

Public Law Outline Connected Persons and possible Adoption Track – Birmingham Children’s Trust – Processes and Timelines November 2022.

PLO timeline	Event	Comment on Timescales and Legal Requirements.
Week - 1	<p>All Annex documents to Legal from social worker                      SW Statement/Chronology/genogram/Care Plan/Pre-                      Proceedings evidence/Assessments including experts.                      /FGC outcome (Social Work) Should have been completed                      in CP/Pre-Proceeding where possible.                      Start viability assessments connected persons where                      known if not done in pre proceedings ( Social Work)                      Threshold Statement (Legal to prepare)                      Checklist documents finalised                      Start FPL Portal application (Legal)                      Where police disclosure required make Annex D request                      to police in line with local protocol (Legal)                      Complete Standard Directions on Issue SDO ( Legal)</p>	
Day 1	<p>Issue Date Application and Annex documents.                      Issue on portal after final gatekeeping to consider                      consistency, urgency and allocation level (Legal)                      Include SDO (Legal)</p>	
Day 1-2	<p>Application issued/standard directions on issue including                      allocation. Using agreed local template.                      Annex document directions                      Listing CMH by day 12-18 and identify if urgent ICO listing                      also needed.                      Child's Birth Certificate filed LA Lawyer                      LA parenting assessment plan by CMH – Social Work                      Standard directions on issue in respect of connected                      persons carers:                      Before the CMH                      LA complete family tree with parents – Social Work</p>	<p>Trust Parenting Assessment model to be used for all parenting                      assessments.</p> <p>Presidents Guidance</p> <p>In the gatekeeping order the parents should be asked to nominate                      a certain number of family members or close friends to care for                      the children. Maximum of 3 per parent or 4 per child. They should</p>

	<p>All parties to consult with potential connected/reserve carers and identify them to LA before CMH</p>	<p>be told that only in really exceptional circumstances will they be allowed to nominate anyone else.</p> <p>NB this does not mean that all nominated friends and family will go forward to viability assessment.</p> <p>Nominated persons will be approached by the Social Work team who will carry out a viability assessment where the nominated person is willing to undertake this.</p> <p>If the maximum 4-6 persons wish to care, then the Local Authority will look to agree and viability assess 2 options in agreement with parents’ legal advisers and the Court.</p> <p>Viability assessments will not be completed in accordance with the court timetable if high numbers are ordered.</p>
<p>Day 1-5 ICO hearing (if necessary)</p>	<p>ICO dealt with and further directions given in preparation for the CMH at day 12-18 unless all CMH directions already complied with.</p>	
<p>Day 10-16</p>	<p>Parents to file (or notify LA where unrepresented) names and contact details of family members to be assessed as per standard direction on issue</p> <p>As soon as information is provided viability assessments should be started by the social worker and should not wait for CMH.</p> <p>NB: If there is a delay in the parents providing details of potential carers, this will have an impact on the timescale</p>	

	<p>for completion of the assessments and for the proceedings. Delay at this stage will make it unlikely that a full assessment will be completed by week 16.</p>	
<p>Day 10-16 (3 days before CMH) Advocates meeting</p>	<p>Prior to meeting LA Lawyer give advice and take instructions on future timetable of application.</p> <p>3 days before CMH using standard agreed agenda/minute Viability assessments outcomes considered if already completed or timetabled if not yet done. Aim to complete by Week 4 at latest.</p> <p>Parties’ positions proposed experts and draft questions • Identify any disclosure • Immediately notify the court of the need for a contested ICO hearing</p> <p>Timetable for assessments and timetable to IRH LA Lawyer prepare Case Summary and CMO is finalised and agreed at meeting.</p>	
<p>Day 12-18 CMH</p>	<p>Case Management Hearing local standard directions Set timetable for the child and timetable for court proceedings to IRH using standard CMO as checklist and <u>following Presidents and Local Guidance on making cases smaller.</u></p> <ul style="list-style-type: none"> <li>- Identifying the key issues and identifying the evidence necessary to resolve the key issues</li> <li>- Deciding whether there is a real issue about threshold to be resolved and making threshold directions for any evidence the LA need to file.</li> </ul> <p>Court to consider parents responses to initial evidence, response to threshold, and connected persons put</p>	<p>Parenting Assessment</p> <p>Timescales are set out in Working Together and local practice guidance - taken together a minimum of 9 weeks and a maximum of 12 weeks should be allowed depending on complexity and availability of previous assessment.</p> <p>Together and Apart Assessment.</p> <p>Timescales taken from local good practice guidance in care proceedings - to allow 6 to 8 weeks with more time necessary in very complex multiple sibling and parent families up to 12 weeks.</p> <p>Contact Risk assessment</p> <p>Good practice guidance does not contain any timescales. The issues to be explored are set out in Research in Practice guidance. The process should be similar to a viability assessment and take a</p>

