

## EDUCATION AND CHILDREN'S SERVICES

### FAMILY PLACEMENT SERVICE

#### Emergency and Immediate Placements (Regulation 38) Policy and Practice Guidance

Effective from: 19 <sup>TH</sup> August 2009	Author: Tina Ryan, August 2009
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#### Legislation/Regulation

In accordance with the Fostering Service Regulations 2002, No. 38, where a local authority is seeking to place a child immediately, they may place the child with a person who is not a foster parent for a period not exceeding six weeks provided that:

- the person is a relative or friend of the child
- they have interviewed the person
- they have inspected the accommodation
- they have obtained information about other people living in the household
- they have drawn up a written agreement as specified in Appendix A.

Any child who is looked after by the local authority under S.31 or S.20 of the Children Act 1989 **must** be placed with an approved foster carer or a relative/friend who has been approved under Regulation 38.

A child placed under Regulation 38 is a looked-after child and is therefore subject to all relevant legislation and regulations. The social worker placing the child therefore needs to comply with these.

## **Slough Borough Council Policy**

1. When required to look after a child temporarily or in an emergency, Slough Borough Council will always seek to place the child with a relative or someone known to them before seeking to place the child with approved foster carers who are not known to them.
2. Where this arrangement continues for more than six weeks as specified in the regulations, the placing social worker is required to attend the Fostering Panel every month to keep the Panel informed regarding the welfare of the child and their care plan. In addition, the placing social worker is required to provide this update in writing every other month.
3. In accordance with Regulation 35, the local authority is required to visit the child in placement once a week. The placing social worker may arrange with other appropriately qualified workers to undertake this task, provided they themselves visit the child at least once a month in order to be able to update the Fostering Panel personally as to the child's welfare. The worker undertaking the visit must see the child alone unless the child, being of sufficient age and understanding to do so, refuses. The worker undertaking the visit must also make a written record of the visit.
4. Where the Regulation 38 carer lives outside Slough Borough Council, the placing social worker will need to inform the relevant local authority.
5. All carers approved under Regulation 38 will receive the same weekly allowance as that paid to other family and friends carers who are approved by Slough Borough Council. This allowance will be paid by the Fostering Team. Any other expenses in respect of the child will be met by the placing team.

## **Practice Guidance**

### **Duties of the placing social worker**

1. Prior to placing the child, the placing social worker must obtain the agreement of the Fostering Panel's Agency Decision Maker to the temporary approval of the carer under Regulation 38.
2. As soon as this placement has been made, the placing social worker must inform the Manager or Assistant Manager of the Fostering Team and arrange to bring the Regulation 38 carer to the very next Fostering Panel.
3. The placing social worker will need to discuss and sign a written agreement (Appendix A) with the carer and undertake an assessment of their ability to care for the child as specified in Appendix B.
4. The placing social worker will have already undertaken initial police checks in respect of the carer before making the placement. They will

also be expected to initiate CRB checks of all the adults over sixteen in the household as soon as possible. The Family Placement Service will provide the forms and advice in connection with this process and will process the checks once the forms have been received.

5. The placing social worker will present their assessment of the Regulation 38 carer to the Fostering Panel for their recommendation. Wherever possible, this will need to be circulated two weeks in advance of panel. However, the report may be circulated later in order to ensure that the assessment is brought to the first panel to be held following the placement. (The dates for the circulation of panel papers can be obtained from the Administrative Officer in the Fostering Team.)
6. In order to initiate payment of the carer's allowance, the placing social worker will need to inform the Administrative Officer in the Fostering Team of the date the placement was made and to obtain the permission of the Regulation 38 carer to pass on their bank details.
7. As noted above, the placing social worker will need to arrange for the child to be visited weekly, to be seen alone and for a written record of that visit to be made.

