**Placement with Parents Procedure**

**Contents**

1. **Legal and Regulatory Framework**
2. **Principles**
3. **Immediate Placements with Parents (unplanned)**
4. **Planned Returns Home to Parents / Planned Placements with Parents**
5. **Cases within Care Proceedings**
6. **Social Work Visits During the Placement**
7. **Notifications of Placement**
8. **Reviewing the Arrangement and Progress Updates**
9. **Terminating Placements with Parents**
10. **Discharging the Care Order**

**1. Legal and Regulatory Framework**

Where a Local Authority has a care order or interim care order on a child/ young person and proposes to place the child with their parents, this is subject to the Care Planning, Placement and Case Review (England) Regulations 2010. These regulations set out clear time scales by which assessments and approvals of such placements must be completed

See [**The Care Planning, Placement and Case Review (England) Regulations 2010**](https://www.legislation.gov.uk/uksi/2010/959/contents).

“Placement with Parents” means arranging for or allowing a child/young person who is in the care of a local authority to live with:

* A parent of the child.
* A person who is not a parent of the child/young person but who has parental responsibility for them.
* A person who had a Residence Order or Child Arrangements Order in respect of the child/young person, which was in place immediately before the care order was made.

“Placement decision” means a decision to place a child, which is made in accordance with Regulation 18(1) (placement decisions by Director of Children’s Services or nominated person).

**2.****Principles**

The principles that should inform the placement decision to place a child or young person subject to care order with their parents are:

1. The child’s welfare is paramount, and a placement decision will be made in the child’s best interests informed by the welfare checklist in para 1(5) of the Children Act 1989.
2. Children and young people are best placed with their families when it is safe to do so.
3. Family-led decision making, and restorative practice will be central to our approach.
4. Placement with parents as the final disposal in care proceedings will be rarely used.
5. Placement with parents should be viewed as a long-term care plan for a child, with the aim to discharge the care order where appropriate.
6. The placement decision, whether the child returned home in a planned or unplanned way, will be made follow a satisfactory risk assessment.
7. There is high support to the placement, along with stringent planning and oversight once the child is placed.
8. There is continued assessment of risk and need, and evaluation of whether the child / young person is achieving good outcomes.

The purpose should be to work with the parents and support them to achieve agreed improvements with the overall aim of discharging the Care Order. The management of the placement should be focussed on strengthening and enhancing the parent’s role, supporting family relationships and parent-led decision making.

The placement should be regularly reviewed to ensure that it continues to be in the child’s best interests; and that it is still appropriate and safe for the child to remain placed with parents.

**3.****Immediate Placements with Parents (unplanned)**

In circumstances where young people subject to a care order returns to the care of a parent in unplanned or unexpected circumstances the following procedure applies:

The placement decision shall be made by the Service Director of Children’s Services in writing.

An Emergency Placement with Parents (PWP) approval report should be completed by the social worker, signed by the Team Manager and relevant Head of Service and approval sought from the Service Director of Children’s Services.

The social worker should clarify the expectations of the parent(s) and ensure the child is safeguarded and their needs are met during this temporary phase before the full approval is considered by the Service Director of Children’s Services. A pro forma is available to structure this – see Emergency Approval of Placement with Parents.

In the event that a child or young person return to a parent’s care unexpectedly, it is important that both social worker and parent have a shared understanding of the respective roles and responsibilities while the child/young person is in the parent’s care. This needs to be clearly outlined in a safety plan - see template for a Safety Plan for Placement with Parents.

The Service Director of Children’s Services can approve an immediate placement provided that:

1. There are exceptional circumstances which justify an immediate placement, and it is consistent with the child’s welfare.
2. The child/young person has been seen alone to seek their view that they wish to remain with the parent.
3. There has been a full discussion with the parent, who agrees to the placement.
4. The accommodation has been inspected, including sleeping arrangements.
5. Information has been obtained as to other people in the household aged 16 or over; this includes carrying out checks with the police and checking social care records.
6. The parents and the young person have agreed with the content and signed the Emergency Approval of Placement with Parents form.

