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Improving Permanence for Looked After Children

Improving Permanence for Looked After Children

This document consults on a range of proposals to strengthen the team around the looked after child, improve the status, security and stability of long term foster care and to strengthen the requirements for returning children home from care.

To Local authority childrens services, fostering services, foster carers, residential workers, parents, families, children and young people, education and healthcare professionals

Issued 30 September 2013

Enquiries To If your enquiry is related to the policy content of the consultation you can contact the Department by telephone on 0370 000 2288 or by email: ImprovingPermanence.CONULTATION@education.gsi.gov.uk

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If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: consultation.unit@education.gsi.gov.uk by telephone: 0370 000 2288 or via the Department's contact us page at: <https://www.education.gov.uk/help/contactus>

1 Executive Summary

- 1.1 This document consults on a number of proposals on strengthening the team around the looked after child, securing permanence for looked after children, improving the status, security and stability of long term foster care and strengthening the requirements for returning children home from care, a summary of which is set out below.
- 1.2 The proposals were developed following extensive discussions with two expert groups – one on Long Term Foster Care and another on Return Home from Care. These expert groups included representatives from national organisations, academics, local authority managers and practitioners and foster carers.
- 1.3 Those practitioners involved in fostering and wider children in care services will have a specific interest in reading the proposals. Views are also welcomed from others who have an interest in these areas. The Adolescent and Children’s Trust (TACT) will be consulting with a group of young people in its care on the proposals. Views from other organisations in the sector who work with looked after children and young people are also welcomed.
- 1.4 The closing date for responses to the consultation is **29 November 2013**. The Government’s response will be published in spring 2014. Revised statutory guidance will be published in advance of the changes coming into force in summer 2014.

2 Strengthening the team around the looked after child

2.1 Delegated authority, paragraphs 8.1 - 8.6

In July 2013, changes were made to the statutory framework (regulations and guidance) to require a child’s placement plan to say, for specified key areas of decision making, who has authority to take the decision. Statutory guidance made clear the expectations for delegation to foster carers and registered managers of children’s homes. This guidance also required local authorities to have a published policy on delegation of authority to foster carers and registered managers.

We now propose to strengthen this further by introducing a requirement that

delegated authority must be considered at every review of the care plan to ensure that changes in relationships, particularly in long term placements, are reflected in how day-to-day decisions are made.

2.2 Looked After Childrens Reviews, paragraphs 8.7 - 8.8

Those caring for children on a day-to-day basis in foster homes or residential homes are generally the people that know the child best. The Children Act 1989 Guidance and Regulations, Volume 2: Care Planning, Placement and Case Review (referred to throughout this document as 'the guidance') is clear that the child's carer should be invited to reviews as they provide 'the day-to-day parenting for the child and cannot do this effectively and deliver the actions set out in the placement plan if s/he is not part of the care planning and decision-making process' (paragraph 4.23). Discussions with foster carers suggest they are not always invited to review meetings. Therefore, we propose to make clear the expectation that local authorities ensure foster carers or the registered manager of a children's home are invited to review meetings where these are held.

3 Securing permanence for looked after children

3.1 Amending the definition of permanence in statutory guidance, paragraphs 9.1 - 9.3

The current framework for permanence includes three elements – emotional, physical and legal permanence. The legal element suggests that for permanence to be secured, the carer must have parental responsibility. Although current guidance states that long term foster care is a permanence option, it is not widely considered as such, as foster carers do not, and cannot, hold parental responsibility. We propose, therefore, to slightly amend the definition to address this anomaly.

3.2 Introducing a duty to publish a local policy which outlines the approach and local framework for securing permanence for looked after children, paragraphs 9.4 - 9.7

We propose to require local authorities to publish a local policy which outlines how they will achieve permanence for all looked after children – whether this is through planned and supported return home, family and friends care, long term

foster care or through a legal order such as residence, special guardianship or adoption.

Local authorities could also consider including staying put arrangements – where young people are able to remain with their former foster carers beyond 18 – in their permanence policies.

4 Improving the status, security and stability of long term foster care

4.1 Defining long term foster care in legislation, paragraphs 10.4 - 10.7

Long term foster care is the only permanence option without a formal legal definition. Other permanence options such as special guardianship and adoption are clearly defined in statute.

