a child in a Local Authority placement. All relevant paperwork and documents should be completed in the usual way by the Social Worker.

Statutory Visits should take place at the following intervals:

* Within one week of the start of the placement;
* Every 6 weeks for the first year;
* Thereafter, at intervals of not more than 6 weeks (3 months if the placement is intended to last until the child is 18).

If the child is placed with parents pending assessment (Regulation 19), social work visits must take place at least once a week until the first Looked After Review, thereafter at intervals of not more than 6 weeks.

If the child is placed with parents under a Care Order, a visit should take place within one week of the Care Order, thereafter at intervals of not more than 6 weeks.

NB for young people aged over 16 years, Statutory Visits are not a legal requirement. See Section 8 for more information.

Statutory visits to a child placed with parents should be treated in the same way as for a child in a Local Authority placement, and should be recorded within case files (red ink should be used etc).

As with all cases, the level of supervision should reflect both need and the level of concern and be discussed and agreed in formal supervision sessions that are recorded and transferred onto the case file contact notes.

Where there is a significant incident or issue (such as a change in the people in the household, the child going missing from home, an increase in the level of risk to the child) the social worker must notify the Service Director and Independent Reviewing Officer in writing within five working days in the form of an addendum to the Placement with “P” Report.

## 6. Planning

The primary purpose of placements under the 2010 Parents Regulations is to test rehabilitation. It is therefore expected that if the placement continues, and the child remains with his or her parents, that consideration will be given to discharge of the Care Order to avoid a child remaining looked after for longer than is necessary. This should be considered in LAC Reviews.

Discharge of the Care Order can only be achieved by application to the court, and approval for such an application by Children's Social Care can only be given by the Service Director after a Planning Meeting has been held.

If this Planning Meeting recommends discharge of the Care Order, a request will be made to the relevant Service Director for approval of this plan.

## 7. Termination of Placement

If it is decided that the placement is no longer in the child's best interests, Children's Social Care have a duty to terminate it. This should be the subject of a specially arranged [Looked After Review](http://trixresources.proceduresonline.com/nat_key/keywords/looked_aft_review.html) and should be treated where possible like the breakdown of a Local Authority placement. The parents need to be fully consulted about the concerns held by the Local Authority and their views, together with the views of all relevant professionals should be considered by the Local Authority before a decision is made. Legal advice should also be obtained by the child’s Social Worker or Team Manager.

In Re DE (A Child) [2014], the High Court stated that not less than fourteen days’ notice of a removal of the child should be given to the parents, save in an emergency.

The Court further stated that any removal of a child in circumstances where the child's welfare does not require immediate removal, or without proper consideration and consultation, is likely to be an unlawful interference with the rights of the parent and child under Article 8 of the European Convention on Human Rights.

If the situation is an emergency (i.e. a situation that would justify application for an Emergency Protection Order if the child were not already looked after), the Team Manager can take the decision to remove the child from the placement immediately, following consultation and the agreement of a Service Manager or Head of Service.

When the placement has been terminated, the Social Worker should ensure that all relevant agencies are notified (including the Local Authority in which the child is placed) and that the Head of Service is also informed. The child’s electronic case file should also be kept updates with all significant events in line with case recording guidance.

**8.** **Immediate Placements**

In some cases, an immediate placement with parents may be necessary. The Children Act 1989 makes provision for such placements in emergencies, and these placements can be made before the checking/assessment process is completed. However, the Social Worker must:

* Interview the proposed carer to ensure that they understand their responsibilities, and to obtain as much information as possible;
* Inspect the accommodation to ensure that basic needs will be met;
* Obtain as much information as possible about any household members;
* Checks (at least verbally) with police and health, to assess whether there are any [**Child Protection**](http://trixresources.proceduresonline.com/nat_key/keywords/child_protection.html) concerns;
* Seek approval from Head of Service before a placement is made;
* Complete the same placement agreement;
* All other checks and assessment should be completed within six weeks of the start of the placement.

**A ‘Working Agreement’ should be completed by the practitioner with the parents to clarify the expectations of the parent(s) and ensure the child is safeguarded and their needs are met during this temporary phase before the Statutory Review.**

**End**