	<p>forward by parents. Court to determine which connected persons are assessed by way of viability assessment if necessary.                  Approve parenting assessment plan - Max 12 weeks                  Together and apart assessment - 6 - 8 weeks (Max 12 if high complexity)                  Contact risk assessment - 2 weeks.</p> <p>Viability assessments to be completed by and progressed to connected persons service 2 weeks after CMH. (Week 4)                  Full connected person’s assessment by Week 16. (12 weeks for full assessment Reg 24 CPR Regs/PLWG BPG)                  Adoption Medical by Week 10                  -Experts directions and compliance with Part 25                  - Giving directions for any concurrent or proposed placement order proceedings                  Directions for further evidence, hearings and meetings                  Contact Risk Assessment</p>	<p>minimum of two weeks.                  Parent Assess or PAMS assessment.                  The Trust view is that the Parent Assess model is gaining ground and is a better model for analytical decision making. Training of Social Workers in groups of 20 is due to commence in September 2022.</p>
<p>Day 13-19                  Post CMH Legal and Social Work Tasks</p>	<p>Last date for start of any parenting assessment that needs to be completed in proceedings.                  Together and apart assessments progressed.                  LA Lawyer to alert connected persons team of connected persons track and IRO of timetable.                  DBS and Medical checks started for connected carers where positive viability assessment completed and referral made to connected persons team.                  Last date for referral for permanence 12 week process                  last date for adoption/permanence medical to be booked                  Start CPR (Annex B) if not already started.</p>	

	<p>CiC meeting to be timed to take place when assessments available</p> <p>Where a Part 25 application for connected persons assessment is directed by the Court the LA Lawyer will refer the case to the connected persons business support team to carry out mandatory checks, liaise with the ISW and arrangement of Fostering Panel within the Court timetable.</p>	
Day 23	<p>Disclosure of further information and evidence</p> <p>Check for booking of Target Fostering Panel</p> <p>Target adoption ADM date</p> <p>CiC Review Meeting with social work adoption/panel and Connected persons teams and IRO</p>	
Week 4 (2 weeks after CMH, day 26-32)	<p>Viability assessments to be completed by the child/ren’s social work team using the standard template. Assisted by Connected persons SW where R24 and allocated to the Connected Persons Fostering Service for completion of full assessment where positive.</p> <p>Positive viability assessment to be sent to connected persons fostering service for allocation with Assessment Agreement form as soon as completed.</p> <p>Where overseas assessments are contemplated, early contact with the International Abduction and Contact Unit (ICACU) and/or Central Authority should be made for advice</p> <p>Where negative, a copy of the assessment to be provided</p>	<p>Connected persons assessment timescales.</p> <p>Where viability assessments ordered at CMH and more than one identified as positive then consideration should be given to LA proceeding with the option with the agreed best prognosis while frontloading the second option by gathering stage 1 information.</p> <ol style="list-style-type: none"> <li>1. Full name, address and date of birth.</li> <li>2. Details of health (supported by a medical report).</li> <li>3. Particulars of any other adult members of the household</li> <li>4. Particulars of the children in the family, whether or not members of the household, and any other children in the household.</li> <li>5. Particulars of their accommodation.</li> <li>6. The outcome of any request or application made by them or any other member of their household to foster or adopt children,</li> </ol>