We therefore propose to introduce a legal definition of long term foster care in regulations.

4.2 Empowering foster carers to request assessment as a long term foster carer for a particular child, paragraphs 10.8 - 10.11

Foster carers we spoke to as part of our work on the *Improving Fostering Services Programme* reported frustrations that local authorities sometimes dismissed their requests to be considered as long term foster carers for a child in their care.

We want to empower foster carers so they can request an assessment to become the long term foster carer for a particular child.

4.3 Establishing minimum requirements for a formal decision making process, paragraphs 10.12 - 10.16

Many long term foster care placements become long term as a result of placement drift. Where a short term placement is relatively settled and the decision to continue the arrangement is taken there is often no proactive action to confirm the arrangement as long term. Decisions about whether a placement should be long term require careful consideration both of the child's immediate and future needs and the foster carer's capacity to meet these

needs.

In order to improve the way decisions are taken about long term foster care arrangements, we propose to introduce minimum requirements for a decision making process to include a formal assessment, sign off by a nominated officer¹, written confirmation of the decision and a formal process for disrupting the arrangement.

1 - Nominated officer is defined in the Care Planning, Placement and Case Review (England) Regulations 2012 as a senior officer of the responsible authority nominated in writing by the director of childrens services for the purposes of these Regulations.

4.4 Introducing a more flexible model of social work support for long term foster care placements, paragraphs 10.17 - 10.22

Currently, local authorities are required to visit children who have been in a placement for more than a year at intervals of not more than three months.

Where a long term foster care arrangement is formally agreed, and has been in place for at least a year, we propose to reduce the requirement for visits to children to visits at intervals of not more than six months.

This would be the minimum expected frequency of visits. The frequency of visits will continue to be a matter to be considered, discussed, agreed and reviewed as part of the care planning process.

4.5 Introducing a more flexible model of reviews for long term foster care placements, paragraphs 10.23 - 10.29

Local authorities have a duty to review the case of a looked after child within 20 days of the child becoming looked after, three months after the first review and then six monthly thereafter. This is a minimum requirement.

The formal element of the review will usually involve a meeting or a series of meetings, usually referred to as “the review meeting”. Where a long term foster care arrangement has been formalised through a decision making process and where it has been in place for over a year, we propose to make it clearer that while the requirement to review a child’s case will remain at intervals of not more than six months it may be appropriate to reduce the number of review

meetings from six monthly to once a year, where this is in the child's best interests.

We also propose to make changes to what must be considered at the review in long term foster care arrangements.

5 Strengthening the requirements for returning children home from care

5.1 For many children permanence is achieved through a successful return home. However, research shows that almost half (47%) of children who returned home re-entered care. In total two-thirds (64%) of children who returned home experienced at least one failed return and a third had oscillated in and out of care twice or more². Many returns home were characterised by a lack of support.

2 - The Reunification of Looked After Children with their Parents: Patterns, Interventions and Outcomes. Farmer E, Sturgess W and O'Neill T (Jessica Kingsley Press. 2006).

5.2 Introduce a duty to set out a return plan when a voluntarily accommodated child returns home, paragraphs 11.7 - 11.9

We propose to introduce a requirement for the local authority to set out the 'return plan' before a voluntarily accommodated child returns home to ensure that all the necessary preparation for the return is carried out and the appropriate support and services are offered and in place.

Where a voluntarily accommodated³ child is removed from care by a person with parental responsibility we propose to introduce a requirement that a review must be scheduled within 10 days to discuss and agree whether any further action is required as a result of the unplanned return home. This review should take place even where parents no longer wish to engage with or receive support from the local authority.

3 - A child looked after under section 20 (s20) of the Children Act 1989 is a child accommodated by the local authority with the agreement of those with parental responsibility.

5.3 Introduce a requirement for nominated officer sign off for the decision to return a voluntarily accommodated child home, paragraphs 11.10 - 11.11

Children who are voluntarily accommodated may be particularly vulnerable. The child and their family will need support to ensure they have the greatest chance of a successful return home and to minimise the need for them to return to care.

We propose to introduce a requirement that a nominated officer must sign off the decision to return a voluntarily accommodated child home. They must assure themselves that a robust assessment has been undertaken, the child's wishes and feelings have been taken into account and that services to support the return home will be provided.

