

Placement with Parent(s) Procedure, Policy and Guidance



1. Introduction

The ambition for all children is to live with carers in a legally permanent arrangement that does not rely on the continued interventions of the Local Authority.

There are however occasions whereby the Local Authority retain parental responsibility for a child who is living with their parent or a person with parental responsibility. The Manchester Permanence framework, ***Securing Permanence: Policy, Procedure and Practice***, makes it clear that children living at home subject to a Care Order is not a permanence outcome for the child and that this will need to be achieved. Therefore, a child living with a parent or person with parental responsibility should only be a short-term arrangement as part of planning for permanence.

All Placement with Parent arrangements must be agreed by the Deputy Director and reviewed through updated assessment a minimum of 12 monthly. Once an arrangement is agreed, this will be subject to review at each CLA Review following which there will be a management oversight by a Service Lead and Assistant Director (case note). If the arrangement remains in place for 12 months, an updated child and family assessment will be completed, and an update Placement with Parent report referred to the Deputy Director for continued approval.

This guidance applies to any placement of a child living with their parent or a person who holds parental responsibility, and includes children subject to an Interim Care Order and Care Order.

2. Relevant Legislation

2.1 This procedure incorporate the legal framework set out in Regulations 15 to 20 of the Care Planning, Placement and Case Review (England) Regulation 2010 governing practice and decision making regarding the return of children, who are the subject of Interim Care Orders or Care Orders, to the care of those with parental responsibility.

2.2 Schedule 2 paragraph 2 sets out that all local authorities will ensure that the placement plan addresses:

- Details of support and services to be provided to a parent during the placement
- The obligation on a parent to notify the responsible local authority of any relevant change in circumstances, including any intention to change address, any changes in the household in which the child lives and of any serious incident involving the child
- The obligation on a parent to ensure that any information relating to child or child's family or any other person given in confidence to the parent in connection with the placement is kept confidential, and that such information is not disclosed to any person without the consent of the responsible local authority
- The circumstances in which it is necessary to obtain the prior approval of the responsible authority for child to live in a household other than parent's household
- The arrangements for requesting a change to the placement plan;
- The circumstances in which the placement will be terminated in accordance with regulation 19 (c)(ii).

2.3 Section 3.77 of the Care Planning Regulations advises that particular care should be taken in the assessment to inform a decision to place a child with a parent and reminds that:

"A care order cannot be made under the 1989 Act unless the court is satisfied that a child is suffering or is likely to suffer significant harm, and that this is attributable to the care given, or likely to be given, to him/her not being what it would be reasonable to expect a parent to give; or the child being beyond parental control. It is therefore important to be especially careful to ascertain how far those factors that were identified as grounds for the current care order have been addressed before deciding whether a child can be placed back with parents or other person with parental responsibility."

2.4 The guidance reflects that, as set out above, the plan will be most effective when the local authority works in partnership with the parents and that for most children the best place for them to be brought up is within their own family if sufficient change is demonstrated that a child will be cared for with safety assured.

2.5 A child subject to 38(6) Children Act 1989 alongside Interim Care Orders do not require a Placement with Parent authorisation, in these circumstances, the placement is made under the continuing direction of the Court.

3. Planning for Placement with Parents

Parental Responsibility

3.1 Where the Local Authority shares parental responsibility for a child through a Care Order or Interim Care Order, where necessary to safeguard or promote the child's welfare, Children's Social Care can determine the extent of the exercise of parental responsibility by others. If the child is of sufficient age and understanding, then discussions about the plan and parental responsibility must include the child. The placement plan should clearly define the extent to which the parent can exercise parental responsibility without reference to the Local Authority.

3.2 Where the proposed carer is an unmarried father who has not acquired parental responsibility by agreement with the child's mother or by a Court Order, the Local Authority should draw his attention to these provisions. Should he not wish to or is unable to obtain

Parental Responsibility, the placement will be agreed on the basis of delegated rather than shared responsibility.

3.3 The extent of the exercise of parental responsibility will also need to be discussed with a non-parent in whose favour a Residence Order / Child Arrangements Order was in force immediately prior to the Care Order being made when their Parental Responsibility ceased.

Financial Responsibility

3.4 Financial responsibility for the maintenance of the child within a placement with parent arrangement rests with the carer. Social workers in planning such arrangements must ensure that entitlement to benefits and tax credits is considered.

