

Children's Family Time Service Guidance

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At some points, contact maybe a psychological necessity.... To quell unbearable longing or bring reality to a distorted picture. At others, it may be best put on the back burner.... Contact can in some circumstances do harm.

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This guide will show how to set up Family Time by and make the best decisions for the child. It also shows you how to review if the current way your Family Time works is right for all involved.

We refer to contact with family of a child in care as 'Family Time' and will be using that term in this guide. We do this to provide a clear and inclusive language. However, the law and contracts drawn up by lawyers still use the term 'Contact' so those sorts of official documents will still use that term instead. Documents from us or our partners will use 'Family Time'.

This guide will:

- show what the law says we must do which includes looking at recent case law
- use up-to-date research on this topic
- follow the five-step approach to planning Family Time from Research in Practice
- promotes the principle that the wishes and feelings of the child are at the heart of Family
 Time decision making
- provides a framework to support good decision-making of Family Time which is dynamic and reviewed regularly

2. Legal

In legal documents, the term 'Contact' covers all forms of time spent with family members. This ranges from sending letters to overnight stays. Besides parental contact, statutory guidance states that 'where a child has been placed outside the wider family, regular contact with family and friends will usually be an important part of a child's upbringing in his/her new environment'.

Whilst a child is being looked after by a local authority (i.e. child in care [subject to an interim or full care order] or accommodated under s.20 CA 1989), the authority must, unless it is not reasonably practicable or consistent with his welfare, endeavor to promote contact between the child and:

- his parents;
- any person who is not a parent of his but who has parental responsibility for him; and
- any relative (including by marriage or civil partnership), friend or other person connected with him. [NB: there is a wide field of people who may fall within this category]

Because of this provision, connection between a child and his parents and family will be assumed to be beneficial. Therefore, a local authority which considers that it is not reasonably practicable or consistent with the child's welfare to promote that contact will need to collate evidence to justify its stance. If a child is accommodated (under section 20), the local authority does not share parental responsibility for a child and therefore can only make recommendations.

If people disagree on what the arrangements should be, they will have to apply for a court to decide what is best for the child.

In addition to the duty to promote Family Time between parents (and others) and children being looked after by a local authority, once the child becomes a child in care [subject to an interim or full care order], the authority has an "additional duty to allow reasonable contact". Again, this duty is subject to the duty to safeguard and promote the child's welfare and a court order which may prescribe what Family Time should happen.



It is important to recognise that whatever the circumstances, the local authority must always balance Family Time with the need to safeguard and promote welfare of the child.

If an application is made to court, Family Time arrangements must be considered before making an interim or full care order. The child's welfare is paramount in relation to contact and the court is required to have regard to welfare considerations such as, the child's ascertainable wishes and feelings (in light of his or her age and understanding), his or her needs, the likely effect of any changes in circumstances, any harm suffered and how capable parents and other family members are of meeting the child's needs.

It is important to recognise that from the very earliest time, informed decisions, based on up to date research evidence are made regarding the frequency of contact and are regularly reviewed as the care plan for the child develops. This applies whether the child is looked after by a voluntary arrangement or as a result of a care order.

3. Human Rights

The European Convention on Human Rights (ECHR) is an international treaty to protect human rights and fundamental freedoms in Europe. Article 8 provides a right to respect for one's 'private and family life, his home and his correspondence', subject to certain restrictions that are 'in accordance with the law' and 'necessary in a democratic society'. Article 8 is a qualified right. This means that an interference with the right can be justified in certain circumstances. Where the interference is justified, there will be no breach of Article 8. To prevent a breach, the interference must:

- be in accordance with the law (e.g. the Children Act 1989)
- serve a legitimate purpose (e.g. for the protection of health of a child)
- be necessary and proportionate (e.g. no other less interventionist alternative will do)

Article 6 of the Convention protects the right to a fair trial. In care proceedings, Article 6 has been applied to ensure legal representation for parents who wish to be represented. Generally, it ensures that there are fair processes in place and ensures that parents are properly involved in crucial decisions affecting their children.

Reliance on Articles 6 and 8 has enabled children and families to ensure that they are properly consulted and included in local authority decision making concerning their children and to be able to challenge procedural decisions made by the local authority that have a significant impact on family life, such as Family Time arrangements.

