

**Education & Children's Services**

**THE PLACEMENT OF CHILDREN WITH PARENTS**

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**Approved By:** Children & Families Management Team

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**Review Date:** 5 July 2006

**Team:** Family Support

**1. Policy Aim**

To help ensure the welfare and protection of children who are in compulsory care and placed with;

- a parent
- other person with parental responsibility
- those with a residence order which was in place prior to a care order being made.

**2. Contents**

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- Form: Placement Decision Form
- Form: Placement Agreement
- Form: Notice of Placement
- Form: Notice of Ending of Placement

## 2. Legislation, Central Government and other External Documents References

*The Placement of Children with Parents Regulations 1991*  
*Children Act 1989*

- 2.1 The Placement of Children with Parents Regulations came into force on 14th October 1991. The Regulations provide for the welfare and protection of children who are in compulsory care and placed with a parent, other person with parental responsibility or a person in whose favour a residence order was in force before the care order was made.

The regulations set out;

the enquiries and assessment to be made by local authorities before making decisions to place children in such accommodation (Regulation 3);

the duties of local authorities in relation to placements in those circumstances (Regulation 4);

the taking of such decisions by the Director of Social Services or a person nominated by him (Regulation 5);

immediate placements (Regulation 6);

the provision of and particulars to be included in, agreements between local authorities and those who are to accommodate the children (Regulation 7);

notification of placements (Regulation 8);

support and supervision of placements by local authorities (Regulation 9):

the application of the Regulations to placement which may be made outside England and Wales (Regulation 10);

the circumstances in which there may be termination of placements (Regulation 11);

notification of termination of placements (Regulation 12);

and the application of these Regulations to short term placements (Regulation 13)

- 2.2 Attention is drawn to Chapter 5 of Volume 3 of the Children Act Guidance and Regulations.

- 2.3 These Regulations do not govern placements of children with relatives or friends unless these persons have parental responsibility for the child by virtue of guardianship or had such responsibility under a residence order immediately before the care order was made.
- 2.4 Only Regulations 4, 5, 10 and 11 of these Regulations apply to children aged 16 or over.
- 2.5 A stay of 24 hours or more for the purposes of contact is governed by these regulations.
- 2.6 Regulations are drafted to reflect the position after a care order is granted whereby the parents do not lose parental responsibility although the local authority acquires the power to limit the parents' exercise of their responsibility.
- 2.7 Children on remand to local authority accommodation are not in the care of the local authority. In consequence, new placements of such children will not be governed by the regulations.
- 2.8 "Placement" means allowing a child who is in the care of a local authority to live with:-
- a) a parent of the child;
  - b) a person who is not a parent of the child but who has parental responsibility for him, or
  - c) where there was a residence order in force with respect to him immediately before the care order was made, a person in whose favour the residence order was made.

### **3. Policy**

This policy provides a framework for decision making regarding any proposed accommodation of children in compulsory care with a parent or person with parental responsibility. The policy and procedures are designed to embody the following principles:

- i) It is the local authority which has the ultimate statutory duty to satisfy itself about the proposed placement arrangements and responsibility cannot be passed to workers from other agencies.
- ii) The welfare duty contained in section 22 (3) of the 1989 Children Act applies to all decisions made in relation to a placement of a child under these Regulations.
- iii) The fact that it is proposed that a child is to be placed with an adult known to the children and the Social Care Service does not in any way reduce the need for proper preparation for the placement.

#### *Scope*

The regulations apply to any child in compulsory care who is placed for more than 24 hours with a parent, other person with parental responsibility (i.e. a guardian) or a person in whose favour a residence order was in force immediately before the care order was made (Section 23).

A parent includes a mother and father of the child whether or not married.

The Regulations apply to children under interim or full Care Orders made under the Children Act.

#### *Who is not covered*

Children who are accommodated by the authority.

Children who are to be placed with relatives or friends (see the Foster Placement Regulations 1991).