5.4 Introduce a duty on local authorities to offer to visit children who had been voluntarily accommodated after they return home, paragraphs 11.12 - 11.17

Many children, who are voluntarily accommodated and return home, re-enter care. This is often the result of a lack of appropriate assessment and preparation before and support after they return home.

We propose to introduce a requirement for the local authority to offer visits as part of the support package following return home, where this is appropriate. This would be in agreement with the parents or person who will have care of the child. These arrangements should then be recorded in the child's plan drawn up to identify supports and services needed to ensure the return home is successful.

6 Your views

6.1 We are interested in your views on our proposals and the amendments to the Regulations.

There may be other areas that you think should be considered. We would be interested in hearing your views on what these might be and how they might strengthen the team around the looked after child, increase the status, security and stability of long term foster care and strengthen the framework and support for children returning home from care.

We will be making changes to the statutory guidance and national minimum standards following the conclusion of this consultation. We will consult a range of stakeholders on those changes. Those stakeholders will include the Association of Directors of Children's Services, the Local Government Association, the British Association for Adoption and Fostering, Coram, the Fostering Network, the Nationwide Association of Fostering Providers, The Who? Cares Trust, the Family Rights Group, the NSPCC, Ofsted and working groups including foster carers and other front line practitioners.

7 Background and Context

7.1 The Government is committed to improving permanence for all looked after children.

Achieving permanence is multifaceted. It requires children to experience not only physical permanence in the form of a family they are a part of and a home they live in but also a sense of emotional permanence, of belonging and the opportunity to build a strong identity. Legal status may also impact on children's sense of permanence. In many circumstances looked after children will need support to make sense of being part of two families or to manage complex and sometimes difficult relationships and loyalties.

Providing security and stability for looked after children must be the primary objective of everyone involved in delivering a high quality care service for our most vulnerable children. Providing stability relies on identifying the right placement for a child early in their care journey whilst ensuring that individual and family needs are properly assessed and support services provided in order to achieve early permanence.

8 Chapter 1: Strengthening the team around the looked after child

8.1 This Government wants everyone that works with looked after children to feel valued and respected and part of the team around the looked after child.

8.2 Central to securing good outcomes for looked after children is an effective team around the child and their birth family. It is important that each member of the team – the foster carer or residential worker, supervising social worker and

child's social worker - understands and is able to perform their own role and that they also understand and respect the roles of the other members of the team.

- 8.3** Where practice is good, foster carers and residential workers are routinely involved in every aspect of the child's life. They attend the child's reviews, their views are actively sought and authority is delegated to them to make day-to-day decisions. In some cases, foster carers report that they are excluded from meetings and decisions are taken without their views being sought – despite the fact that they are caring for the child and are likely to understand what the child thinks and feels more fully than others.
- 8.4** Effective delegation of authority makes a big difference to the lives of looked after children. Where foster carers or the registered manager of a children's home are able to make these day-to-day decisions, children are able to enjoy the same experiences as their peers.
- 8.5** Relationships between children and their carers' and between carers and birth families develop over time. A parent's initial reluctance to delegate authority to the carer must be reviewed as the relationship and trust between the carers, children and parents grows.
- 8.6** We propose to introduce a requirement for delegation of authority to be discussed at every review. Keeping delegated authority 'on the agenda' as a live discussion topic will hopefully lead to better delegation of authority to carers. This will enable them to carry out their caring role and form appropriate relationships with the children in their care so children can experience a full family life.

Question 1: *Do you agree that delegated authority should be discussed at every review? If not, please explain why.*

- 8.7** The guidance (paragraph 4.16) is clear that meetings involving solely 'professionals' concerned with the child's care are not considered part of the review process.
- 8.8** We therefore propose to introduce a requirement for the Independent Reviewing Officer to ensure that the wishes and feelings of foster carers or the registered manager of a children's home have been ascertained and taken into account as part of the review process. We are also proposing to strengthen

the guidance to make clear that where review meetings are held the foster carer or the registered manager of a children's home should be invited to attend.

