

Regulation 24 Assessments Procedure and Viability Assessments in the case of non-emergency placements Procedure.

POLICY INFORMATION SHEET	
Service Area	Children's Social Care
Date effective from	December 2022
Responsible Officer	Service Manager - Fostering
Date of Reviews	December 2023
Status	Mandatory <ul style="list-style-type: none"> • Mandatory (all staff named must adhere to guidance)
Target Audience	Fostering service, children's social work teams, IRO's
Date of SMT Decision	July 2022
Related Document (s)	Regulation 24 assessment pathway template Viability assessment pathway template
Superseded Documents	2017 version

1. Immediate Placements of Children with Connected Persons under Regulation 24

1.1 Legislative Context

Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010, which became effective from 1 April 2011, replaced Regulation 38 (2) of the Fostering Services Regulations 2002, which related to immediate placements of children with relatives and friends not previously approved as foster carers.

Regulation 24(1) provides that where the local authority is satisfied that an immediate placement with a [Connected Persons](#) is the most appropriate placement for the child notwithstanding that the proposed carers are not approved as foster carers, the carers can have temporary approval for a period of up to 16 weeks provided that an assessment of their suitability under Regulation 24(2) has taken place.

A Connected Person is defined as 'a relative, friend or other person connected with a child. The latter is someone who would not fit the term 'relative or friend', but who has a pre-existing relationship with the child. It could be someone who knows the child in a more professional capacity such as (for example) a child-minder, a teacher or a youth worker'.

Relative is defined as 'a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent'.

The deciding factor should be the child's best interests, the rationale for the placement being that the child is placed with a familiar figure in reassuring surroundings. The proposed placement must also be the most suitable for the child.

Regulation 24(2) also provides that the local authority must commence an assessment of the carers as foster carers to be completed before the temporary approval expires, if the placement is to continue beyond the period of the temporary approval.

Schedule 4 of the care planning legislation sets out the information that should be gathered during the assessment of a Connected Persons carer. (See Appendix A Schedule 4 care Planning, Placement and Case review (England) regulations.

This temporary approval can be extended for up to 8 weeks (in addition to the original 16 weeks) (if it is likely to expire before the assessment is completed) or until the outcome of the independent review (if the outcome of the assessment is that the Connected Person is not approved and seeks a review via the [Independent Review Mechanism](#)).

Before deciding whether to extend the approval, the Local Authority must consider if the placement is still the most appropriate placement available, and it must be considered by the Fostering Panel. Regulation 38(6) must not be used to regulate a family arrangement due to the assessment not being completed, presented to panel and signed off by the ADM within a maximum 24 week timescale. Any arrangements not authorised within this timescale are unregulated and place the Local Authority in an Indefensible position.

1.2 Emergency Placements and Planning

The provision for the making of emergency placements with Connected Persons and the granting of temporary approval is done on the basis that such placements are made in exceptional

circumstances, where the need for a placement 'could not easily have been foreseen' and it has not been possible to conduct a full fostering assessment prior to placement. This may include the need for an immediate placement where a child is or would be at risk of Significant Harm if he or she is not removed from home immediately and/or any situation where proceedings are to be instituted.

This means that where an immediate placement is necessary, if a close relative or friend is available the local authority should place the child with them within Regulation 24(2) for a period not exceeding sixteen weeks, provided that the proposed placement is also the most suitable for the child. The person need not be an approved foster carer provided that he or she has signed an agreement and the placement is necessary for the child's welfare.

However, whilst the Connected Persons provisions are designed to cover emergency situations, the legislation also makes clear the duty of the local authority to plan as far as possible, where a placement may be needed. Ideally this process should start as soon as the local authority is aware that a placement may be needed.

Emergency placements should be avoided if at all possible. The risk of a child being moved from the placement in which s/he has become settled must be minimised by careful consideration of the appropriateness of a placement before full approval. In some circumstances it may be preferable to use a short-term placement with an alternative foster carer which includes appropriate contact between the child and the prospective carer pending the completion of the full foster carer approval process.