Children who are subject to emergency protection orders.

Children on remand and accommodated by a local authority.

#### *Special Circumstances*

##### Children aged 16 and over

Only Regulations 4, 5, 10 and 11 apply to children aged 16 or over.

##### Immediate Placements

Where an immediate placement is made, only basic checks have to be carried out before placement.

##### Short Term Placements

A series of short pre planned placements may be regarded as a single placement for the purposes of the Regulations.

## **4. Procedure**

### *Preparation for Placement*

The welfare duty contained in Section 22 (3) of the 1989 Act applies to all decisions made in relation to a placement of a child under these Regulations.

The fact that the child is to be placed with an adult known to the child and the department does not make proper preparation for the placement less necessary. Preparation should include :

- as assessment of the child's needs in the placement
  - as assessment of any risk attached to the proposed placement
  - early discussion with the existing and prospective carers and the child
  - visits to the proposed carers in their home
  - identification of the type and level of support required,
- and
- an explanation of the requirements surrounding the placement

The establishment of clear aims and objectives of the placement will be part of the overall planning process for the child.

Factors which need to be taken into account in assessing a child's needs and the suitability of a placement include:

- a) Contact with family, including parents when not the carer, siblings and other relatives: The requirements of section 34 to promote contact should be borne in mind. Where the placements is not within easy reach the Social Worker should consider what assistance with travelling expenses can be given under paragraph 16 of Schedule 2 (see procedure manual relating to Contact with Children).
- b) Health care needs: Based on an assessment of the child's health care needs, a health care plan may need to be formulated.
- c) Education: Remaining at the same school offers not only continuity of education but continuity in an important part of the child's daily life, and consideration should be given to the provision of transport. where a child has special educational needs, the location of suitable schools will be a significant factor.
- d) Needs of siblings: The needs and relationships of siblings should always be considered, even though not all may be in care.
- e) Religion, race and culture: As an important principle, children should be given opportunities and encouragement to enjoy and take a pride in their racial and cultural heritage.

#### *Enquiries Prior To Placement*

The enquiries required by the Regulations prior to placement are set out in Regulation 3:

"Before a placement decision is made, a local authority shall make all necessary enquiries in respect of -

- a) the health of the child
- b) the suitability of the person with whom it is proposed that the child should be placed
- c) the suitability of the proposed accommodation, including the proposed sleeping arrangements.
- d) the educational and social needs of the child; and
- e) the suitability of all other members of the household aged 16 or over in which it is proposed a child will live".

In assessing the suitability of the proposed carer(s) and other adult members of the household, there is a requirement to obtain information on and to consider the range of factors set out in Schedule 1.

All the elements of the required enquiries are contained in the **Placement Decision Form** which will be completed by the Social Worker .

The aim of the enquiries should be to identify all the factors which contribute to a general picture of the carers, their family and way of life. The Social Worker should visit on at least one occasion at a time when it is possible to meet the entire household and explore the relationships of all the members, the extent to which other members of the household may participate in the care and daily life of the child who may be placed in the household,

and the demands which are made on the carer by other members of the household such as children or elderly relatives.

The Social Worker should make a point of communicating with the children of the family and learning about their feelings on the proposed placement. The impact on family and social life should be carefully discussed and considered with the carer.

The Social Worker will check records in respect of the carers and other members of the household, check with any other authority and agency to which they have applied to foster or adopt, and check with local authority in whose area the carer lives.

The Police will be asked to check whether the proposed carers and other adult members of the household have any relevant convictions recorded against them, the necessary consents having first been obtained.

The Social Worker should assess the proposed carers' attitudes and expectations in relation to child rearing, disciplines, understanding and perception of the proposed placement, and of their suitability to care for the particular child, taking into account special needs and issues of religion, race, language and culture.