Question 2: *Do you agree that the wishes and feelings of foster carers and registered managers should be ascertained and taken into account as part of the review process? If not, please explain why.*

Question 3: *Do you agree that foster carers and registered managers should be invited to review meetings where these are held? If not please explain why.*

9 Chapter 2: Securing permanence for looked after children

9.1 Local authorities should provide a range of placement options to ensure that the right placement is available for every child. For many children returning home to their family after a period in care will be the route to permanence. For others, returning to other family or friends under a formal or informal arrangement will be the setting they need in order to thrive. Remaining in care with a long term foster family or finding a new family through adoption, special guardianship or residence orders are other routes to permanence.

9.2 The expert group felt that the definition of permanence in the guidance excluded long term foster care as a permanence option because foster carers do not have any parental responsibility for looked after children. We propose, therefore, to amend paragraph 2.3 of the guidance slightly to address this as follows: *'Permanence is the framework of emotional permanence (attachment), physical permanence (stability) and legal permanence (the carer has parental responsibility for the child) which gives a child a sense of security, continuity, commitment and identity. 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. Permanence provides an underpinning framework for all social work with children and their families from family support through to adoption. **This may include arrangements where the local authority and birth parents share parental responsibility and the carer has made a long term commitment to the child**'. 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.

Question 4: *Do you agree that the definition of permanence should be amended so that it encompasses long term foster care? If not, please explain why.*

- 9.3** The expert group also felt that the guidance should be amended to ensure that long term foster care could be considered, not only where an attachment has already formed between the child and their carer but also where a match is made between a child or children and foster carers approved for long term foster care. Therefore we propose to amend paragraph 2.4 of the guidance as follows: ***‘Another important route to permanence is long term foster care. This option may be as a result of a short term arrangement where attachments have already been formed or where it has been identified that this is the most appropriate option for the child and long term foster carers have been sought as a result of this’.***

Question 5: *Do you agree that the guidance on long term foster care as a permanence option should be amended in this way? If not, please explain why.*

- 9.4** Data demonstrates that too many children experience placement instability or placement drift because care planning is often not good enough despite a robust statutory framework. The expert group felt that the introduction of a requirement for local authorities to publish a permanence policy, setting out the approach to securing permanence, would encourage greater organisational ownership, provide a consistent framework for professionals to work within and provide clarity for children, young people and their families who access services and/or who are looked after by the local authority.
- 9.5** We would also expect local authorities when developing their permanence policy to consider the merits of including staying put arrangements – where young people are able to remain with their former foster carers beyond 18 – in their permanence policies.
- 9.6** Introducing a requirement for a permanence policy will fit with the new Ofsted inspection framework for looked after children services which includes a focus on the ‘quality of care planning, review and support for children in care and care leavers’ and ‘placement stability’.

- 9.7 One of the local authorities represented on the expert group has developed and published a local policy on permanence. This policy also integrates their Family and Friends policy, which is separately required by statutory guidance.

Question 6: *Do you agree with the proposal to introduce a requirement for local authorities to publish a permanence policy? If not, please explain why.*

10 Chapter 3: Improving the status, security and stability of long term foster care

- 10.1 Data in the recently published *Improving Permanence for Looked After Children* data pack⁴ suggests that long term foster care can be the most appropriate permanence option for a significant minority of fostered children.

4 - 6,290 children 17% of all fostered children between 5 and 18yrs - had been in the same foster placement for more than five years http://media.education.gov.uk/assets/files/pdf/i/final_improving_permanence_data_pack_2013_sept.pdf

- 10.2 These children may have complex needs, present challenging behaviours and require support to manage complex relationships with their birth families. Long term foster care enables children to live within a loving family environment that provides the security and stability they need until adulthood, whilst receiving on-going support through the care system.
- 10.3 The expert group felt that there were a range of changes that, if introduced, would lead to a better experience for looked after children in long term foster care. We want to encourage greater scope for professional judgement and decision making at the start of the process, better quality discussions with foster carers about their support needs which lead to the development of a support model that flexibly responds to the child's needs rather than being constrained by the review process.

Defining long term foster care in legislation

- 10.4 Long term foster care is the only permanence option without a formal legal definition. Other permanence options, e.g. special guardianship and adoption are clearly defined in legislation and guidance.
- 10.5 To help increase the status and stability of long term foster care arrangements

we propose to introduce a legal definition of a long term fostering placement, as follows, in the Care Planning, Placement and Case Review (England) Regulations 2010.

