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| **Placements with Parents Protocol. January 2023** | Top of FormBottom of Form |

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| **NOTE**[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) states that, whilst there may be good reason at the inception of care proceedings for a child to remain in the care of their parents and subject to an Interim Care Order pending the completion of assessments, there should be exceptional reasons for a court to make a Final Care Order on the basis of a plan for the child to remain in the care of their parents.For further information, see [Care and Supervision Proceedings and the Public Law Outline Procedure](https://leedschildcare.proceduresonline.com/chapters/p_care_supervis_plo.html). |

 **Contents**

1. [**Legal and Regulatory Framework**](https://leedschildcare.proceduresonline.com/chapters/p_place_with_parents.html#legal)
2. [**Principles**](https://leedschildcare.proceduresonline.com/chapters/p_place_with_parents.html#prince)
3. [**Immediate Placements with Parents (unplanned)**](https://leedschildcare.proceduresonline.com/chapters/p_place_with_parents.html#immed)
4. [**Planned Returns Home to Parents /Planned Placements with Parents**](https://leedschildcare.proceduresonline.com/chapters/p_place_with_parents.html#plan_ret)
5. [**Regular Short Stays**](https://leedschildcare.proceduresonline.com/chapters/p_place_with_parents.html#regular)
6. [**Reviewing the Arrangement and Progress Updates**](https://leedschildcare.proceduresonline.com/chapters/p_place_with_parents.html#reviewing)
7. [**Terminating Placements with Parents**](https://leedschildcare.proceduresonline.com/chapters/p_place_with_parents.html#term)
8. [**Discharging the Care Order**](https://leedschildcare.proceduresonline.com/chapters/p_place_with_parents.html#disch)
 **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 replaced the Placement with Parents Regulations 1991, setting 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 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 has a Residence Order or Child Arrangements Order, if that was in force 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).

The Regulations*do not*apply to children or young people who are accommodated under Section 20 of the Children Act 1989If a child is remanded to the care of the local authority they will automatically be subject to section 20 of the Children Act 1989.

For children in care proceedings, the Public Law Working Group 2021 has recommended, in relation to placing children with parents: “Any placement with parents under an interim or final order should be evidenced to comply with the statutory regulations for placement at home.”

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

They do apply to children who are living with solely with parents under interim care orders during care proceedings.

However, in terms of final disposal:

*“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”.*

As such, any final care plan that recommends a Full Care Order, when intending to place the child(ren) with parents, should be discussed with and supported by the Head of Service responsible for the child(ren), and approved by The Director of Safeguarding and Care following consultation with the LA solicitor.

 **2.****Principles**

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

1. Children and young people are best cared for within their families when it is safe to do so.
2. Family-led decision making, and systemic social work practice will be central to our approach.
3. Placement with parents as the final disposal in care proceedings will be rarely used.
4. Placement with parents should be viewed as a short term, temporary arrangement.
5. The decision for the child to be cared for by parents, whether planned or unplanned will follow a satisfactory risk assessment. (see below)
6. There is high support to the placement, along with stringent planning and oversight once the child is in the care of parents.
7. 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 discharge of 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 be cared for by parents.

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

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

The decision to place a child shall be made by the Director of Children’s Services, or by an officer of the local authority nominated in writing for that purpose by the director. In Gloucestershire this nominated officer is the Director of Safeguarding and Care.

A Placement with Parents (PWP) assessment should be completed by the social worker and supported by the Head of Service who will seek approval from the Director of Safeguarding and Care.

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.

The nominated manager in Gloucestershire is the Director of Safeguarding and Care. The Director can approve an immediate placement without the necessary consultation and checks having been made 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’s view has been obtained and they wish to remain with the parent.
3. There has been a full discussion with the parent, who agrees to the arrangement.
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.

The reasons for a decision to place a child/ young person on this basis must be fully recorded, approved by the nominated manager (Director of Safeguarding and Care), and management oversight added to the electronic record) by the Head of Service.

The management oversight and the PWP approval report should be added to the child’s case record, where practicable within 24 hours of the child returning.