Immediate or Short-Term Placements

Immediate- covers first 5 working days

Unplanned Arrangements - after 5 working days and up to 90 working days or the end of court proceedings

3.5 The Assistant Director can approve an **immediate arrangement for which a brief Placement with Placement report will be required provided that:**

- There are exceptional circumstances which justify an immediate arrangement, and it is consistent with the child's welfare
- There has been an interview with the proposed carer who agrees to the placement
- The accommodation has been inspected and information has been obtained with regard to other people in the household which includes carrying out checks with the police about them;
- It has been imposed on the Local Authority by the Court (in these circumstances Reg 38(6) should be sought)

3.6 The Deputy Director must approve an **unplanned arrangement** after five working days for which a comprehensive placement with parent report is required.

- € short term placements cover 90 working days or placements with parents within court proceedings.
- € a placement with parents will be considered short term when further assessments are required before permanent decisions can be made
- € the total duration of the short-term placement should not exceed 90 working days, or the end of proceedings if after 90 working days or at the end of proceedings the placement with parents is remains in place with a Care Order then a detailed updated PWP assessment needs to be sent to the Deputy Director.

3.7 The reasons for a decision to place a child on this basis must be recorded and inputted by the Team Manager and placed on the child's case record. The Care Plan should be amended within a maximum of seven days of the arrangement. The Independent Reviewing Officer should be informed of the circumstances leading to the immediate arrangement.

3.8 A 'Placement with Parents – Placement Undertaking' must be completed with the parents and in place when the arrangement is activated to outline the expectations of the parent(s) and ensure the child is safeguarded and their needs are met during this temporary arrangement. The undertaking must outline that the parent understands their role and responsibility, acknowledging that the child remains subject to an Interim or Final Care Order.

A Copy of the signed agreement should be uploaded to the child's file. A Placement Plan will need to be completed by the end of the assessment process.

3.9 In **unplanned and immediate placements** the IRO will complete an overview within 7 working days, arrange a visit to the child and complete a review within 20 working days. The 2nd review will be held within 3 months and therefore at intervals of 4-6 months in line with statutory guidance. At each review, the IRO will need to determine that the placement with parent arrangements continues to be suitable and meets all regulatory requirements.

Planned Placements

3.10 It is anticipated that children will move care arrangements in a planned way, this should have the oversight of the partnership within permanency planning meetings.

3.11 The conditions that should inform the decision to place a child with their parents subject to a Care Order include:

- taking the least interventionist approach
- placement with Parents will be a temporary arrangement towards achieving legal permanence
- Multi-agency risk assessments are in place with a clear safety plan
- there is stringent planning and oversight once the child is placed through regular permanence planning meetings

3.12 The parent will need to be engaged in purposeful to achieve agreed improvements with the objective of discharge of the Care Order. The care plan should encourage maximised independence and mobilisation of the family's natural support networks. The family should be directed to the support from universal and targeted services.

3.13 All changes of placement should be endorsed by the IRO through a child's Care Plan Review. **Planned placements** will be reviewed within 20 days and at intervals of 4-6 months thereafter in line with statutory guidance. At each statutory review, the IRO will review the current placement with parent report to ensure this remains relevant, and if required with recommend an update to the assessment to be presented to the Assistant Director within 14 days.

Partnership and consultation

3.14 As part of the assessment process in all circumstances, consultation with and views must be sought from:

- The child/young person
- Both parents (including a parent who is not the proposed carer of the child)
- Any person with parental responsibility
- Any other member of the family who is significant to the child – this may include siblings in the same household as well as extended family members
- Relevant health practitioners including health visitor, school nurse, CAMHS, specialist health providers
- The child's school
- The child's current carer, residential manager or supervising social worker
- The child's legal guardian
- The Probation Service if in contact with the family

- The Police - to include PNC checks on any adult who will be living in the same house as proposed for the child
- The Youth Offending Service if there is any contact with the family;
- The relevant Children's Services Department if the child is placed in another local authority's area
- The child's Independent Reviewing Officer.

3.15 If any concerns about the proposed plan are expressed, this should be provided in writing and form part of the analysis in the placement with parent report. Minutes of a CLA review or permanence planning meeting can be taken as a written consultation with those in attendance.