The reasons for a placement decision must be fully recorded, approved by the Service Director of Children’s Services, and a Case Decision added to the electronic record (LCS).

The Case Decision and the Emergency PWP approval report should be added to the child’s case record (LCS), where practicable within 24 hours of the child returning.

The social worker should inform the Independent Reviewing Officer (IRO) within 24 hours of the child returning of the circumstances leading to the immediate placement with the parents. The IRO will then decide whether to hold an early review to discuss and agree a change of care plan.

Until the full PWP approval is given, the child/young person should be seen at least weekly by the social worker, including unannounced visits. The child/young person should be seen alone during the visit. Thereafter, once full approval is given, the child should be seen at home in line with statutory visiting guidance for CLA.

**Full approval**

Full approval of the PWP must occur within 20 working days of the date of the placement, in accordance with Care Planning Regulations 2010.

This requires the social worker to complete the Assessment of Suitability and submit this to the Service Director of Children’s Services, via line manager and Head of Service, for consideration and approval.

The assessment should take account of:

* The parents' capacity, and the capacity of other adult members of the household, to care for children. Where a child has suffered, or was likely to suffer, significant harm the assessment should address 'what has changed in parental capacity and circumstances that indicate this placement will be in the child's best interest and will promote safe care?' 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, including any person who presents a risk of harm to the child.
	+ To ensure that the home environment is safe for the child including, where relevant, the need for a risk assessment of any pets and the environment in which they are kept.
	+ 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.
* The parents' state of health (physical, emotional and mental), the parents' medical history, including current or past issues of domestic abuse, substance misuse or mental health problems.
* The state of health (physical, emotional and mental) of other adult members of the household and their medical history, including current or past issues of domestic abuse, substance misuse or mental health problems.
* 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 abuse between household members including the parents.
* 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.
* Criminal offences of which the parents or other members of the household have been convicted or cautioned.
* Parents' past and present employment/sources of income.
* The nature of the neighbourhood and resources available in the community to support the child and parents.
* 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.

As part of this assessment, formal consultation must take place with the child’s IRO and other agencies to obtain their views about the PWP, setting out the results of checks, enquiries, and consultation evidenced in the assessment of suitability.

In Buckinghamshire Council, placements should be approved by the Service Director of Children’s Services within 20 working days of the placement starting.

The Service Director of Children’s Services must be satisfied that:

* The child's wishes and feelings have been ascertained and given due consideration.
* The assessment of parents' suitability to care for the child has been completed.
* The placement will safeguard and promote the child's welfare.
* The Independent Reviewing Officer has been consulted.

The full approval should be recorded on the child’s record (LCS) with comment added to the Assessment of Suitability and as a Case Note outlining the decision.

**4.****Planned Returns Home to Parents**

Social workers for children and young people looked after should remain open to the possibility that parents’ circumstances may change, risks may reduce, and some parents may be able to safely resume care of their child(ren).

Social workers should establish parents’ home and family circumstances by visiting the parents in their own home. This enables the social worker to develop a relationship with the parent and to become aware of improvements in circumstances that might indicate reunification is possible. For example – if a parent has successfully parented younger children, if a parent is having positive, unsupervised family time, if a parent has left a violent or controlling relationship, if a parent has successfully completed detox or other rehabilitation programme or has greatly improved mental health.

Where there is a potential for reunification with a parent, this requires the social worker to complete the Assessment of Suitability and submit this for Service Director of Children’s Services consideration and approval prior to the child returning home. (Please refer to section 3 above under full approval to see what the assessment needs to take account of).

The IRO will be involved throughout the planning for rehabilitation and the plan agreed in the CLA review prior to transition. If necessary, consideration should be given to holding a CLA review early to formally change the child/young person’s care plan to ensure no delay.

It is important that both social worker and parent have a shared understanding of the respective roles and responsibilities while the child / young person is in the parent’s care and any possible plans for discharging the Care Order. This needs to be clearly outlined in a safety plan - see template for a Safety Plan for Placement with Parents.