### *Consultation*

Section 22 (4) of the Children Act 1989 states that before making any decision with respect to a child whom they are looking after, the Social Care Services must so far as is reasonably practicable obtain and take account of the wishes and feelings of :-

- a) the child
- b) his parents
- c) any person who is not a parent of his but who has parental responsibility for him;  
and
- d) any other person whose wishes and feelings the Department consider to be relevant.

The requirement to take account of the wishes and feelings of the child is of paramount importance, and if these cannot be obtained the reasons must be recorded on the case file.

It must be remembered that wishes and feelings may be conveyed in many ways, not only verbally.

There is no definition as to persons who might fall within the last category, but these should include foster parents, residential staff, grand parents, other relatives and other adults who have a significant role in the child's life e.g. Guardian ad Litem. The Social Care Manager will reach a decision as to the appropriate people with whom to consult.

Social Care Managers are advised to use their discretion under Section 24 (4) (d) of the Act to consult the relevant statutory and voluntary agencies which are and have been previously involved with the child and his family. In most circumstances these will include the Health Authority community services, the Education Department, the child's G.P and on occasion the Probation Service and the Police.

Consultation letter A will be given to the child if deemed appropriate (see proforma).

Consultation letter B will be forwarded to the child's parent(s) or person with parental responsibility (see proforma).

Consultation letter C will be forwarded to all other agencies and persons to be consulted (see proforma).

**In cases of child protection**, a case conference must be convened to consider the proposed placement and make a recommendation to the Assistant Director (who will make the placement decision) or a person nominated by him/her.

### *Placement Agreements*

Regulation 7 requires that "the local authority shall seek to reach agreement with the person with whom the child is to be placed to all the particulars so far as is practicable specified in Schedule 2, and the placement shall not be put into effect unless and until such an agreement on all such particulars has been reached and recorded in writing and a copy of it has been given or sent to that person".

Before a placement commences, the Social Worker and the future carer will have to reach agreement on the terms of the Placement Agreement form. It is expected that the carer's agreement will be confirmed by signing the form.

Where care of a child is to be shared by two people in a household, both should agree the terms of the Placement Agreement and preferably sign the form.

The Assistant Director has the Placement Agreement could require a copy of when reaching a placement decision.

A copy of the Placement Agreement must be given or sent to the future carer. A placement **cannot** be made until this has been done. A copy should also be given to the child (subject to his age and understanding).

Placement Agreements will need to be amended whenever a significant change in the placement is agreed.

The need to amend Placement Agreements should be considered at each review.

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**CONSULTATION LETTER B (PARENT/PERSON WITH PARENTAL RESPONSIBILITY)**

**PROFORMA**

Dear

As you know from his/her social worker, we are proposing that .....  
(child's name) should stay with ..... (name).

As part of our legal responsibilities, we have to ask the opinion of a number of people about this course of action before we can go ahead.

As the parent of ..... (child's name) we would appreciate any views you may have in writing before ..... (date).

Please feel free to telephone ..... (social worker/Social Care Manager) to discuss your views before this date, but we really do need written confirmation.

If there is a serious disagreement between those consulted a meeting may be held to which you will be invited.

Yours.


**CONSULTATION LETTER C**

**PROFORMA**

Dear

Children Act 1989

Re: ..... (name) Date of Birth .....

Section 22 (4) of the above Act requires that before making a decision to place a child, the department should consult those who are and have been previously involved with the child. The above named child is looked after by Slough Borough Council and we are proposing to make a placement under the Placement of Children with Parents Regulations 1991.

We are proposing to make a placement of the above named child with .....

..... (name) of .....

..... (address)

We are writing to seek your views on this course of action. It would be appreciated if we could have your response by ..... (date). Accordingly to our records, the following are also resident within the household:

Yours.


**CONSULTATION LETTER A (CHILD)**

**PROFORMA**

Dear

As you will know from your social worker, we are thinking about whether you should stay with (name).

Before we can go ahead with this, we have to ask the opinion of a number of people. We would like to know what you think about this - in writing if possible. If you have any difficulty doing this, I hope that you will be able to get help from your social worker or the person looking after you or another adult.

