

## **CHAPTER 5 PLACEMENT OF CHILDREN IN CARE WITH PARENTS**

### **INTRODUCTION**

- 1 Under the Act, a care order will only be made when the court is satisfied that:
  - a. the child is suffering, or is likely to suffer, significant harm, and
  - b. this is attributable to the care given, or likely to be given, to him or her not being what a parent would reasonably expected to give, or
  - c. being beyond parental control.
- 2 Special care should therefore be taken when placing children looked after under a care order with their parents.
- 3 The Regulations reflect the philosophy of the Act that children in need can best be assisted if:
  - a. the Department works in partnership with the child's parents, and
  - b. their own family is the best place for most children to be brought up.
- 4 These regulations are made under sections 23(3), 28 and 104 of the Children and Young Persons Act 2001 and are called the Placement of Children with Parents etc. Regulations 2002.
- 5 They provide for the welfare and protection of children who are:
  - a. in compulsory care and placed under the charge and control of a parent or guardian before the Act came into force, including those staying with their parents for 24 hours or more under contact arrangements, and
  - b. in compulsory care and placed in accommodation with:
    - i. a parent,
    - ii. another person with parental responsibility, or
    - iii. a person in whose favour a residence order was in force before the care order was made, after the Act is implemented, or
    - iv. a relative.
- 6 The Regulations and this guidance provide a framework for good professional practice in relation to such placements. They should be read in conjunction with the Integrated Children's System.
- 7 The Department should consider carefully whether or not a placement under these Regulations is the only way to place the child

CYPA 2001  
(transitional  
provisions)  
Paragraph 4 of  
Schedule 11

	<p>with a parent or a person who has or had parental responsibility.</p> <p>8 If it is decided that the child's best interests will be met by a placement under these Regulations, the Department should then reconsider the continuing need for a care order.</p> <p>9 Any arrangements negotiated between the parent and the Department which enable the Department to apply for the discharge of the care order must include agreement on:</p> <ul style="list-style-type: none"><li>a. the level of support and supervision to be provided by the Department, and</li><li>b. the parent's cooperation.</li></ul> <p>10 The arrangements should be supported by the commitment of everyone involved to work together in the child's best interests.</p> <p>11 These Regulations will not apply if such agreement can be reached and the court agrees to discharge the care order.</p> <p>12 When it is decided that a placement under these Regulations is the right approach, the Department should:</p> <ul style="list-style-type: none"><li>a. regard it as part of the progress towards ultimate discharge of the care order, and</li><li>b. manage it in such a way as to enhance the parent's role and support the family relationship.</li></ul> <p>13 Even when discharge of the care order is not a foreseeable option, the possibility should be constantly reviewed, and the aim should always be to build a genuine working partnership with the parent.</p> <p><b>SCOPE OF THE REGULATIONS</b></p> <p>14 Regulations 4, 5, 6, 7 and 9 of these Regulations apply to children aged 16 or over.</p> <p>15 The regulations do not govern the placement of children not in the Department's care, including:</p> <ul style="list-style-type: none"><li>a. children on remand and</li><li>b. children accommodated by the Department.</li></ul> <p>16 The Regulations always apply when a child in care is placed or is proposed to be placed with:</p> <ul style="list-style-type: none"><li>a. a parent,</li><li>b. another person with parental responsibility (not being a parent, such as a guardian) or</li><li>c. a person in whose favour a residence order was in force immediately before the care order was made, or</li><li>d. a relative.</li></ul>
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Placement with  
 Parents etc.  
 Regulations 2002  
 CYPA 2001  
 24(3)  
 17A S. 103 &  
 Schedule 11

	<p>17 A "parent" includes a mother and father of the child whether or not married.</p> <p>18 A person with parental responsibility who is not a parent may be appointed as a guardian under the Act.</p> <p>19 A care order under the Act does not extinguish parental responsibility.</p> <p>20 A child who is placed under these Regulations is subject to an interim or full care order made under the Act, or under transitional arrangements made under the Act.</p> <p>21 The courts in which interim or full care orders can be made are:</p> <ul style="list-style-type: none"> <li>a. the court in which an application is already underway in family proceedings, or</li> <li>b. a juvenile court.</li> </ul> <p>22 The Regulations also apply to children committed under any enactment repealed by the CYPA 2001 or by the CYPA 1990, in force immediately before Part 4 of the CYPA 2001 came into force, and understood to be care orders.</p> <p>23 The Department should draw the court's attention to these Regulations in any case where:</p> <ul style="list-style-type: none"> <li>a. it decides that it would be in the child's interest to place him or her with a parent (or any of the other people in paragraph 1 above), and</li> <li>b. the case is subject to the court's direction.</li> </ul> <p><b>Who is not covered by the Regulations</b></p> <p>24 Children outside the scope of the Placement with Parents etc. Regulations 2002 are:</p> <ul style="list-style-type: none"> <li>a. those who are looked after by the Department but are not in their care by virtue of a care order, and</li> <li>b. those who are subject to an emergency protection order (EPO) under the Act.</li> </ul> <p><b>PLACEMENTS OF CHILDREN AGED 16 OR OVER</b></p> <p>25 Children and young people have the right to be involved in decision-making affecting their welfare. The Act requires that they be involved in planning for their future undertaken by the Department. Their involvement should be limited only by the extent of their understanding.</p> <p>26 The placement of young people aged 16 or over is, therefore, subject only to certain Regulations. Regulations 4, 5, 6, 7 and 9 do not apply.</p> <p>27 The Department should also consider how far to apply the principles</p>
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of the other Regulations to their planning for young people of 16 and over, depending on their maturity and other circumstances.