The social worker should inform the Independent Reviewing Officer (IRO), within 24 hours 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.

**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 a Placement with Parents assessment within 10 working days and submit this for consideration and approval.

As part of this assessment, formal consultation must take place with other agencies to obtain their views about the PWP, setting out the results of checks, enquiries, and consultation evidenced on the Placement with Parents assessment form. Consultations, whether by e-mail or by phone, should be recorded on the child’s record as a case note.

Until 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 children in care.

 **4.****Planned Returns Home to Parents / Planned Placements with Parents**

**Planned returns**

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, in between Child in Care Reviews. 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 social workers consider that there is a potential for reunification with a parent, the reunification process should be followed.

**Note:**  where the parent with whom it is proposed to place the child is also a child in care aged 16 or 17 years old who is living in an 'other arrangements' placement, Regulation 27A Care Planning, Placement and Case Reviews (England) Regulations 2010 (as amended) (prohibition on placing a child under 16 in 'other arrangements') do not apply, 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.

**Placement in a parent and child residential assessment centre or parent and child foster care arrangement.**

Usually made under s38(6) of the Children Act 1989. The child would need to be is subject to an interim care order for a s38(6) direction to be made by the Court. In these circumstances Placement with Parent Regs are not required. This will also apply to situations where parent/s and child/ren are living in the home of a connected carer who is being assessed under Regulation 24 and the connected carer is the responsible adult providing oversight and care (unless that connected carer has previously held PR for the child/ren).

If no interim care order, but a placement is being sought in a residential parent and child residential assessment centre, or a parent and child foster placement, the parent would need to agree to the child being subject to S20 but can remain with the child in the parent and child placement for the purposes of an assessment.

**5.****Regular Short Stays**

In some circumstance’s children / young people may return to parents for short stays e.g., for regular overnights, weekends, holidays, etc but remain in foster care the rest of the time. Where the plan provides for a series of short term stays of a child with a parent, the full placement with parents’ assessment and approval is required. Requirements to assess, consult, make checks etc can be carried out once, rather than be repeated each time a stay at home takes place, provided that:

* All the placements take place within a 12-month period.
* No single placement is for a period of more than 4 weeks.
* The total duration of all stays does not exceed 90 days.
* A single assessment should be updated to assess the suitability of short-term placements and overnight stays, in addition to the completion of Placement with Parents assessment.
* Consultation with other agencies should be undertaken.
* For children who are subject to an Interim or a Full Care Order, where the regular short stays are part of the agreed care plan, the Social Worker will need to request agreement for Placement with Parents from the Head of Service who in turn will seek approval from the Director of Safeguarding and Care.

The required document to support this request is the Placement with Parents Regs assessment.

If a series of short-term placements or overnight stays are part of a longer-term plan of reunification, the Reunification Procedures and Workflow Reunification Guidance should be followed.

 **6.****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.

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

At every child in care review the following things must be considered and the TM must advise the HoS after the review so the HoS can consider next steps in the light of the review?

* 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?

The Head of Service will decide on whether placement with parents should continue or if a different arrangement is in the best interests of the child. This decision will be recorded on the child’s record and the social worker should reference this in the social work report and care plan for the next review.

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, the Head of Service must review through permanence tracking to determine whether the plan remains the right one for the child, to identify any barriers or impediments that prevent discharge of the Order, and to determine if any additional support is needed.

 **7.****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.

In emergencies, the Social Worker must discuss the child’s situation with their manager, who will make the decision. Legal advice should always be obtained. The Care Order gives the Local Authority power to enable the child to be removed by the Social Worker but this power should only be used after obtaining legal advice; the use of other orders (e.g. a [**Recovery Order**](https://leedschildcare.proceduresonline.com/chapters/p_court_orders.html#recovery_order) Section 50 Children Act 1989) might be appropriate in some circumstances.

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

 **8.****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 Child in Care Review.

When it is agreed at the review, the next step is to consider making an application to the court to discharge the Care Order. Initially, this should be discussed with Children’s Services legal section.

Following discharge of the Care Order, the child and their family should be 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.