4. Subsequent Case Law on 'Contact' Arrangements for Infants

Family time arrangements for a new-born baby can only happen once there has been a lawful decision to separate mother and baby. In *P, C and S v UK,* the European Court of Human Rights (ECHR) held that, even where the circumstances may justify the granting of an emergency protection order, the physical removal of a baby from their mother at birth requires exceptional justification in order to avoid a finding that Article 8 has been breached.

Even if some separation of mother and child is justified, consideration should be given to arranging for the baby to be placed elsewhere in the hospital in order to facilitate supervised Family Time with



the mother. Such a separation should only be contemplated if the child's safety demands immediate separation and it is imperative that an application for an interim care order is made immediately on the birth of the child.

Re C (A Child) (Interim Separation) [2019] EWCA Civ 1998 emphasised that removal of a child at an interim stage is a particularly sharp interference with article 8, which is compounded in the case of a baby when removal will affect the formation and development of the parent-child bond. A plan for immediate separation is therefore only to be sanctioned by the court where the child's physical safety or psychological or emotional welfare demands it and it can be justified that it is necessary and proportionate.

If there is a proposed separation, the local authority must put forward proposed plan for Family Time as part of its care plan. Early planning is essential. North Somerset Council's **UNBORN BABY POLICY AND GUIDANCE** sets out a timeline that allows for all assessments to be completed in a timely manner prior to the birth so that a fully considered plan can be put in place once the baby has been born.

Social Workers and managers should seek legal advice in respect of contact arrangements to ensure decisions are compliant with the relevant case law.

A study by Kenrick (2009) provided detailed accounts of the stressful and negative impact on infants of high levels of contact during care proceedings, and research by Humphreys and Kiraly from Australia in 2011 also raised similar concerns. A multi-disciplinary working group met to discuss these issues, and in December 2010, the President of the Family Division, Lord Justice Munby, set out his position in the light of research evidence presented on the risk to infant welfare. In particular, he made two important points:

- 1. In his original judgment, he had referred to the provision of extended contact: "If parents reasonably want more". He clarified that in making such a decision, the Court would need to take into account the welfare of the child before considering what is 'reasonable'.
- 2. In his experience, there was rarely any argument or evidence presented to the Court regarding frequency and arrangements for infant contact. He stated he and other Judges would welcome further discussion of contact and for arguments to be put with supporting research evidence which would enable appropriate contact plans to be made on individual cases (note: the purpose of this document is to allow Social Workers to be able to do just that).

The allocated social worker must takes into account the research evidence when planning Family Time. The social worker will advocate for planning to be in the best interests of the child as demonstrated by their assessment if the child's needs.

Judith Masson (Professor of Law at Bristol University) stressed the need to return to the core principles of the Children Act 1989: the paramountcy of the child's welfare and that if the welfare checklist (set out in s1(3) of the Act) is to be properly addressed, the specific needs of each infant must be the focus for decision-making by the Court.



5. North Somerset Council Principles

Our biggest priority is the needs of the child. Every child is different so we make sure to make the Family Time arrangements that are right for them. We also regularly review these arrangements to see if they need to be changed to suit the needs of the child better.

Although the welfare of the child is the most important thing, we also consider the feelings of everyone else involved. We will seek legal advice if there are disputes.

Observation and importance is given to how a child is before, during and after Family Time as well as their verbally expressed views.

We make sure our process is transparent to everyone we work with including the child themselves and their family.

We always make sure our Family Time is,

- Enable parents and children to retain and build positive relationships. We will provide opportunity for the child to receive positive praise, affirmation and appropriate affection from their family members
- support parents, emotionally and practically, recognising that caring for child(ren) in a strange environment whilst being observed and/or assessed is a stressful and difficult experience for parents
- Support reunification and transition to the care of an alternative family member
- Provide a supportive environment to enable families to say goodbye positively
- achieve a strong sense of personal identity and genealogical connectedness.

Funding for travel and or other expenses occurred can be supported where it can be evidenced that without this, visit could not be made without financial support.