Child's Views

3.16 Taking into account his or her age and understanding, the views of the child are paramount. The social worker should make sure that the child is given all necessary information and the opportunity to express opinions and develop choices.

When planning for placement with parent, direct work should ensure that children are seen alone and supported to share their aspirations and any worries. This should be uploaded onto the child's file. The child's views should form part of the analysis in the placement with parent report.

3.17. Once an arrangement is in place, direct work must be continued to ensure the intended impact for the child is achieved.

Assessment and Checks

3.18 Irrespective of the views of others, including the Court, an arrangement must not be confirmed or started until the signed authorisation is obtained for all planned and immediate arrangements. The Placement with Parents Assessment should first be signed off by the Team and Service Manager.

3.19 The suitability of the proposed placement should be assessed through:

- a review the child's case file and a summary of the history of family functioning considering any history of domestic abuse, substance misuse, mental health difficulties or involvement with police or probation, parents past and present employment/sources of income and how placing the child back in their care may impact this
- the overall permanence plan for the child
- the wishes and feelings of the child;
- the child's relationship with their parent, siblings and extended family members
- The suitability of the home conditions and suitability to return to home

3.20 The assessment should explore the reasons why the child was separated from the parent, and what changes have taken place that evidence the parent's previous current parenting capacity. This should include review of any expert reports and any findings from criminal or care proceedings. Where a parent has other children, their parenting in this regard should also be included.

3.21 The assessment will need to explore how the parent will meet all of the child's physical and emotional needs, including education and health will be promoted and the child will be protected from any risk of harm. Specific focus should be given to outlining how any child specific needs will be met including any needs arising from religious persuasion, racial origin, cultural and linguistic background as well as disability and how the parent will meet medical need.

4. Post Arrangement Planning

4.1 Once an arrangement is in place, the objective for legal permanence is the focus of the permanency planning meetings and multi-agency support.

4.2 In accordance with the principle of *Right Intervention at the Right Time* a range of services may be considered to support the ambition to achieve legal permanence and discharge the care plan. For children over 11 years, the services of Alonzi House can be considered through the Edge of Care Panel. For children of all ages, Early Help can be secured through presentation to the Locality CIN Clinic. All of these services can support transition to legal permanence and continue as a child in need arrangement to support discharge planning. Consideration should also be given to holding a Family Group Conference if one has not already taken place.

4.3 Families should be encouraged to all take up local universal and targeted services which will extend their natural support networks.

Notifications

4.4 Once the proposal is agreed for the child to be placed with their parent, notifications will be made through the usual change of placement arrangement to:

- Any other parent or person with parental responsibility with whom the child is not going to be living (unless to do so may pose a risk to the child and/or parent)
- Education – school or nursery where the child is or may in the near future attend
- Health – as appropriate – GP, health visitor, midwife, school nurse, dentist
- The Independent Reviewing Officer
- The child's Guardian (where involved)
- If the address of the parent is within another local authority then notification should be sent to the appropriate authority notifying of a child subject to an interim or care order within their area on placement with parent regulations.
- Please refer to Liquid Logic Forms for the Placement with Parents – Parental Notification Form.

Reviewing the Arrangement

4.5 The mechanism for the review of the arrangement takes place within the statutory Review process for Looked After children. In between this Permanence Planning Meetings will take place in line with the permanence policy, ***Securing Permanence - Policy, Procedure and Practice***, which clearly identify what needs to be achieved in order for the child to live with their parents without the need for statutory intervention. The minutes of these meetings should be recorded on the appropriate template, but should consider the following:

- What is working well
- What is not working well
- Why the child should remain on a Placement with Parents arrangement
- Are there any necessary changes to be made
- What barriers need to be overcome to achieve legal permanence

Ending Arrangements

4.6 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.

4.7 The welfare of the child is paramount at all times. In an emergency situation, the Care Order does give the Local Authority overriding decision making and there is recourse to further legal means to achieve this if necessary. Such a decision should be made in consultation with key partners and ensure that the parent's views are explicit.

4.8 A letter should also be sent to the parents and child explaining why the decision was made.

Other helpful documents

- A. Discharge Planning – [Flow Chart for Discharging Care Orders.docx](#)
- B. Discharge Care Order Placement: [DCO Procedure - SW training.pptx](#)
- C. PLO ToolKit Hyperlink: [PLO Toolkit](#)