	<p>to person assessed, providing the date, time and venue of the next hearing and a list of Children Panel solicitors advising them to seek independent legal advice</p> <p>Mandatory checks to be started where positive viability by Connected Persons Team:</p> <ul style="list-style-type: none"> <li>- Enhanced DBS checks on all household members over the age of 18 to check their criminal record, including cautions, non-convictions, and police intelligence where relevant to PPRC. NB: DBS do not allow LA’s to chase until 60 days (8 ½ weeks) have passed.</li> <li>- Medical assessments of all prospective carers. Good practice includes self-completion of a medical assessment form, attendance at a comprehensive medical appointment with their GP and interpretation and analysis by the Agency Medical Advisor.</li> <li>- Local authority checks on all household members over the age of 18 and their children. Checks to be made with other LAs where appropriate</li> </ul> <p>Target Fostering Panel arranged for Week 18 Target Fostering ADM by Week 19.</p> <p>Referral for adoption and Permanence Medical Booked - 6 weeks to medical - two weeks for report - 8 weeks total.</p>	<p>or for registration as an early years provider or later years provider under Part 3 of the Childcare Act 2006(1), including particulars of any previous approval or refusal of approval relating to them or to any other member of the household.</p> <p>7. If X has, in the preceding twelve months, been a foster parent approved by another fostering service provider, the name and address of that fostering service provider.</p> <p>8. Names and addresses of two persons who will provide personal references for X.</p> <p>9. In relation to X and any other member of X’s household who is aged 18 or over, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA(2) of that Act).</p> <p>10. Details of current, and any previous, marriage, civil partnership or similar relationship.</p> <p>The Trust approach is to be found in three documents in the Fostering Section of local practice guidance.</p> <p>A standard assessment format is used for viability assessment.</p> <p><a href="https://birminghamcs.proceduresonline.com/local_resources.html">https://birminghamcs.proceduresonline.com/local_resources.html</a> It is based on the Family Rights Group Initial Family and Friends Care assessment and covers the 15 factors set out there.</p> <p>The assessment requires information gathering through home visits, checks and analysis and the outcome must be a thorough document and legally sound</p>
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<p>Day 27-34 2<sup>nd</sup> Adv meeting if necessary</p>	<p>Preparation for FCMH where necessary. Consider threshold responses if not already dealt with.</p>	

<p>Day 29-36 FCMH where required</p>	<p>Deal with threshold if necessary, with any other directions. Where applicable first CiC review sets parallel or single-track plan Social work referral for permanence.</p>	
<p>Week 9/10</p>	<p>Adoption medical report available where early referral CPR continued.</p> <p>Review progress of Connected persons assessments. Should a Stage 1 or Stage 2 decision that the person being assessed is not suitable to Foster be made?</p> <p>Where decision made a copy of the assessment to be provided to the person assessed, providing the date, time and venue of the next hearing and a list of Children Panel solicitors advising them to seek independent legal advice.</p> <p>C2 to amend timetable to be considered. Advocates to liaise and prepare C2 where appropriate.</p>	<p>Assessment is completed in 2 parts (Stage 1 and Stage 2). Assessment can be terminated at Stage 1 if Schedule 3 Part 1 information raises issues of concern which lead the Fostering Service Provider (FSP) to decide the applicants are not suitable for approval as foster carers. Where the assessment is terminated at Stage 1 conclusion report can be filed and there is no requirement to go to fostering panel.</p> <p>Assessment may also be ended at Stage 2 based on Schedule 3 Part 2 information. In these circumstances unless the applicant withdraws it is necessary to write up a report, give the applicant 10 days to respond and go through the fostering panel and ADM process.</p> <p>NB the case may be taken to panel without full Schedule 3 information including DBS checks in the circumstances where the FSP has decided on Stage 2 information a person is not suitable to Foster. R26(3) Fostering Services Regulations as amended.</p>
<p>Week 12</p>	<p>Parenting assessment and any together or apart assessment completed and filed</p>	
<p>Week 16</p>	<p>Full stage 2 connected persons assessment to be filed and served including all statutory checks and medical reports.</p> <p>Birmingham Children’s Trust uses the Baaf Form C Assessment designed to meet the requirements of both Fostering and SGO track.</p>	<p>Fostering Panel and ADM decision.</p> <p>Unless a Stage 1 decision based on Schedule 3 Part 1 information has been reached it is necessary for the Connected Persons Assessment to be considered by Fostering Panel.</p>



