**West Sussex – Practice Guidance**

IROs are qualified social workers with at least five years’ experience, and who have acquired the right skills to carry out this role.

**Placements under Regulation 24/25**

**When is Regulation 24 appropriate?**

The decision to remove a child from their family must be **a last resort** and will only be taken when all other options have been exhausted. The status of being a ‘looked after child’ will stay with the child forever and therefore it must be justifiable and based upon sound evidence. The local authority should therefore provide support and assistance to a family to make **their own arrangements** to care for their child/ren, wherever possible.

The most appropriate arrangement will be determined by a Child & Family Assessment which should consider fully the circumstances of the child and how their needs can best be met.

However, when all other options have been explored and the decision is made that a child needs to be looked after, the local authority has a responsibility to consider a placement within the family first. **Regulation 24** must not be used for all placements within the family. It should only be considered where a viability assessment has been completed and the family member has been assessed and approved as ‘suitable to foster’.

Ultimately, if it has not been possible to approve a family member as a Temporary Foster Carer, the child will be placed in Foster Care. This does not preclude a placement within the family in the future however, a full Connected Persons Assessment would be required before placing the child.

**What is Regulation 24?**

This is the process of approving a Connected Person as a Temporary Foster Carer for a period not exceeding 16 weeks in accordance with **Regulation 24 of the Care Planning, Placement & Case Review (England) Regulations 2010.**

An extension may be requested for a further 8 weeks under **Regulation 25** and presented to Fostering Panel who will consider whether the request is reasonable.

This is not intended to be used routinely and the guidance states; only in ‘exceptional circumstances’ however, this has not been applied in practice.

**What do I need to consider?**

* A viability assessment must be completed and approved by the Nominated Officer before a child is placed – this must be consistent with Schedule 4 (CPPCR Regs).
* Where it is likely that this may be required, the viability assessment can be completed before the child becomes looked after and should be considered as part of CP Planning where there is a significant risk of the child becoming looked after. The approval can be sought when it is actually required however, it should be clear if the applicant is likely to be approved on the basis of the evidence obtained throughout the assessment before seeking approval.
* The viability assessment should be completed with reference to the Fostering National Minimum Standards and must evidence whether the applicant meets the Standards. The Social Worker can obtain support and guidance from the Fostering or SGTeam
* Before a child is placed in a Connected Persons Placement – the GM must agree that this is the most suitable placement for the child – this is a critical decision as moving the child later may be detrimental to the child’s development.
* Approval **permits** the placement of a looked after child – (who can only be placed in a regulated placement) for a period not exceeding 16 weeks (an extension of 8 weeks can be requested at Fostering Panel under Regulation 25).
* This process should only be used in exceptional circumstances where it has not been possible to complete a full assessment and not routinely.
* If a child is placed with a Connected Person without the carers being approved and the child is ‘looked after’ – this is an unregulated placement and the relevant procedures must be followed (**refer to Unregulated Placements Practice Guidance)**.

**The Role of the Nominated Officer?**

The ‘Nominated Officer’ is the named person within the local authority that is delegated with the responsibility of approving applicants as Temporary Foster Carers under Regulation 24 (CPPCRRegs2010). They will consider the evidence provided in the report and measure this against the National Minimum Standards. Their decision is final and if a child has been placed with a family member who is not subsequently approved the placement will be ‘unregulated’.

**What is the status of the placement?**

The family member becomes a ‘foster carer’ and therefore must meet the National Minimum Standards. Whilst there may be greater flexibility with regard to maintaining the ‘connection’ with the family, this should not compromise the safety of the child. The assessment should consider whether the family members are able to provide a ‘permanent home’ for the child and willingly comes forward. Family members should not be coerced or pressured into this as research suggests that in these cases, the placement is likely to disrupt. Motivation is a significant factor and should be thoroughly considered in the viability assessment.

**Three steps:**

There are broadly three key steps in the decision making process;

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| 1. **Does the child need to be looked after?** |

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| 1. **If yes, is there a family member approved as a Temporary Foster Carer, under Regulation 24?** |

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| 1. **If yes, Is this the most appropriate placement for the child?** |

If the answer is no, the child must be placed in Foster Care.

**Tricky Issues/Common Errors:**

* The decision to place is critical, as once the child is placed it is difficult to justify why they should be moved. It is therefore vital to ensure that a thorough viability assessment and PNC checks have been completed before considering placement.
* The decision that a child needs to be looked after is the primary decision and authorisation must be obtained either by s20 consent (refer to guidance) or by care order – failing to do so is a breach of human rights and there must be evidence of capacity.
* This must be made ‘in real time’ and cannot be retrospective. This is unlawful.
* A fostering viability assessment must not be used to consider the suitability of a potential Adoptive Carer.

**Emergency Placements:**

There is no provision within the Regulations for emergency placements of looked after children within the family. Regulation 24 is intended to be used only ‘in exceptional circumstances. However, in practice children are often placed without due process being followed. For example; the police may remove a child from home and ‘place’ with a family member. When we become aware of such an arrangement – even if this is some time later, the ‘arrangement’ cannot be regulated without the correct process being followed. This should be completed **within 5 working days of** becoming aware of such an arrangement and until then the placement remains unregulated. The Head of Service should be notified by e-mail and their consent obtained immediately. This should be recorded on the case file. (**refer to Unregulated Placements Practice Guidance)**.

**Reference Points;**

 