6. Listening to children

Family Time is very important to children even when it is difficult. Young people generally want a choice about who to keep in touch with but accept that Family Time sometimes needs to be stopped for their own safety. (Boddy et al 2013). They want social workers and carers to listen to their views about Family Time and to be proactive in making Family Time happen (or stop) over the long term.

Children also want help with family celebrations - sending birthday cards or getting dressed up for a wedding. Children also like Family Time to be activity based and want contact settings to be homely (Children's Rights Director for England 2009).

Some children have torn loyalties or ask for more Family Time than they can cope with emotionally (Macaskill 2002; Sturge and Glaser 2000).

7. What our children tell us about Family Time

In North Somerset, each year we carry out an evidence informed survey with our children who we look after. The survey asks children about their care journey and how they perceive their wellbeing. The survey includes a section on Family Time.



The youngest children (4-7yrs) are not asked questions about Family Time, the survey could cause distress or anxiety. Children and young people (8-18yrs) were asked whether they were content with the frequency of contact that was taking place with their mother, father and siblings.

Your life, Your Care Full Report

Your life, your care key findings

Your life beyond care full report

Your life beyond care key findings

8. Children's Family Time during Assessment and Reunification

Family Time can have several benefits to children. Some studies have shown that higher levels of Family Time are associated with an earlier return home from care, but this does not mean it is a causal link - purposeful social work intervention, strong attachments and parental commitment are all associated with more frequent family contact and successful return home (Taplin 2005: Boddy etal 2013).

Assessments that recommend reunification either in pre-proceedings, care proceedings or at any point in the child's care journey, must enable the allocated social worker observations of a selection of Family Time sessions first hand.

9. Working with Parents

Supervised children's Family Time during care proceedings represents a window of opportunity to learn more about parent-child relationships and try to improve them. Prolonged supervision of poorquality contact without intervention is a not in the child's best interests (Baynes, 2010).

Provision of parenting support during contact can yield useful information about parental capacity to change at a time when some families may become more open to intervention. Addressing the difficulties that led to the child's removal is also key if there is to be any prospect of successful reunification (Ward et al, 2014). Improving Family Time builds good memories for parent and child and increases the prospect of positive visits in the long term if children do not return home.

Work with birth families remains important, whatever the plan for the child, not least because extended families remain a critical resource for many young people leaving care and because social media is making it increasingly difficult to regulate Family Time. Children need their parents to be able to cope with loss, accept their changed role in children's lives and to build positive relationships with new carers.

10. Interim Family Time for babies

All very young babies need predictable, attentive care. This need is heightened for infants who have suffered abuse or neglect in their first few weeks of life, particularly if they have been exposed to drugs, alcohol or domestic violence before birth. High frequency Family Time to receive sometimes variable care from a parent who may be preoccupied, depressed, intoxicated, frightened or frightening, interferes with the development and recovery of vulnerable children.



Babies are distressed by poor quality contact. Frequency of infant contact is not correlated with higher rates of reunification (Humphreys and Kiraly, 2011; Kenrick, 2009; Schofield and Simmonds, 2011).

Supporting new-born babies to settle and form an **attachment** with their primary carer should be the first priority in meeting an infant's needs. Family Time should be set at a level that allows the baby to build a **relationship** with birth parents while they work towards the changes needed to make reunification a possibility. If parents succeed, Family Time may be increased to allow the baby to build an **attachment** to birth parents; secure attachment to the foster carer is the best foundation for this.

Quality is more important than quantity in infant Family Time.

The importance of prioritising the needs of very young children when making Family Time arrangements was recognised in 2010 by Lord Justice Munby, the then President of the Family Division, provided: 'A parent cannot be entitled under Article 8 to have such measures taken as would harm the child's health and development'.

Brothers and Sisters

Most children want to keep in touch with siblings and may mourn when contact is severed, particularly if they have assumed a parental role (Children's Rights Director for England, 2009). Most sibling contact is enjoyable; it may be sustained at a relatively high level (Macaskill, 2002). For children who have experienced abuse and neglect the usual mixture of love, loyalty, resentment, protection, competitiveness and jealousy that makes up a sibling bond may be further complicated. It is imperative to conduct sibling assessments when considering whether siblings should be separated and if so, the amount of Family Time they should have together.