**CIRCUMSTANCES COVERED**

- 28 The Regulations apply to the placement of children who:
  - a. has previously been in long term residential or foster care,
  - b. has spent a very short time away from home before placement with:
    - i. a parent,
    - ii. another person with parental responsibility, or
    - iii. a person in whose favour a residence order was in force immediately before the care order was made, or
    - iv. a relative.
  - c. has remained at home pending court proceedings and continued to remain there after the granting of a care order,
  - d. could be returned home directly after a court appearance.
- 29 All the requirements in the Regulations must be complied with before a placement is made in the circumstances listed above.
- 30 The only exceptions are:
  - a. the placement of young people aged 16 and over (see above),
  - b. immediate placements (see below), and
  - c. placement for adoption.
- 31 A short absence from home need not prevent the Department from deciding that the child is, in effect, already living with the person with whom he or she may be placed. An example would be removal under an emergency protection order (EPO) prior to the granting of an interim care order.

Questions of fact and law are likely to arise in such cases, and the Department's Advocate should always be asked to advise.

**IMMEDIATE PLACEMENTS**

- 33 When the Department decides that immediate placement will be in the best interest of the child the regulation allows for basic checks only to be carried out before the placement. They are:
  - a. interviewing the person with whom the child is to be placed, and,
  - b. obtaining information about any other people living in the household.
- 34 The other investigations normally required before placement should

be carried as soon as possible after immediate placement, preferably within 6 weeks.

- 35 Regulation 8 requires the Department to remove the child from a placement which no longer enables it to safeguard or promote his or her welfare.

See also p.97 below, Termination of Placement

## SHORT TERM PLACEMENTS

- 36 Regulation 10 allows for a series of short, pre-planned placements with the same carer to be treated as a single placement. All the other Regulations still apply.

- 37 The conditions to be met by a series of placements, for respite, for example, are that:
- a. all the placements must occur within a period of no more than a year,
  - b. no single placement is for a duration of more than four weeks, and
  - c. the total duration of the placements does not exceed 120 days.

- 38 The Regulations apply to any short term placement of more than 24 hours, including placements for contact purposes. Any directions by the court must be taken into account in planning and arranging placements for contact

See below.

- 39 The provisions of Regulation 5 - agreements as to placement (Placement with Parents etc. Regulations 2002), and the good practice guidance on contact in Chapter 6 of this volume, may both be relevant.
- 40 If the conditions of Regulation 10 are met (see paragraph 2. Above), the action required by the Regulations should only need to be taken once for an established arrangement, such as a regular weekend placement.
- 41 If there is a significant change in the circumstances, however, the Department should consider re-applying some or all of the action required by the Regulations.

## COURT DIRECTIONS

- 42 When a court gives directions about contact, in making a care order or an order under s.33, the Department should draw the court's attention to these Regulations if such contact is likely to fall within their scope.
- 43 Court directions will override these Regulations in any case of

incompatibility. Notification, support and supervision of placement would still be required (subject to directions from the court).

## **PARENTAL RESPONSIBILITY**

- 44 Under the Regulations, the Department should negotiate, with the parent with whom the child is placed, the most appropriate arrangements for exercising their respective parental responsibility.
- 45 Older children, parents and others with parental responsibility should be involved in these discussions.
- 46 The Department can still control the exercise of parental responsibility by others to promote and safeguard the welfare of the child. The placement agreement should include a careful definition of the extent to which the parent can exercise his or her parental responsibility without referring back to the Department.
- 47 When the proposed carer is the unmarried father of the child who has neither acquired parental responsibility by:
- a. agreement with the mother nor
  - b. under a court order,
- the Department may wish to draw his attention to the provision in the Act for obtaining it if he wishes.
- 48 If he does not wish to or is unable to obtain parental responsibility, the placement should be agreed on the basis of delegated rather than shared responsibility.
- 49 A non-parent in whose favour a residence order was in force immediately before the care order was made no longer has parental responsibility after the care order is made. A placement with such a person should also be agreed on the basis of delegated responsibility.
- 50 The terms of a child's placement with non-parents should be agreed in the same way as with carers who do have parental responsibility.
- 51 Financial responsibility for the maintenance of the child is recognised in the eligibility of the carer to apply for Social Security benefits. The Department should ensure that entitlement to benefits is considered in the course of planning the placement.