The deciding factor should be the child's best interests, the rationale for the placement being that the child is placed with a familiar figure in reassuring surroundings. The proposed placement must also be the most suitable for the child.

1.3 Procedure for Emergency Placements

In circumstances where a potential carer is known to the child's parents but not to the child, a child must be introduced to the potential carer and the potential accommodation so that their views can be sought.

A home visit must also be conducted by the child's social worker in order for the arrangements to be assessed. Best practice would include a social worker from the Fostering Service to look at the proposed placement in terms of Fostering Regulations

The child's wishes and feelings also need to be obtained as do those of the child's parents.

A decision should also be made as to there being no obvious barrier to the carer undertaking and completing a foster carer assessment. This should be made on the basis of what information is available, including the information provided by the police, an assessment of the property and taking into account the information set out in schedule 4 (see **Appendix A: SCHEDULE 4 Care Planning, Placement and Case Review (England) Regulations 2010**). A view must be taken as to whether this information will be available within the timescales, and whether or not it is likely to favour the carer's full approval.

It is important that throughout this process there is a dialogue between the child's social work team and the family placement team regarding the placement and the suitability of Regulation 24 being used in that particular instance. The Kinship/SGO Team Manager 2 will be able to assist.

If a decision is made to place a child in an emergency placement the child's social worker must be able to demonstrate the following:

- a. The legal avenue being pursued is the most appropriate, and that the other options such as Special Guardianship, [Child Arrangement Order](#) or informal arrangement have been considered;
- b. The circumstances leading up to the request for the placement have been unforeseen;
- c. The child has a pre-existing relationship with the carers or has been introduced to them;
- d. The proposed accommodation is suitable, there is enough space and it is known to the child, or the child has had an opportunity to visit the accommodation.

If the above criteria are met, then the Social worker must seek and receive the child's views about the proposed placement and record these in the Regulation 24 Placements Report (see Appendix B: Regulation 24 Placement Report).

The child's parents' views must also be sought about the proposed placement and recorded in the Regulation 24 Placements Report.

The home where it is proposed that the child or young person will live must be visited by the child's social worker and information obtained about all of the household's residents and the "nature and quality of the of the relationships between the residents" as well as their views about the proposed placement. This information should be recorded on the Regulation 24 Placements Report.

A vetting and disclosure check from the police must be sent for concerning all of the adults in the house (aged 18 +) and any regular visitors to the property. Any information received must be included in the report.

Appended to the Regulation 24 Placements Report is information that carers taking placements under regulation 24 should be aware of, this should be given out whilst the Regulation 24 report is being completed. A written agreement for Regulation 24 carers is also available and should be signed by the carers and placing social worker.

Once the regulation 24 placement report has been completed it must be sent to the relevant Assistant Director to agree temporary approval for a maximum of 16 weeks. **No emergency placement can be made without a Regulation 24 report being completed and written agreement to temporary approval being granted.**

Once the report has been signed and temporary approval given by the Assistant Director, the kinship/SGO team 2 manager should be informed via a Contact sent to 'provision admin fostering'. The team manager will then allocate a supervising social worker to undertake the full assessment. Parts 1 and 2 of the Reg 24 assessment pathway document, which details information about the child/ren, birth family and proposed carers should be completed by the child's social worker prior to or at the point the request for assessment is made. Part 4 of the assessment will then be completed by the fostering social worker.

At this stage, it is good practice that full statutory checks, including full DBS check are sent for, in order to minimise the delay in the time taken to complete the assessment. The DBS forms and the Consent to Disclosure forms must be completed, signed and provided to the business support officer with responsibility for statutory checks for Connected Persons carers.

Once the full assessment is completed (Regulation 24 pathway document), this will be presented to the panel by the child's social worker and the assessing supervising social worker jointly. This assessment must address all of the issues outlined in schedule 4 of the care planning legislation (see **Appendix A: SCHEDULE 4 Care Planning, Placement and Case Review (England) Regulations 2010**). The carer will also be invited to attend the panel.