	<p>Care planning meeting</p> <p>CiC review makes final plan</p> <p>Papers sent to panel team to QA to be sent to fostering panel</p> <p>If negative prospective carers position to be checked on whether they wish to proceed to panel</p> <p>A copy of the assessment to be provided to the person assessed. They are allowed up to 10 working days to read and make any comments prior to panel meeting</p> <p>Where negative, a covering letter to be provided to person assessed, providing the date, time and venue of the next hearing and a list of Children Panel solicitors advising them to seek independent legal advice.</p> <p>Unless the connected person withdraws the assessment will be considered by Panel in any event as set out below.</p>	<p>If the assessment is positive all checks including all Part 1 checks (which includes DBS checks) must be available to panel</p> <p>If negative then unless the connected person withdraws from the process the connected person must be allowed to see and comment on the assessment and it must be considered by panel before the ADM makes the final decision. As stated previously R26 (3) allows a negative assessment to proceed to panel without all Schedule 3 information.</p> <p>Panel process requires 10 days for QA/send out to Lay Panel Members and Reading time.</p>
<p>Week 18</p>	<p>Fostering panel</p>	<p>The ADM requires 5 working days to make and record the decision after the Panel date.</p>
<p>Week 19</p>	<p>Fostering ADM decision</p> <p>If negative fostering ADM decision, then adoption ADM decision</p>	<p>Where a negative assessment is being taken to fostering panel the adoption papers should be with panel team so that the adoption ADM decision can be made as soon as the Fostering ADM is known</p> <p>The Adoption ADM must await the Fostering ADM which may disagree with a negative assessment outcome and in order to ensure that there is a full understanding of why the connected</p>

		<p>person being assessed is not suitable and whether this could be mitigated through other measures and support.</p> <p>The unsuccessful applicant may appeal to the IRM. This appeal timescale falls outside the child’s timetable and should not lead to delay to the decision making process.</p>
Week 19	<p>LA final evidence/ placement order application SGO support plan if SGO proposed. Transition plan if move to connected persons placement</p>	<p>There is no need for a gap of many weeks between the fostering panel/ ADM decision and final evidence care plan and or CPR. Final evidence/CPR should be in the process of completion and only require amendment as the outcome of the panel and ADM will provide the final information needed to finalise the statement and analysis.</p>
Week 21	Respondents final evidence	
Week 22	<p>CG Final Case Analysis Pre IRH-Advocates meeting – 3 days before IRH Case plan and witness template completed.</p>	
Week 23 IRH	Directions made for final hearing if case not concluded	
Week 24 -26	Final Hearing	

References:

1. *The Care Planning, Placement and Case Review (England) Regulations 2010;*
2. *The Children Act 1989 Guidance and Regulations Volume 4;*
3. *Fostering Services, Family and Friends Care: Statutory Guidance for Local Authorities;*

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4. *The Children Act 1989 guidance and regulations, Volume 2: care planning placement and case review July 2021;*
5. *IRO Handbook, statutory guidance for independent reviewing officers and local authorities on their functions in relation to case management and review for looked after children;*
6. *The Fostering Services (England) Regulations 2011 as amended by the Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013*
7. *Fostering Services: National Minimum Standards*