



Considering ceasing to look after a child

1. 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 children looked-after 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.
2. 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
3. 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]**.
4. 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. 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)]**.
6. 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)]**.
7. 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.



8. *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.

9. **Decision making**

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 Service Manager **[regulation 39(4)]**.

10. 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 a Service Manager on behalf of the Director of Children's Services **[regulation 39(5)]**.

11. Before granting this approval the Service Manager acting on behalf of the Director 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]**.

12. 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.