"long term fostering placement" means arrangements made by the responsible authority for C to be placed with F where –

- i. the long term plan for C's upbringing is fostering,*
- ii. F has agreed to accommodate C until C ceases to be looked after,*
- iii. the arrangements have been agreed by the nominated officer."*

10.6 The aim is to ensure that long term foster care arrangements can be recognised through a formal decision making process and supported as stable, permanent placements where it has been identified that this arrangement is the most appropriate placement for a child.

10.7 Introducing a formal definition of long term foster care will also enable local authorities to collect information about all permanence options for looked after children and offer, for the first time, a complete picture of how permanence options are being used.

Question 7: *Do you agree that the proposed definition for long term foster care covers the core elements of the arrangement? If not, please explain why.*

Empowering foster carers to drive the decision making process to recognise their long term commitment to the child in their care

10.8 Foster carers we spoke to as part of our work on the Improving Fostering Services Programme reported frustrations that local authorities often dismissed their requests to be considered as long term foster carers for children in their care. They also described circumstances where children who had been in their care for many years were removed for financial reasons or as a result of allegations and not returned to placement when the allegation was unfounded and return would have been in their best interests.

10.9 We want to empower foster carers to make a long term commitment to a child in their care by introducing a duty on local authorities to carry out an assessment of the foster carer(s) suitability as a long term foster carer(s) for a particular child where the decision is that a long term foster care arrangement is the right placement option. Foster carers would be able to request an assessment where the child has been in placement with them for at least a year

or where they currently foster the child or have fostered the child for three of the last five years.

- 10.10** The assessment should consider the long term needs of the child and the foster carer's capacity to meet those needs (with support if necessary). After a robust assessment, to be carried out within three months, local authorities would be required to provide the outcome of the assessment, to the foster carer, in writing within 10 days. Where the judgement is that the foster carer would not be able to meet the long term needs of the child, the local authority should clearly set out in writing the reasons for the decision.
- 10.11** We propose to make it clear in guidance that this provision only offers the right to be assessed as a long term foster carer for a particular child not the right to become a long term foster carer for that child.

Question 8: *Do you agree that foster carers should be able to ask a local authority to assess them as a long term foster carer for a particular child? If not, please explain why.*

Question 9: *Is three months a reasonable period within which to make such an assessment? If not, please explain why.*

Establishing minimum requirements for a formal decision making process

- 10.12** Many long term foster care placements become long term as a result of placement drift, often because no proactive action is taken if a placement that started as a short term placement is relatively settled. Decisions about whether a placement should be long term require careful consideration, both of the child's long term needs and the foster carer's capacity to meet those needs.
- 10.13** In order to improve the way these decisions are taken, we propose to introduce minimum requirements for a formal decision making process, which includes:
- a formal assessment including consideration of what support will be needed/provided to maintain the placement;
 - clear role and responsibilities of the decision maker (nominated officer);
 - written confirmation within 10 working days of the decision to the parents and other person(s) with parental responsibility for the child, the child (where appropriate), the foster carer(s) and the Independent Reviewing

Officer; and

- a formal process for termination of long term fostering placements (must be signed off by nominated officer) and for a disruption meeting to be held where appropriate

10.14 We do not intend to set out a particular process, it will be for local authorities to decide how they implement these requirements.

Question 10: *Do you agree with the proposal to introduce minimum requirements for a decision making process for long term foster care? If not, please explain why.*

Question 11: *Do the proposed minimum requirements seem adequate or are there others that we should consider? If so, please set out what additional / alternative requirements you think would be helpful.*

10.15 We propose that the requirement to provide written confirmation of the decision must include:

- the terms of the arrangement including what support (financial and other) will be provided and over what period;
- details of decisions that the foster carer(s) can make without seeking agreement of the local authority or birth parent;
- the process by which a long term foster care placement may be disrupted;
- the agreed arrangements for reviews; and
- details of the nominated officer who made the decision.

Question 12: *Do you agree with the proposed content of the written confirmation? If not, please explain why.*

10.16 The child's placement plan must be updated to include the information above. The placement decision and details of the nominated officer who made the decision should also be placed on the child's case record.