If there is a disagreement over whether you should stay with (name) then we may hold a meeting to which you will be invited.

Yours

### *Notification*

After the placement decision has been made, the Social Worker will give written notice of a) the placement decision and b) details of where the child is to be placed to the following people:-

- i) the child
- ii) his parents
- iii) any person who is not present, but who has parental responsibility for the child
- iv) any other person whose wishes and feelings were sought in relation to the decision
- v) the Health Authority
- vi) the Education Department
- vii) the child's registered medical practitioner
- viii) the area authority (another Social Services Department, if relevant)
- ix) any person, not being an officer of the Department, who has been caring for the child immediately before the placement (e.g. a foster parent who was looking after a child before the placement decision was made); and
- x) where there was a residence order in force with respect to the child immediately before the care order was made, the person in whose favour the residence order was made; and

unless -

- a) a person's whereabouts are unknown or cannot readily be discovered and/or;
- b) the Social Care Manager decides that such notification would not be in accordance with the general duty under Section 22(3) of the Act (i.e. would not safeguard and promote the child's welfare or that disclosure of the child's whereabouts to a particular person would prejudice the child's welfare).

The Notice of Placement will be used for this purpose.

In the case of Health and Education, both the area where the child is currently living and the area to which he is moving must be notified.

### *Supervision of Placement*

1. The supervising Social Worker will need to bear in mind the requirement of Section 22 of the Act to safeguard and maintain the welfare of the child and also the need to ascertain the wishes and feelings of the child regarding the placement and future decisions and give due consideration to them having regard to his age and understanding.
2. There will be a need to keep clearly in mind the objective of the placement and to monitor the suitability of the carer and the environment in which the child is placed. It will be necessary also to take account of the reason for the child being in care and the changing needs of the child over time.
3. Visits should take place as often as the circumstances of the individual child and placement require, but in any case within one week of the beginning of the placement, then within 28 days and at intervals of not more than six weeks during the first year of the placement. During subsequent year visits should be made as often as requested by the child or the person with whom the child is placed and as circumstances require, but in any case at intervals of not more than three months (Regulation 9).
4. On each visit the child should be seen alone whenever practicable to allow an opportunity for independent observations and direct contact with the child. If the child is not seen or cannot be seen alone then a further visit must be arranged to see the child. In some cases, this may result in a planned, notified visit followed immediately by an unannounced visit. If a child is said to be elsewhere this must be checked out by the Social Worker.
5. It will be necessary to check the perceptions of the child and carer in relation to the aims of the placement and the ways these are or are not being achieved. The Social Worker will need to feed back to the child and the carer the Social Worker's own perception of the way the placement is developing and to acknowledge attainment of an aim or the failure to do so.
6. It is important to remember that the carer will have agreed to co-operate with supervision arrangement as a condition of the placement and set out in the Placement Agreement.
7. A written receipt must be completed after each visit, and this must indicate whether the child was seen alone.

### *Reviews*

1. A requirement to review the welfare and progress, including the health and physical, emotional, educational and social development of every child who is placed under the Regulations and to review the suitability of the placement is specified in the Review of Children's Cases Regulations 1991.
2. Reviews should take place as often as is necessary, but in any case within the period of four weeks from the beginning of the placement, the second review within three months and thereafter at intervals of not more than six months.
3. The need to amend the Placement Agreement should be considered at each Review.
4. At each review, consideration must be given to the need for the care order to continue.