Before the 16 weeks expires, the assessment must be presented to panel. If the assessment is completed then the panel can recommend approval in the normal manner. If the assessment is not complete then the panel can recommend an extension of approval for a further 8 weeks only, under Regulation 25.

If the assessment is not complete by this second deadline then the placement must end and an alternative found.

If the carer being assessed has made a referral to the IRM then approval will continue until the matter has been heard by the IRM (Independent panel).

1.4 Good Practice

Unless the circumstances fit the definition of a legitimate Regulation 24 (2) placement as defined above, a child should not be placed with a family member or relative until a full Connected Person assessment has been completed by the fostering service, a positive recommendation having been made by the relevant Panel, and that recommendation having been signed off by the appropriate Agency Decision Maker.

This process will place additional pressure on children's social workers to ensure that plans for their children are robust, up to date, and above all proactive. This may include assessment of relatives for contingency placements, if such placements are seen as the best contingency plan for the child.

Above all, please be aware that any placement made which does not comply with the above is unregulated, and will place the local authority in an indefensible position. As highlighted above, Regulation 38(6) must not be used to regulate a family arrangement due to the assessment not being completed, presented to panel and signed off by the ADM within a maximum 24 week timescale.

1.5 Payment

Carers should receive the same standard fostering allowances as approved foster carers from the time it is agreed that the placement is a Regulation 24 Placement. Placing social workers should inform the Family Placement Team Manager or Team Leader who will ensure the financial payments are made.

Connected Persons foster carers are entitled to the following allowances:

- Maintenance allowance;
- Initial clothing grant;
- Additional payments for special circumstances;

- Holiday, birthday and Christmas allowances;
- Once fully approved, carers will be able to progress through the skills fee levels as other foster carers can, once they have attended initial training.

1.6 Support

Connected Persons have the right to the same level of support as all other foster carers approved by Sefton, including:

- Allocated Supervising Social Worker;
- Access to training;
- Support groups;
- Membership of foster talk on full approval.

1.7 Review

Children placed in Connected Persons placements are subject to the same statutory reviewing procedures as other children in care.

When a Connected Persons placement is reviewed, consideration should be given as to whether accommodation continues to be in the child's best interests or whether the placement might, more appropriately, be supported under a Child Arrangements Order or Special Guardianship Order.

2. Viability Assessments in the case of non-emergency placements

2.1 Process

Where a viability assessment is required either as a result of court proceedings or as a consequence of the local authority's decision to consider the requirement to place a child with Connected Persons carers at a later date, the child's social worker should complete a Contact on LCS and send it to Provision Admin. The Contact should provide full details of the people to be assessed including names, date of birth, address and contact details, the reasons for the assessment, any court timescales and a brief summary of the relationship to the child. Prior to the Contact being sent, children's social workers should form their own view on the suitability of the family/friends concerned and ensure they explain to them what is being asked of them including the local authority expectations and the commitment required of them i.e. are they able to provide long term care and are they willing to become a foster carer or special guardian.

If a decision is made to proceed with the viability assessment, a joint visit with a supervising social worker should be considered. Parts 1 and 2 of the viability assessment document, which details information about the child/ren, birth family and proposed carers should be completed by the child's Social Worker. Part 3 of the viability assessment will then be completed by the Fostering Social Worker. Parts 1 and 2 should be completed prior to any request for assessment, in order for the Fostering Social Worker to form a clear view as to the prospective carers capacity to meet the child/ren's individual needs.

If the decision is made not to proceed with a full assessment following a viability assessment then a letter must be written to the prospective carer within 10 days of the information being gathered.

It is intended that this will be a collaborative piece of work and the social worker and supervising social worker will need to ensure that they discuss their recommendation with each other at as early a date as possible so as to address any differences that may arise.

When all of the sections of the viability assessment have been completed, and a recommendation made, the full viability assessment should be signed by the assessing social workers and sent to the Team Manager of the SGO/Kinship Team 2 for authorisation.

If the recommendation is to proceed to a full assessment, the assessing supervising social worker will inform the child's Social Worker who will then need to raise a further contact for a Full Assessment on LCS. This ensures that the correct workflow is triggered on LCS and the request is not missed.