### **Duties of the Fostering Team**

1. A file containing the written agreement, the assessment of the Regulation 38 carer and any other relevant information concerning the carer will be opened and maintained by the Fostering Team.
2. The Fostering Team will maintain a register of the names and addresses of all carers with whom it has placed a child under Regulation 38. This will also include the date of the written agreement that they entered into and the terms of the agreement that are in force at the time.
3. The Fostering Team will process the CRB check of the Regulation 38 carer, once the completed forms have been received.
4. The assessment of the Regulation 38 carer will be considered by the Fostering Panel and a recommendation made. This will then be passed to the Agency Decision Maker for their decision. Once the decision is made regarding the approval of the carer, the placing social worker will be informed by the Panel Adviser.
5. The Fostering Team will pay an allowance to the Regulation 38 carer from the date that the placement was made. Once, the Administrative Officer in the Fostering Team has obtained the bank details of the carer, regular fortnightly payments to the carer will be made.
6. The Fostering Team will ensure that the Regulation 38 carer is brought to Panel every month, where necessary, and that the placing social worker is notified of the time and place to attend and the date on which to submit their report every other month.

# FOSTERING SERVICES REGULATIONS 2002

## Regulation 38: Emergency and Immediate Placements

### Written Agreement

- 1) I/We agree to care for ..... (the child) as if he/she were a member of my/our own family.
- 2) I/We agree to allow any person authorised by Slough Borough Council or my/our own local authority to visit the child at any time.
- 3) I/We agree to allow the child to be removed at any time by Slough Borough Council or my/our own local authority if they believe that my/our care is detrimental to the child's welfare.
- 4) I/We agree to keep confidential any information that I/we may be given about the child, his/her family or anyone else in connection with this placement and that I/we will not disclose this except to, or with the agreement of, Slough Borough Council.
- 5) I/We agree to allow contact with the child in accordance with the terms of any court order or any arrangements that have been made by, or agreed with, Slough Borough Council.

**Foster Carer(s) (Name)**

.....

**Signature(s)**

.....

**Date** .....

**Social Worker (Name)**

.....

**Signature**

.....

**Date** .....

## REGULATION 38 ASSESSMENT

### Particulars relating to prospective foster carers and other persons in household.

Name of carer(s):

Address :

Relationship to child:

Other members of carer(s)' household:

This placement is required for the following child(ren):

Child(ren) and DOB:

Mother:

Father (Does he have parental responsibility):

***PLEASE ATTACH GENOGRAM***

#### **Background information**

*Brief history of social services involvement.*

*Why the child is unable to live at home.*

#### **Profile of carer(s)**

*Education, employment, income, health, personality, family's lifestyle.*

*Stability of carers' relationship, if appropriate.*

*Children and other adults in the household.*

*Support networks.*

#### **Parenting Capacity**

*Experience of parenting children and/or understanding of basic care.  
Understanding of need to protect children, especially if the child has been abused within the family.  
Ability to provide emotional warmth, guidance and boundaries.*

**Accommodation**

*Whether the accommodation is suitable for the child.  
Where the child will be sleeping.*

**Relationship with the child and other significant family members**

*How well they know the child.  
Their relationship with the child's parents and other significant adults in the family and how they will manage this while the child is living with them.*

**Ability to meet the needs of the child**

*List child's specific needs and how carer will meet these. These should include: education, health, emotional needs and sense of identity, social and recreational activities, contact with family.*

**Views of the parents and any other significant family members**

**Wishes and Feelings of the Child**

**Prospective carers understanding of their role with the authority**

**What support Slough Borough Council will offer the carer**

*State a) how Slough Borough Council will fulfil its statutory obligations and b) how the Council will assist the carer to meet the child's needs if they are significant.*

**Outcome of the checks undertaken**

**Any other issues that may need to be addressed**

*Delete if not appropriate.*

**Details of outcome of any previous request by the prospective carer to foster or adopt children or of any application for registration under Section 1 of the Nurseries and Childminders Regulation Act 1948 or under the Children Act 1989**

State whether or not an application has been made.

**Has the household been approved by any local authority or voluntary organisation under Regulation 3?**

*State whether or not approval has been granted.*

**Social Worker's Assessment**

*Summarise the reasons why, given the above evidence, the prospective carers should be registered as foster carers. Also state any concerns you may have and what support has been arranged for the carers to address this.*

**Signature of Social Worker and date:**

**Signature of Manager and date:**