## **AIMS AND OBJECTIVES OF PLACEMENT WITH PARENTS**

- 52 The consideration of a placement under these Regulations should arise as part of the overall planning for the welfare of the child.
- 53 The reasons for considering such a placement will depend on the child's needs and circumstances. Placement may be seen as:
- a. short-term in order to increase the degree of responsibility

	<p>taken by the parent,</p> <ul style="list-style-type: none"><li>b. to foster independence and</li><li>c. to lead to the child's discharge from care.</li></ul> <p>54 The purpose of the placement should always be clearly identified. The aims and objectives should be discussed fully before the placement so that the child, the proposed carer, and others understand.</p> <p>55 The aims and objectives and the arrangements should form part of the plan for the child, and the plan should form the basis of the placement agreement with the carer.</p> <p>56 Any new aims and objectives or arrangements required in the light of changes, should be discussed by all concerned, and any new tasks for the carer specifically agreed.</p> <p>57 When a time limit is not set for a placement careful review of the aims and objectives is required to avoid drift.</p> <p>58 Any changes to the plan should be recorded in writing and reflected in the placement agreement.</p> <p><b>ASSESSING CHILDREN</b></p> <p>59 The welfare duty contained in section 24(2) of the Act applies to all decisions made by the Department in relation to the placement of a child under the Placement with Parents etc. Regulations 2002.</p> <p>60 In deciding whether such a placement is the best way of meeting its welfare duty the Department should assess the particular needs and circumstances of the child or young person.</p> <p>61 Every placement should have clearly stated short and long-term objectives, and be appropriately supported and supervised. The reasons for the care proceedings will indicate the degree of supervision and type of support required.</p> <p>General guidance on assessment and reviewing placements can be found in Chapters 1 and 8 respectively of this volume.</p> <p><b>Factors to be taken into account in assessing children</b> <i>Contact with the family including contact with a parent who is not the carer, and with siblings and other relatives</i></p> <p>62 The requirements of the Act on contact should be borne in mind.</p> <p>63 When the placement is not within easy reach of the parent's or carer's home, the Department should consider what advice and assistance can be given under the Act.</p> <p>64 When the carer is not the parent, and is from a different ethnic or</p>
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cultural group to that of the child, provision should be made to maintain close links with the child's cultural heritage.

See paragraphs 73-75 below.

### *Health care needs*

- 65 The child's plan should include arrangements for health care based on an assessment of health care needs.
- 66 If a child with a disability has received specialist medical services while in care arrangements may be needed to ensure continuity of care and treatment. The carer may need to acquire knowledge and skills to cope with the child's medical condition.

### *Education*

- 67 The child should remain at the same school if possible so as to maintain continuity of education, friendships and involvement with community activities.
- 68 During a short-term placement, or the settling-in period of a longer term placement, the Department should consider the advantages of providing transport to maintain the child at the same school, especially if the child is at a critical stage of education, e.g. working for GCSE.
- 69 The location of suitable schools may be a significant factor in arranging the placement of a child with special educational needs.

### *Religion.*

- 70 The importance of religion in the lives of some families and children should be recognised.
- 71 It should not be assumed that both parents or carers, will be of the same religion, or that religious practices will be the same.
- 72 Placement with the parent or carer of a different religion or practice may be acceptable to the other parent if other people of that parent's religion are able to assist with the child's religious upbringing.

### *Ethnic, cultural and linguistic needs*

- 73 Children should be given opportunities and encouragement to enjoy and take pride in their ethnic and cultural heritage, including dual heritage. In seeking to understand fully a child's needs and consider the suitability of a placement, social workers should be:
- a. aware of the differences between minority ethnic groups, the significance of religion and culture, and
  - b. avoid simplistic assumptions of similarity.
- 74 Choice of placement should be influenced by:
- i. the child's previous family experience and

ii. his or her wishes.

75 Linguistic needs should also be considered where appropriate. It should be borne in mind that the child's first language may not be the same as the carer, particularly when a child placed with foster parents since birth returns to live with his or her parents.

#### *The needs of siblings*

76 The needs and relationships of siblings should always be considered, even if they are not in care. The needs of the individual child should not, however, be subordinated to those of the group.

#### *Packages of support*

77 The practical help which may be needed to facilitate successful placement should be assessed and an appropriate package of services provided.

### **ENQUIRIES TO BE MADE ABOUT CARERS PRIOR TO PLACEMENT**

78 Enquiries must be made before the child is placed. Although the Regulations are written in terms of a single carer the rules of interpretation mean that the singular includes the plural.