If the decision is made not to proceed the prospective carers must be informed in writing within 10 days of the information being gathered. Where there is a lack of or inconsistent engagement, a letter should be sent to the prospective carer(s) highlighting these concerns, explaining the implications and confirming whether they wish to continue with the assessment. If they do not or the concerns remain, then the legal department should be informed for those cases in proceedings. A letter should then be sent to the prospective carers conforming that the assessment has ended and the reasons why.

If conducting a full assessment, once all of the information has been collected, the report written and all the checks and references completed, the full report should be presented to the next available fostering panel by both the child's social worker and the supervising social worker. The applicants must be invited to attend panel.

Once the panel have made a recommendation, the agency decision maker will make the final decision as to whether or not to approve the applicants as carers for the specific child. Notification of the decision will be sent in writing.

Note: the health and safety assessment of the home environment should include, where relevant, an initial risk assessment of any pets together with the environment in which the pet is kept.

3. Important Information for Children's Social Workers

If a person/s have been identified as a potential alternative permanent carer for a child/children then we firstly need to ensure the potential carers have given consent in the first instance to be assessed. They also need to understand that a fostering assessment relates to assessing alternative permanent homes for child/ren and not for just 26 weeks! Too often prospective carers don't fully understand what the assessment entails and the implications.

If a prospective carer has a history with children's services with their own children, consider why an assessment is appropriate. Ideally hold a Family Group Meeting.

Anyone being assessed should be clearly recorded on the child's record in 'Relationships'. This will help with tracking of cases as often legal only provide the fostering service with the child's name and not the prospective carers details.

All information regarding court timescales should be clearly noted in the contact as well as details of the IRO, legal and any court timescales. The Contact should be sent to 'provision admin fostering'. A supervising social worker will not be allocated without the Contact being sent and containing full information. Additionally, the child's social worker should have completed parts 1 and 2 of the assessment document.

4. Appendix A

Appendix A: SCHEDULE 4 Care Planning, Placement and Case Review (England) Regulations 2010

Matters to be taken into account when assessing the suitability of a connected person to care for a child:

1. In respect of the connected person:
 - a. The nature and quality of any existing relationship with the child(ren);
 - b. Their capacity to care for children and in particular in relation to the child(ren), including:
 - i. Provide for a child(ren)'s physical needs and appropriate medical and dental care;
 - ii. Protect the child adequately from harm or danger including from any person who presents a risk of harm to the child(ren);
 - iii. Ensure that the accommodation and home environment is suitable with regard to the age and developmental stage of the child(ren);
 - iv. Promote the child(ren)'s learning and development; and
 - v. Provide a stable family environment which will promote secure attachments for the child(ren), including promoting positive contact with parents and other connected persons, unless to do this is not consistent with the duty to safeguard and promote the child's welfare.
 - c. Their state of health including their physical, emotional and mental health and medical history including any current or past issues of domestic violence, substance misuse or mental health problems;
 - d. Their family relationships and the composition of their household, including particulars of:
 - i. The identity of all other members of the household, including their age and the nature of their relationship with the connected person and with each other, including any sexual relationship;
 - ii. Any relationship with any person who is a parent of the child(ren);
 - iii. Any relationship between the child(ren) and other members of the household

- iv. Other adults not being members of the household who are likely to have regular contact with child; and
 - v. Any current or previous domestic violence between members of the household, including the connected person.
- e. Their family history, including:
- i. Particulars of their childhood and upbringing including the strengths and difficulties of their parents or other persons who cared for them
 - ii. Their relationships with their parents and siblings, and their relationships with each other
 - iii. Their educational achievement and any specific learning difficulty or disability
 - iv. A chronology of significant life events; and
 - v. Particulars of other relatives and their relationships with the child(ren) and the connected person.
- f. Particulars of any criminal offences of which they have been convicted or in respect of which they have been cautioned
- g. Their past and present employment and other sources of income; and
- h. The nature of the neighbourhood in which their home is situated and resources available in the community to support child and the connected person.

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