### *Termination of Placement*

1. Regulation 11 places upon local authorities a duty to remove a child if it is considered that to leave the child in the placement would be contrary to the child's interests (Section 22(3) of the Children Act)
2. If a child has been placed in Slough by another local authority, and it appears to this authority that it would be detrimental to the welfare of the child if he continued to be so placed, the child may be removed forthwith from the person with whom he is placed (Regulation 11(2)). In such a case, the authority must make other arrangements for the care of the child as soon as practicable.
3. It will be possible in many cases to plan for removal and so minimize stress to the child and counteract a sense of failure in the carer or child. However, immediate action will be necessary on occasions. Under the Placement Agreement to which the carer is a party the duty to remove the child at any time is acknowledged.
4. Wherever possible, and if this is in the child's best interest, a placement with the child's wider family or family friends should be considered taking into account the child's wishes and views and those of his parents.
5. The Social Care Manager, in conjunction with the Social Worker, will consider who will need to be notified, and will ensure that all those involved with the child and who need to know of the termination or proposed termination of a placement are informed as soon as is practicable. This will include the carer, parents who are not carers, and those who were notified of the original placement decision.
6. Informing may or may not involve giving explanations which raise issues of confidentiality, and care will be needed to avoid contributing to tensions within the family circle. It will be necessary to give explanations to the child and to the carer when they

have not made the request to terminate the arrangement and to the other parent or guardian. There will also be a need to consider all the other children who may not be in care but who are part of the household. There may be times when a placement involves more than one child of a family yet only one child is to be removed. Those left in the household will need explanations and increased support.

### *Disagreements*

1. All those consulted during placement planning (including the child) should be able to register disagreement regarding decisions to make or to terminate a placement, and should be able to request a review of these decisions.
2. Complaints and challenges should in the first instance be brought to the attention of the Social Care Manager who will, after investigation, provide a written response. These arrangements will not be used to prevent or hinder use of the complaints and representations procedure.

It is the responsibility of the Social Worker to inform all parents and children (according to their understanding) of the representations/complaints procedure, and to ensure that they receive a copy of the complaints leaflet.

3. When a disagreement persists, parents should be advised to seek a legal opinion on the most appropriate action open to them.

### *Special Circumstances*

1. Existing Placements

Regulations 2(4) allows a child to remain in an existing placement while investigations and enquiries are made under Regulation 3 prior to a placement decision being made.

A short absence from home, such as a period of removal under an emergency protection order prior to the granting of an interim care order, will not in all cases prevent the Department from deciding that to all intents and purposes the child is already living with the person with whom he can be placed under the Regulations. Whether such a placement would constitute an existing placement is a question of fact and law, and in such cases legal advice must be sought.

2. Immediate Placements (Regulation 6)

2.1 In exceptional circumstances, it may be in the best interest of the child to make an immediate placement under these Regulations. For example, in the unforeseen breakdown of a foster placement requiring the child's immediate removal, the least traumatic move for the child may be to a parent.

2.2 Before an immediate placement is made, the Social Worker will-

- a) interview the person with whom the child is to be placed in order to obtain as

much of the information required for the Placement Decision Form as is possible;

- b) obtain as much information as is possible in relation to other members of the household aged 16 and over;
- c) inspect the accommodation

2.3 The decision to place the child must be made by the Assistant Director of a person nominated by him/her.

2.4 The remaining enquiries and notifications etc. must be completed **within six weeks** of the immediate placement.

### 3. Short Term Placement (Regulation 13)

3.1 Relevant placements of more than 24 hours are subject to these Regulations. This includes short term placements for purposes of contact.

3.2 Regulations 13 allows for a series of short, pre-planned placements with the same carer to be treated **as a single placement**. Typically, these placements may be for regular staying contact and so allow the carer or the child to have a break.

3.3 The conditions to be satisfied in order to treat a series of short term placements as a single placement are :

- a) all the placements occur within a period which does not exceed one year;
- b) no single placement is for a duration of more than four weeks;
- c) the total duration's of the placements does not exceed 90 days.

3.4 If these conditions are met, the actin required by these Regulations should need to be taken only once, unless there is a significant change in circumstances.

3.5 The duty to visit the child is relaxed in relation to these placements to a minimum requirement for one visit during the first of the short term placements, and on one other occasion.