12. Birth Family contact in Adoption

Planning Family Time for children in permanent placement is a dynamic process rather than a one-off event.

No longer is adoption seen as a 'clean break'. For such children, Family Time can play an important part in making sense of their own history and identity – helping them to understand who they are, where they have come from and why they cannot live with their birth parents.

Birth families continue as a strong psychological presence for most children growing up in substitute care, especially during adolescence – they are in children's hearts and minds, whether or not they have Family Time or feel able to talk about them. There are consistent findings that adopted children have higher self-esteem and a more cohesive sense of identity when placed with carers who have high levels of **communicative openness** (Beckett et al, 2008; Brodzinsky, 2006).

Children's contact can act as a cog that turns the wheels of communicative openness, providing opportunities for children and adoptive parents to think and talk together about birth families and the child's story (Neil and Howe, 2004).



13. Family Time separation and loss

Most children placed away from birth parents have repeated experiences of separation and loss both before and after they enter the care system. When children move – whether this is into adoption, independence, a new placement or back home – they have a particular need for Family Time with familiar people (including parents, siblings, extended family, foster carers, residential workers, social workers, friends and teachers).

Old relationships do not need to be broken to allow new bonds to form. Children are capable of multiple attachments. Keeping in touch with foster carers after a return home or move into independence can be very positive. Foster carers may be primary attachment figures for very young children moving into adoption; for others they are the first safe, nurturing adults they have encountered. It does not help to build trust in a new family if loved adults disappear from children's lives, just when they need them the most.

Birth families generally remain very important to children. Children and their birth relatives need ongoing support to deal with the losses they experience. (Boddy et al, 2013)

14. Risks of Children's Family Time

Children's Family Time can present a number of risks for children of all ages, including:

- Further abuse or neglect, particularly during unsupervised contact or when adolescents are left to make their own arrangements (Sinclair, 2005; Selwyn, 2005).
- Re-traumatisation (Macaskill, 2002; Sturge and Glaser, 2000). Supervision can provide physical but not emotional safety for such children.
- Loss of trust in current carers (if required to take a child to unsafe Family Time).
- Being blamed for family troubles.
- Perpetuation of harmful relationships.
- Being given false accounts of the reasons they are in care.
- Feeling rejected or upset by unreliable or poor-quality Family Time.
- Being worried by evidence of their birth families' frailty.
- Exposure to moral values that are at odds with those of their carers (for example, crime, drug use, swearing).
- Being overwhelmed by contact that is too frequent to allow a child to regain emotional equilibrium (Macaskill, 2002; Neil and Howe,2004) disrupts routines and provides insufficient time to settle, rest, play and recover.
- Undermining the placement by hostile birth relatives. The impact on carers may affect the child, particularly when relationships remain difficult in kinship care (Farmer, 2009).



15. Timing and frequency

- Needs to depend on the purpose of Family Time and child's individual circumstances, rather
 than placement type or legal order (if a contact order is not meeting the needs of the child,
 consideration will need to be given to returning to court to change the terms of that order)
- Needs to be reviewed as children grow up
- Low frequency Family Time can meet children's identity needs (one to four times per year)
- Higher frequency Family Time is needed in order to retain positive relationships but this still
 needs to be balanced with the child's sense of belonging in the foster, adoptive or kinship
 family.
- poor quality family tends to persist in kinship placements clarity about decision making and use of FGC's can help review (Ashley 2011)
- Contact at birthdays and Christmas is often hard to manage as these are emotive times (Macaskill2002, Neil and Howe (2004)

16. Letter box contact

Written contact can keep children in touch with birth families and can be used as steppingstone to direct Family Time. Many birth parents have little experience of writing letters and live transient lives. Everyone involved may struggle to know what to write. Failed indirect contact can leave children and families feeling hurt and rejected, afraid they have said the wrong thing or even that their relative has died. A one-off meeting between birth relatives and adopters can help to establish a positive exchange (Neil et al,2014).

There is scope for development and creativity in this area. The 'Story Book Dads' project has done innovative work in this area, keeping men and women who are in prison or in the forces in touch with their children through the use of stories.