Question 13: *Do you agree with the proposal to introduce a requirement for decisions about a long term foster care arrangement to be confirmed in writing? If not, please explain why.*

Introducing a more appropriate and flexible model of social work support for long term foster care placements

- 10.17** Foster carers we spoke to as part of our work on the *Improving Fostering Services Programme* felt that when they had been caring for a child for a number of years, and where the child was settled in that placement, that there should be a more flexible approach to social work support. Visits have a number of purposes, these include:
- enabling the child to share their experiences, both positive and negative, with their social worker;
 - providing an opportunity to talk to the child and offer reassurance if they are feeling isolated and vulnerable while away from family and friends;
 - evaluating and monitoring the achievement of actions and outcomes set out in the care and placement plans;
 - identifying any difficulties the child may be experiencing and any additional support from services that may be needed and providing advice on responding to the child's behaviour; and
 - monitoring contact arrangements, how the child is responding to them and any additional support needed to ensure they are a positive experience for the child.
- 10.18** Where the child has been in placement for a year and the intention is for the child to remain in the fostering placement until they leave care, the current requirement is for visits to take place at intervals of not more than three months.
- 10.19** The expert group felt that it is important to balance the need to safeguard the child's welfare with the need for them to experience family life. They also felt that it was important that foster carers and social workers worked together in partnership to offer the child the best chance of a stable, loving family.
- 10.20** Therefore, we propose to reduce the requirement for visits to children in formalised long term foster care arrangements from intervals of no more than three months to intervals of no more than six months where the arrangement has been in place for at least a year.
- 10.21** If required, social work visits in long term foster care arrangements could be more frequent. The proposed amendment to legislation sets a minimum

expected frequency for visits - the care planning process provides a framework to ensure that the needs of the child are identified and a plan for meeting these is agreed. Therefore, frequency of social work visits should be agreed on an individual basis and recorded in the child's care plan.

- 10.22** There will remain a requirement for local authorities to arrange a visit whenever reasonably requested by the child or foster carer regardless of the status of the arrangement.

Question 14: *Do you agree with the proposal to introduce more flexible requirements for social work visits to children in long term fostering arrangements? If not, please explain why.*

Introducing a more flexible model of reviews for long term foster care placements

- 10.23** Local authorities have a duty to review the case within 20 days of the child becoming looked after, again three months after the first review and then six monthly thereafter. This is a minimum requirement as a review should take place as often as the child's circumstances require. No significant change can be made to the child's care plan unless it is considered at a review, unless that is not reasonably practicable.
- 10.24** The guidance is clear that the formal element of the review will usually involve a meeting or series of meetings. While a review meeting is not a statutory requirement it is nearly always the case that these meetings happen every six months for almost all looked after children.
- 10.25** Where a long term foster care arrangement has been formalised through a decision making process and where it has been in place for over a year, we propose to make it clear in guidance that while the review process should continue every six months the review meeting may only need to happen once a year, where this is in the child's best interests.
- 10.26** The child's social worker and the Independent Reviewing Officer (IRO) with responsibility for the child's case would still be expected to carry out the **review process** at six monthly intervals – contacting all relevant parties to ensure that the child's welfare is being appropriately safeguarded and promoted, recording and communicating where changes to the care plan have been made and ensuring that actions from previous reviews have been undertaken.

10.27 This would be subject to the existing guidance at paragraph 4.6 of the guidance which states “*A review should take place as often as the circumstances of the individual case require. Where there is a need for significant changes to the care plan, then the date of the review should be brought forward.*”

Question 15: *Do you agree that there should be a more proportionate approach to reviews which reflects the long term nature of the arrangement? If not, please explain why?*

10.28 In formalised long term foster care arrangements where a robust assessment has taken place and a formal decision is taken that the arrangement should last until the child ceases to be looked after, we propose to remove the requirement for each review to consider:

- whether the responsible authority should seek any change in the child’s legal status;
- whether there is a plan for permanence; and
- whether the placement continues to be appropriate.

10.29 However, in these cases we propose to add a requirement for the reviews to include:

- whether the existing support and services being provided remain appropriate;
- whether at the point of the review meeting, it is considered necessary for the next review meeting to be held less than a year from that date.