### 4. Court Decisions

Any Court Direction (i.e. for extended staying contact) will override the Regulations, although before making any such direction, the Court's attention must be drawn to the Regulations. Although in such a case the placement decision does not have to be made, the requirements of the Regulations in respect of notification, support and supervision do apply subject to any direction by the Court.

## 5. Monitoring and Review

This policy will be reviewed by the Family Support Manager on a yearly basis on the date specified on page 1 of this policy.


**SLOUGH BOROUGH COUNCIL**  
**THE PLACEMENT OF CHILD WITH PARENTS REGULATIONS 1991**  
**PLACEMENT DECISION FORM REGARDING**  
..... (name of child)

**PART 1**

**PARENTS(S) OR PERSON(S) WITH PARENTAL RESPONSIBILITY**

1. Full name ..... Date of Birth  
.....

Full name ..... Date of Birth  
.....

2. Details of children of the household (whether living there or not - please indicate whereabouts of those who are living away)

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3. Marital Status and particulars of any previous marriage

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4. Personality

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5. Any criminal convictions

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**6. Result of any application to foster or adopt, or of any application for registration under Section 1 of the Nurseries and Child Minder's Regulations Act 1948(a) and details of any probation of his/her being a childminder or looking after foster children**

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**7. FAMILY DESCRIPTION** give brief physical description of household members and general impression of personality, temperament and any special talents and needs).

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**8. HEALTH** (has any member of the household a physical or mental or emotional handicap or difficulty e.g. senility, depression, bad heart. If so, please give brief details, including significance for any children of the household).

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**9. PAST AND PRESENT EMPLOYMENT**

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**10. LEISURE ACTIVITIES AND INTERESTS**

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**11. RELIGION** and degree of observance, racial origin, and cultural and linguistic background.

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**12. PARENTING CAPACITY** (previous experience of looking after children, capacity to care for children, attitudes and expectations in relation to child rearing and discipline, understanding and perception of the proposed placement, suitability to care for this particular child).

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..

**13. TYPE AND CONDITION OF ACCOMMODATION and details of the living standards (please comment on the suitability of the proposed accommodation for this child, including the proposed sleeping arrangements).**

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**PART II**

PLEASE COMPLETE SEPARATE SHEET IN RESPECT OF EACH OTHER ADULT MEMBER OF THE HOUSEHOLD (aged 16 and over).

1. **FULL NAME** ..... **DATE OF BIRTH** .....

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2. **MARITAL STATUS** and particulars of any previous marriage.

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3. **ANY CRIMINAL CONVICTIONS**

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4. **RESULT** of any application to foster or adopt, or of any application for registration under Section 1 of the Nurseries and child-minders Regulations Act 1948 (a) and details of any prohibition of his/her being a child minder or looking after foster children.

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5. **PHYSICAL DESCRIPTION** and general impression of personality, temperament and any special talents and needs.

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6. **HEALTH** (any physical or mental or emotional handicap or difficulty e.g. senility, asthma, bad heart. If so, please give details including significance for any children of the household).

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7. **PAST AND PRESENT EMPLOYMENT**

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**8. LEISURE ACTIVITIES AND INTERESTS.**

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**PART III**

**1. THE CHILD/YOUNG PERSON**

**FULL NAME .....** **DATE OF BIRTH .....**

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**2. HEALTH (date of health assessment and any significant comments).**

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**3. EDUCATIONAL NEEDS (including any specialist services required, the provision of transport to enable continuity of placement at the same school etc.)**

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**4. SOCIAL NEEDS (please highlight any significant issues e.g. contact with siblings, relatives and friends, social activities, religious, racial and cultural needs).**

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**PART IV**

**1. OUTCOME OF CONSULTATIONS (please summarise written views and/or the outcome of the meeting convened to explore any objections or reservations).**

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**Signed .....** (Social worker)

..... (Social care manager)

**Date .....**

**2. DECISION**

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**Signed .....** (Assistant Director)

**Date .....**