**Note** that where the parent with whom it is proposed to place the child is also a looked after child aged 16 or 17 years old who has been placed in a local authority placement, Regulation 27A Care Planning, Placement and Case Reviews (England) Regulations 2010 (as amended) (prohibition on placing a child under 16 in 'other arrangements') does not apply to the child being placed, as the placement being considered for the child is a placement with parents under s.22C(2) Children Act 1989 rather than an 'other arrangements' placement for the child. For example, a baby placed with their mother, who is a looked after child herself.

**5. Cases within Care Proceedings**

**Interim Care Plan**

For children in care proceedings, the Public Law Working Group 2021 has recommended, in relation to placing children with parents:

“There may be good reason at the inception of care proceedings for a child to remain in the care of his/her parents/carers/family members and subject to an ICO pending the completion of assessments”.

[**Public Law Working Group Best Practice Guidance: the Application and Case Management**](https://www.judiciary.uk/wp-content/uploads/2021/03/Application-and-case-management-BPG-report_Clickable.pdf)

If the Local Authority care plan is Interim Care Order/Placement with Parent, the statement needs to address the assessment details as outlined in section 3 above and the care plan signed by the relevant Head of Service to evidence their approval.

In the event, the Court orders the child remain in the care of the parent under an Interim Care Order, the Service Director of Children’s Services needs to be informed of the decision and a case note recorded on the child’s file that the plan was ordered by the court.

It is important that both social worker and parent have a shared understanding of the respective roles and responsibilities while the child / young person is in the parent’s care. This needs to be clearly outlined in a safety plan - see template for a Safety Plan for Placement with Parents.

**Final Care Plan**

In terms of final disposal, the Public Law Working Group 2021 has recommended, in relation to placing children with parents:

*“It should be considered to be rare in the extreme that the risks of significant harm to the child are judged to be sufficient to merit the making of a care order but, nevertheless, the risks can be managed with a care order being made in favour of the local authority with the child remaining in the care of the parents/carers. A care order represents a serious intervention by the state in the life of the child and in the lives of the parents in terms of their respective ECHR, article 8 rights. This can only be justified if it is necessary and proportionate to the risks of harm of the child”.*

[**Public Law Working Group Best Practice Guidance: the Application and Case Management**](https://www.judiciary.uk/wp-content/uploads/2021/03/Application-and-case-management-BPG-report_Clickable.pdf)

For further information, see the [**Care and Supervision Proceedings and the Public Law Outline Procedure, Care Order on a Care Plan of the Child Remaining at Home**](https://www.proceduresonline.com/buckinghamshire/chservices/p_care_supervis_plo.html#remaining)

Any final care plan that recommends a Care Order, intending to place the child(ren) with parents, should be discussed and approved by the Service Director of Children’s Services, following consultation with the LA solicitor and the IRO’s views being sought. The allocated Social Worker will complete the Assessment of Suitability and send to the Service Director of Children’s Services, via line manager and Head of Service, for approval. This must occur before the Local Authority final evidence is filed with the court. (Please refer to section 3 above under full approval to see what the assessment needs to take account of).

It is important that both social worker and parent have a shared understanding of the respective roles and responsibilities while the child / young person is in the parent’s care. This needs to be clearly outlined in a safety plan - see template for a Safety Plan for Placement with Parents.

**6. Social Work Visits During the Placement**

If the child is placed with parents pending assessment (see Section 3 - Immediate Placements), the child/young person should be seen at least weekly by the social worker, including unannounced visits. The child/ young person should be seen alone during the visits. Thereafter, once the Assessment of Suitability has been completed, Service Director approval is given, and following the child’s review, the child should be seen at home in line with statutory visiting guidance for CLA or more frequently if there is a need for support.

In the event of a planned return home, (see Section 4 – Planned Placement) the child's social worker must visit the child in the placement within one week of the placement, weekly until after the first review, and thereafter in line with statutory visiting guidance for CLA or more frequently if there is a need for support.

For children placed with parent(s) subject to an Interim Care Order and therefore within court proceedings, visits to the child must take place every 10 days in line with statutory visiting guidance for children subject to child protection processes, or more frequently depending on the risks.