Question 16: *Do you agree with the proposed changes to what must be covered in a child’s review where the child is in a formalised long term foster care arrangement? If not, please explain why.*

11 Chapter 4: Strengthening the requirements for returning children home from care

11.1 Children who return home from care are the largest single group of children who cease to be looked after in any one year. Research shows that careful assessment of needs, evidence of improvements in parenting capacity, slow

and well managed return home and the provision of services to support children and their families after the return were associated with a positive experience of reunification which lasted.

- 11.2** For many children permanence is achieved through a successful return home. However, research shows that almost half (47%) of children who returned home re-entered care. In total two-thirds (64%) of children who returned home experienced at least one failed return and a third had oscillated in and out of care twice or more². Many returns home were characterised by a lack of support.

2 - The Reunification of Looked After Children with their Parents: Patterns, Interventions and Outcomes. Farmer E, Sturgess W and O'Neill T (Jessica Kingsley Press. 2006).

- 11.3** Children on care orders prior to going home are far less likely to return to care than children who are voluntarily accommodated (6% of all the children looked after under a full care order in 2006-7 that returned home had returned by 31 March 2012). 34% of children who were voluntarily accommodated prior to returning home (in 2006-7) had returned to care by 31 March 2012.

- 11.4** We are proposing to strengthen the current care planning framework for those children who are voluntary accommodated and return home. There are already clear requirements for planning and support when a child who is the subject of a care order returns home.

- 11.5** Following extensive discussions with our expert group, we propose a multifaceted approach to improvements in this area including:

- raising awareness of the need for improvements in return home from care by publishing a [data pack](#)⁶, including data on the costs of successful and unsuccessful returns home, published on 6 September;
- identifying and promoting good practice by commissioning research with a small number of leading local authorities;
- using the evidence based interventions programme to commission and develop targeted and effective interventions to support return home; and
- making small but significant changes to the statutory framework to improve the focus and priority given to those children who are 'voluntarily accommodated' and are currently returned home with little or no on-

going support.

6 - <http://www.education.gov.uk/childrenandyoungpeople/families/childrenincare/a00227754/looked-after-children-data-pack>

11.6 The proposed changes to the statutory framework include:

Introduce a duty to set out a return plan when a voluntarily accommodated child returns home

11.7 Children who are voluntarily accommodated can be removed from care at any time by a person with parental responsibility. Currently, guidance states that *‘where possible and appropriate, a review should be held in order to ensure that the plan to be drawn up will be appropriate and that all agencies concerned appreciate and act on their roles and responsibilities when the child is no longer looked after’*⁷

7 - Para 5.5 of Volume 2: Care Planning, Placement and Case Review guidance.

11.8 We propose to introduce a requirement for the local authority to clearly set out the ‘return plan’ which would include the arrangements for services and support to be provided prior to and on return home.

Question 17: *Do you agree with the proposal to introduce a requirement to clearly set out a ‘return plan’ before a voluntarily accommodated child returns home? If not, please explain why.*

Introduce a duty to hold a review where the return home of a voluntarily accommodated child is unplanned

11.9 Where a child is removed from care (e.g. not as a planned move through the care planning process) by a person with parental responsibility or where, if they are 16 or 17, the child leaves care without notice, we are proposing to introduce a requirement to hold a review within 10 days to discuss and agree whether any further action is required as a result of this unplanned return home. This might include what advice, assistance and support will be offered to the child/family.

Question 18: *Do you agree that local authorities should be required to convene a review within 10 days of a voluntarily accommodated child ceasing to be looked after as a result of being removed from care by a person with parental responsibility? If not, please explain why.*

Introduce a requirement for nominated officer sign off for the decision to return a voluntarily accommodated child home

11.10 Children who are voluntarily accommodated may be particularly vulnerable. The child and their family will need support to ensure they have the greatest chance of a successful return home.

11.11 We propose to introduce a requirement that a nominated officer must sign off the decision to return a voluntarily accommodated child home where this is part of the care planning process. The nominated officer must be satisfied that there has been a robust assessment of the parent's capacity to care for the child and that the care plan sets out the advice, assistance and support that the local authority intends to provide when the child is no longer looked after. The nominated officer must assure themselves that the child's wishes/feelings have been taken into consideration in reaching the decision. The nominated officer must also be satisfied that the IRO, the child's relatives (where appropriate) and other appropriate persons (e.g. the foster carer or registered manager of a children's home) have been consulted.