17. Social Media

Social media can help young people keep in touch with friends and family in new ways but can present risks of their own. Teenagers can sometimes start online contact without thinking things through to assert independence from their carers. This can mean making secret context with their birth families in ways that are not always safe.

Openness is best so that young people feel able to talk to their families about birth family (Fursland, 2013). Online contact works best when it occurs in the context of trusting relationships between families and is most likely to be problematic when it is driven by unmet contact needs (Neil et al, 2014).



18. Research Evidence – making good decisions for children

This guidance is informed by Research in Practice's five step approach. This tool is designed to support planning for children placed in adoption, long term foster care and kinship care. Planning Family Time for children in permanent placement is a dynamic process, rather than a one-off event, this is illustrated in this model below developed by Elisabeth Neil:



Family Time is only valuable if it meets the child's needs and works best when the adults enabling it, work together. Identifying the purpose of contact, is the first step, this will vary depending on the circumstances of each child.

Step 1- What is the purpose of Family Time?

- Build or maintain relationships.
- Assure a child they are loved and remembered.
- Ease the pain of separation and loss.
- Give permission to settle in a new family.
- Reassure that birth relatives are alive and well.
- Help children to understand their history and identity
- Support life story work and allow children to ask questions about why they do not live with birth parents.

If direct contact is not safe, how else can you meet these needs?



Step 2 - What are the risks and strengths?

Family Time plans should be informed, rather than determined by research. The arrangements for any particular child should be based on their specific needs and circumstances. Research by Elsbeth Neil and others has identified a number of factors in the child, birth relatives and carers that are associated with either beneficial or detrimental contact. This can be used to evaluate the risks and strengths.

Strengths	Factors in the child associated with difficult or disruptive contact	
Factors in the child associated with positive contact		
 Child placed in infancy No pre- placement relationship with birth relative Positive/neutral pre- placement relationship Absence of major behavioural/mental health problems Secure attachment and placement with current carers Healthy psycho social development Child freely wants contact – is not afraid Child has positive memories Child has not witnessed, does not imitate violence 	 Older child with troubled/traumatic relationship with birth relatives Rejected child, lived with several birth relatives Major, behavioural, mental health problems Insecure attachment, placement with current carers Child freely doesn't want contact is afraid Child is fearful on return to placement/trust in carers undermined Child has negative memories Child is re -traumatised/ overwhelmed by contact Child witnesses violence/imitates violence 	
Factors in the carers associated with positive	Factors in the carers associated with difficult or disruptive contact	
 Not afraid or at risk from birth relatives Recognise benefits of contact Involved in contact planning Trained and prepared to support contact Positive attitude to birth family – acknowledge reason for placement Resolved states of mind in relation to own loss/abuse Constructive, collaborative approach Sensitivity, empathy, reflective capacity Communicative, openness 	 afraid or at risk from birth relatives does not want or is anxious about contact Excluded from planning and from contact Unsupported, unprepared, untrained Critical, unaccepting of birth family Unresolved states of mind regarding own loss/attachment/trauma Unwilling to work collaboratively Lack of sensitivity, empathy, reflective capacity 	



 Factors in the adult birth relative associated with positive contact Has never been the child's primary carer Accepts and supports placement, affirms new carers Constructive and collaborative approach Relinquishes parenting role Relates to child in positive, non-abusive way Relatively free of significant personal difficulties (for example, substance misuse) Reliable, punctual Accepts harm caused to child Expresses remorse, regret 	 Factors in the adult birth relative associated with difficult or disruptive contact Does not accept or undermines the placement Insist on maintaining role as carer, discourages child from loving new family Seriously maltreated or traumatised child in past (including exposure to domestic violence) Neglectful, abusive, rejecting during visits Unreliable, persistently late Denies causing harm, shows no remorse or regret Exposes child to values at odds with placement (for example, drug use)
Does not use contact to undermine/threaten or cause conflict with carers	 Significant personal difficulties (for example substance misuse) Uses contact to undermine, threaten, cause conflict with carers Risk to cares, risk of abduction
Factors associated with positive sibling contact	Factors associated with difficult or disruptive sibling contact
 Activity based, chance to build up good memories Carers from similar backgrounds with similar values Placements are geographically close 	 Child is traumatised or recovery impaired by contact Siblings discourage child from loving setting in with new family Chins of contact present a risk Negative patterns re-emerge (for example, sexualised behaviour, scapegoating) despite intervention Sibling cannot relinquish parental role