**7. Notifications of Placement**

The child's social worker will update the child's electronic record with the details of the placement within 24 hours of the child returning home.

The following notifications should be made in writing before the start of the placement, or at least within 5 working days in the event of an unplanned return, advising of the placement decision and the name and address of the home where the child is to be placed.

* Notification of the placement will be sent by the child's social worker to the Designated Nurse for LAC, the relevant person in the education service, the local Children's Services (if the placement is in the area of a different local authority) and the child's GP.
* The child's social worker will notify all family members consulted and involved in the decision-making process of the placement, as well as all those involved in the day to day arrangements for the child, including school and any health professional or YOT worker actively involved with the child.
* The child's social worker must also notify the allocated Independent Reviewing Officer.

**8.****Reviewing the Arrangement and Progress Updates**

Formal Review of the placement will follow statutory guidance and timescales.

The placement of children in care with their parents is subject to the Review of the Child's Plan. (Add link to Looked After Review process on Trix)

Any change of placement should be discussed with the Independent Reviewing Officer to decide whether the date of the next Looked after Review should be brought forward.

In addition, for those children with a care order and placed with parent, the child’s case will be presented at Permanency Panel where the Social Worker will provide a progress update to the Head of Service chairing the panel.

This update will provide details of:

* What is working well?
* What is not working well?
* Is there scope for discharging the care order?

If not:

* Why the child should remain on a Placement with Parents arrangement.
* Are there are any necessary changes to be made?
* Do the original risks for the child or young person still warrant a Care Order?
* If new problems have emerged, would these warrant a Care Order?

Where a Placement with Parents arrangement has been in place for 12 months or more and there are no plans for discharge of the care order, Permanency Panel will determine whether the plan remains the right one for the child, identify any barriers or impediments that prevent discharge of the Order, and determine if any additional support is needed to continue the placement.

The CLA reviews will determine whether the placement with parents should continue or if a different arrangement is in the best interests of the child. The decision will be recorded in the CLA Review minutes on LCS.

**9.****Terminating Placements with Parents**

Wherever possible the decision to end a placement with the parents should be made at a Looked after Child Review and the ending should take place in a planned way.

In Re DE (A Child) [2014], the High Court ruled that not less than 14 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.

Where there is evidence that a child is at risk of immediate significant harm in the care of their parent, the Care Order gives the Local Authority power to remove the child in an emergency, however the social worker cannot take this action without consultation. The Social Worker must discuss the case with their manager. Legal advice must be obtained and the Head of Service will make the decision on removal; the use of other orders (e.g. a Recovery Order, Section 50 Children Act 1989) might be appropriate in some circumstances.

The Service Director of Children’s Services and Head of Service should be notified of the placement with parents starting, in writing, and when it ends; preferably notifications should be made prior to the ending, or as soon as practicable thereafter.

Notification of the placement will be sent by the child's social worker to the Independent Reviewing Officer, Designated Nurse for LAC, the relevant person in the education service, the local Children's Services (if the placement is in the area of a different local authority) and the child's GP.

The child's social worker will notify the parents and child in writing explaining why the decision was made. Where it is possible to do so, this letter should be approved by legal services.

**10.****Discharging the Care Order**

Placements with Parents arrangements can also be ended because the arrangement has worked well, the child is safeguarded and supported in the care of their parents, there is no evidence of significant harm and a care order is no longer needed.

At the point where it is felt that a care order is no longer required, this should be discussed and confirmed within the Looked After Child Review.

When it is agreed at the Review, the Social Work team will arrange to seek legal advice to consider making an application to the court to discharge the Care Order. A legal planning request booking form and supporting documents will be sent to Head of Service for approval and request made for the case to be added to the agenda for Legal and New Admissions Panel.

Following discharge of the Care Order, consideration should be given to the child and their family being supported by a Child in Need plan for a minimum period of 6 months (with the agreement of the parents) in line with best practice.

**Templates:**

Emergency Approval of Placement with Parent



Safety Plan for Placement with Parent



Approval of Placement with Parents Front Sheet