Question 19: *Do you agree with the proposal to introduce a requirement for a nominated officer to sign off the decision to return a voluntarily accommodated child home? If not, please explain why.*

Introduce a duty on local authorities to offer to visit children who had been voluntarily accommodated and have returned home

11.12 We propose to introduce a requirement for local authorities to offer visits to children and their families following a return home. The details of these visits will be set out in the child's care plan/return plan. It is acknowledged that these visits will be subject to the agreement of the parent or the person who will have care of the child.

Question 20: *Do you agree that local authorities should visit former looked after children as part of supporting a successful return home from care? If not,*

please explain why.

- 11.13** To qualify for such visits the child must not be an eligible child⁸ (as they are already entitled to such support) and must have been looked after for a period, or periods, amounting to 13 weeks. Children who come into care for very short periods of time, e.g. for respite, are unlikely to require the same level of support to settle back into family life than children who have been living away from their family for a significant amount of time.

Question 21: *Do you agree with proposed eligibility criteria of 13 weeks for visits following return home? If not, please explain why.*

8 - An eligible child is a looked after child aged 16 or 17, who has been looked after for a total of at least 13 weeks which began after s/he reached the age of 14, and ends after s/he reaches the age of 16.

- 11.14** We propose that local authorities are required to make a minimum of one visit where a voluntarily accommodated child is returned home, within two weeks of the child going home. This visit should assess the parent's capacity to continue to care safely for the child, how the child is adjusting to life with their family and whether the agreed support plan is adequate or further support, advice or assistance is needed.
- 11.15** Where the formally accommodated child and/or their parent, person with parental responsibility or with care of the child wish the local authority to continue to visit, the local authority must offer to do so for a period of at least one year from the date the child ceased to be looked after.

Question 22: *Do you agree that local authorities should be required to make a minimum of one visit, within a specified timescale, to the child and their family when an accommodated child returns home? If not, please explain why.*

Question 23: *Do you agree that two weeks is an appropriate timescale within which the first visit should take place?*

Question 24: *Do you agree that local authorities should be required to continue to visit and support the child and their family for a period of at least a year after a voluntarily accommodated ceases to be looked after? If not, please explain why.*

11.16 The visiting officer (representative of the local authority) should complete a short report following the visit, place it on the child's file and send a copy to the parents, anyone else with parental responsibility or care of the child, and the child (subject to their age and understanding). The report should cover:

- the child's wishes and feelings about the return home;
- the parent or carers view of how the return home is progressing;
- whether any additional support or services are required to enable the child to remain safely at home; and
- whether the child's welfare is being adequately safeguarded and promoted.

11.17 Where the visiting officer has concerns about the child's welfare the report should be brought to the attention of the nominated officer that signed off the return home so they can consider whether any further action is needed to safeguard and promote the child's welfare and whether there is appropriate support and services in place.

Question 25: *Do you agree with the proposed content of the report? If not, please explain why.*

Transitional arrangements

11.18 It is proposed that the amendments should be implemented immediately upon the coming into force of The Care Planning, Placement and Case Review (Miscellaneous Amendments) Regulations 2014.

Question 27: *Do you foresee any problems with the proposed implementation? If yes, please explain why and what you feel might help to minimise / address the problems.*

12 Additional Copies

12.1 Additional copies are available electronically and can be downloaded from the Department for Education e-consultation website at:
www.education.gov.uk/consultations

13 How To Respond

13.1 Consultation responses can be completed online at:

www.education.gov.uk/consultations

by emailing ImprovingPermanence.CONULTATION@education.gsi.gov.uk

or by downloading a response form which should be completed and sent to: Jamie Roome, Children in Care, Department for Education, 1st Floor, Sanctuary Buildings, Great Smith Street, London SW1P 3BT

14 Plans for making results public

14.1 The results of the consultation and the Department's response will be published on the DfE e-consultation website in Spring 2014. The amended Regulations will come into force in Summer 2014.