Step 3 - Provisional plan

Consider all types of contact including:

- Supervised professionally or by carers/extended family
- Supported actively facilitated to improve relationships allow child to ask questions
- Community-bases/activity-based
- Telephone/letter/skype/social media

Step 4 – support plan

This could include:



- Supervision, facilitation, mediation
- Emotional and practical support before and after visits
- Involving children and families in drawing up agreements
- Establishing role clarity (who is mummy? who tells the child off?)
- Financial help with travel/trips
- Help to take part in special family events (for example weddings)
- Access to quality venues
- Links to support groups
- Clarity about decision making process
- Life story work

Don't assume that kinship carers can manage without support

Step 5 - review

This should consider everybody's point of view, paying particular attention to children's response before and after visit and their demeanour during contact as well as their verbally expressed wishes.

- Does the pattern of contact need to change?
- Does the support of contact need to change?
- What is the purpose of contact?



Appendix 1- Case Study

Here is an example of this approach used to inform the Family Time plan presented to final hearing for an eight-year-old girl.

Kayla suffered severe neglect in her mother's care. Her Father has had no involvement in her life. Family Time was three times a week in care proceedings and it was difficult throughout. The LA sought a full care order to allow Kayla to remain with her current carer's long term, with a plan for future Family Time with her mother as set out below (and permission to be able to refuse Family Time with her father).

Case Study	What is the purpose of Family Time?
	To reassure Kayla that she has not been forgotten and her mother is ok, to provide a reality check and help Kayla begin to understand her history
Strengths	Risks
Factors associated with beneficial Family Time	Factors associated with difficult or detrimental Family Time
Kayla	
Developing attachment and secure placement with current carers	 Older child with troubled/traumatic relationship with mother (highly avoidant attachment) Challenging behaviour, difficulties around eating Kayla expresses a wish to have Family Time but is distressed and fearful before and after visits, finding it hard to go to school and wetting the bed During Family Time, she is loud and agitated, often laughing without apparent amusement Kayla has memories of being cold, hungry and frightened in her mother's care Kayla appears overwhelmed by Family Time, becoming manic and disruptive.
Foster carers	
 Not afraid or at risk from mother Recognise benefits of Family Time Involved in Family Time planning Trained and prepared to 	Anxious that too much Family Time could unsettle Kayla



 Positive attitude to birth family, acknowledge reasons for placement Resolved states of mind in relation to own loss/abuse Constructive, collaborative 	
 approach Sensitivity, empathy, reflective capacity Communicative openness 	
Mother	
 Respects foster carers, some acceptance of placement Able to relinquish parenting role to some extent Good relationship with Children's Contact Worker Reliable, punctual Does not use Family Time to undermine/threaten or cause conflict with carers 	 Sometimes undermines placement by criticising carers Finds it difficult to hear about Kayla enjoying life with her family Serious maltreatment by neglect in the past Struggles to focus on Kayla's needs during Family Time, winds her up and then gets cross, treats Kayla like an adult – confiding distressing information Does not recognise that Kayla suffered harm Struggles to care for herself – is often unkempt, runs out of money, is at risk of eviction
Family Time plan	 Family Time six times a year in each of the school holidays, activity based for two hours supported by foster carers and contact supervisor Visits to take place at the local park and café when its sunny, at the aquarium in bad weather
Support plan	 Our aim is to improve the quality of Family Time Social worker will meet with everyone involved before and after each Family Time Children's Contact Worker will actively facilitate visits, helping mother to remember to worry Kayla or get her over excited Written agreements to be drawn up with Kayla, her carers and her mother Social worker will provide a camera so Kayla can take photos for her life story book during Family Time Social services to fund aquarium tickets, snacks in café and mothers bus fair



We will review this plan at Children Looked After Reviews to see
if the quality of Family Time has improved and the negative
effects on Kayla have reduced. If not a reduction in the
frequency of Family Time visits will be considered.