 

**Oversight of Unregulated Placements**

**Practice Guidance**

Under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010 the Trust may approve a Kinship Carer as a temporary foster carer for up to 16 weeks. This approval is often given after the viability assessment. It is expected that the full assessment of the carers is completed and presented to fostering panel within the 16 week timeframe. This ensures that the placement is regulated.

Sometimes there will be circumstances where children who live with their kinship carers are in an unregulated placement. This means that the placement has not been approved under the Fostering Regulations making it an unregulated (unlawful placement).

This may have happened for a number of reasons –

* A child is placed with relatives or family and friends and a viability assessment has not been completed or signed off by the agency decision maker (ADM).
* The temporary foster care approval under Regulation 24 agreement has lapsed, in that it has gone beyond the 16-week assessment period and an extension for a further eight weeks under Regulation 25 (CPPCR Regs 2010), has not been sought from the Fostering Panel.
* The Regulation 25 agreement has lapsed after 24 weeks and the completed full fostering assessment has not yet been presented to Fostering Panel within this timescale.
* The Kinship fostering assessment has been presented to Fostering Panel and Panel have not recommended approval; the child remains in the care of the adults who are assessed but are not approved.
* Where the court has granted an Interim Care Order (ICO) and decided to place a child with a carer who is not approved as a foster carer as they do not meet fostering regulations, or where the carer has never been assessed.

It is important that any decision to continue with the placement in breach of the regulations should be taken by an assistant director.

The reasons for the decision to continue with an unlawful placement should be clearly recorded, with the risks of the placement identified and case-specific support and monitoring arrangements detailed.

The need for the placement and the reasons why it remains unregulated should be kept under frequent review, and a plan to approve or register the placement, or for the child to be moved to a lawful placement, as soon as practicable must be set out and followed.

The child’s independent reviewing officer should be consulted about the plan and should ensure that the placement is kept under appropriately frequent review.

**Process**

1. The assessing kinship worker will initiate the unregulated placement form and complete the section relating to the carers and rationale for delays in presenting the carers to fostering panel for approval within 3 working days.

1. The social worker for the child completes the section relating to the child, adding their views about continued suitability of the care arrangement. The view of the IRO must be obtained and legal services made aware if this has not been done already. This will be done within 3 working days.
2. The unregulated placement form must be sent to the Head of Service for their oversight and comments before being sent to Assistant Director level for oversight and agreement. Within 1 working day. This should be recorded on a ‘Head of Service Recording – Oversight of Unregulated Placement’ case note.
3. The unregulated placement must continue to be monitored 4 weekly for oversight and to prevent further drift and delay. Childrens names will be sent by Fostering Service Manager on a monthly basis.

Where possible the use of unregulated placements must be minimised by timely completion of the fostering registration form to ensure statutory checks are completed within the timescales to regulate such placements.

The unregulated assessment plan must be kept under review by the responsible Head of Service at a minimum of 4 weekly with a clear plan for this being regulated and should only cease when the child is in a regulated setting. The reviews should be recorded by Head of Service as a ‘Head of Service Recording – Oversight of Unregulated Placement’ case note on LCS.

During the period a placement is unregulated, visits will be undertaken at a minimum of 4 weekly, however risk must be taken into account and increased if deemed appropriate.

In the event there is no realistic prospect that a placement will become regulated for example carers are not approved at panel but the placement is deemed to be in the child’s best interest the SSW will alert the allocated SW at the earliest opportunity. The respective Head of Service must have a case discussion with an Assistant Director or above to consider options, including the placement continuing where it is safe to do so. These should be exceptional circumstance and the same level of oversight as set out above. Visits should be maintained as above for the duration of the placement being unregulated.

 

**Oversight of Unregulated Placements**

**This document is to be used where Reg 24/25 timescales of a fostering placement have expired or where there may be delays in changing the legal structure of the placement.**

***Re W and X (Wardship: Relatives Rejected as foster carers) (2004) 1 FLR 415***

|  |  |
| --- | --- |
| **Name of carer** |  |
| **LCS Number for carer** |  |
| **Name of child** |  |
| **LCS Number for the child**  |  |
| **Current legal status** |  |
| **Childs social worker** |  |
| **Fostering social worker** |  |
| **IRO** |  |
| **Date Reg 24 placement started** |  |
| **Date panel agreed extension under Reg 25** |  |
| **Reg 25 date ends** |  |
| **Reason for placement becoming unregulated and what work has been undertaken to prevent this.** |
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| **What are the identified risks with the placement being unregulated and what is the impact on the child.** |
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| **What is required to regulate the placement and mitigate any identified risks?** *i.e court hearing/statutory checks* |
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| **What is the frequency of visits being undertaken to this unregulated placement if it has been determined that this cannot be a fostering placement** *ie court have ordered children placed despite negative panel/ADM outcome.* |
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| **What support is being offered to the carers** *(including financial)* |
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| **What is the timescale for being able to regulate/change the placement?** *i.e final hearing* |
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| **What is working well for the children in this placement?** |
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| **View of child’s social worker?** |
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| **Views of IRO on placement?** |
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| **Date legal been made aware?** |
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| **Arrangements for review whilst placement remains unregulated** |
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| **HOS oversight/comment including visiting frequency which should be set at a minimum of 4 weekly** |
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| **Director oversight and comments on suitability for the placement to continue** |
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| **Review Date**(should be set at a minimum of 4 weekly) |
| **Signed**  |
| **Date**  |