79 If responsibility for a placement is to be shared equally by two people in the same household, both of them should be involved in:

- a. preparation for the placement,
- b. accepting the requirements placed upon them,
- c. subjecting themselves to the necessary checks on their suitability, and
- d. signing the placement agreement.

#### **Assessing relationships**

80 The Regulations require that the Department assess the suitability of the proposed carer(s), including an unmarried partner where relevant. The information to be obtained and considered is listed in Schedule 1 of the Placement with Parents Regulations. Much of it may already be in the Department's case records.

81 The aim of assessment should be to identify all the factors which contribute to a general picture of the carer, and his or her family and way of life.

82 Relationships should be carefully assessed and considered, especially:

- a. between parents when only one to be the carer, or
- b. between a parent and other people with parental responsibility.

83 The Department should check its own records for information about

the carers and other members of the household.

- 84 The Department should also seek the views of:
- a. any other agency to which the carers have applied to foster or adopt, and,
  - b. if both carers are not resident on the Island, the local authority in whose area the other carer lives.

#### **Police checks**

- 85 The police should be asked to check whether the carer or other members of the family have been convicted of any relevant offence, unless this information is already available. Individual's permission should be sought before the police are contacted.

#### **Health matters**

- 86 The Department should decide on the extent of the enquiries needed.
- 87 The most satisfactory source of health information is usually a medical report. The Department should decide on the need for the carer, or other adult members of the household, to undergo a medical examination as part of the pre-placement enquiries, depending on medical advice and the particular circumstances.
- 88 The costs of providing medical information should be met by the Health Department, under the collaborative arrangements.

### **SOCIAL WORK ASSESSMENT**

#### **What should be assessed – relationships and attitudes**

- 89 The social worker should visit on at least one occasion at a time when it is possible to meet the whole household. Visits should be arranged so as to keep inconvenience to a minimum.
- 90 The social worker should explore:
- a. the relationships between all the members of the household (particularly when the carer is living with another adult who does not have parental responsibility for the child),
  - b. the anticipated impact of the placement on family and social life,
  - c. the demands made on the carer(s) by other members of the household, such as older relatives,
  - d. the extent to which other members of the household participate in the care and daily life of the child,
  - e. the feelings of any other children in the household about the placement.

#### **What should be assessed – physical arrangements**

- 91 The social worker should inspect the living, sleeping and washing

facilities for the child.

- 92 When the child is to share a bedroom, particular care should be taken to ensuring that the arrangements are in the child's best interest.

### **The assessment process**

- 93 The social worker should form views about the proposed carer's current attitudes and expectations in relation to:
- a. child rearing,
  - b. discipline,
  - c. understanding of the proposed placement.

- 94 These attitudes and expectations should be assessed in the light of:
- a. the child's case history,
  - b. the child's current needs and wishes and
  - c. the views of any other person with parental responsibility.

### **When further assessment is required**

- 95 After the breakdown of a placement, the social worker will need to check again and reconsider all the factors that formed part of the initial assessment, to ensure that there are no significant changes in circumstances. If complete, up to date information is available there will be no need to obtain all the same information again.
- 96 If a person joins or leaves the household some factors will need to be checked again. At the very least it will be necessary to confirm that no significant changes have occurred, and no new information should be considered.

## **WHOM TO CONSULT**

### **Immediate family**

- 97 All the people concerned with a child looked after by the Department should be involved from the outset in the planning of a placement with parents.
- 98 The Department should co-ordinate the involvement of:
- a. the child,
  - b. all the relevant agencies and
  - c. significant individuals in the child's life.
- 99 The Placement of Children with Parents etc Regulations do not seek consultation beyond the requirement contained in the Act. This requires the Department, before making a decision about a child it is looking after or proposes to look after, to take account of the wishes and feelings of:
- a. the child,

	<ul style="list-style-type: none"><li>b. his or her parents,</li><li>c. any person who is not a parent of his but who has parental responsibility, and</li><li>d. any other person whose wishes and feelings the authority consider to be relevant.</li></ul> <p>100 The Act requires that parents should be involved in all planning for their children. Members of the child's family (parents, grandparents and other relatives) who are involved with the child, should also be invited to participate actively in planning, and make their views known.</p> <p>101 Family members should be kept informed of significant changes and developments in the plan, as a matter of course, unless this is not in the best interests of the child.</p> <p><b>Other agencies</b></p> <p>102 The Department should use its discretion under the Act to consult the relevant statutory and voluntary agencies currently or previously involved with the child and his or her family.</p> <p>103 These agencies are likely to include:</p> <ul style="list-style-type: none"><li>a. the community health services including the Senior Nurse Manager (Community),</li><li>b. the Education Department, which will consult the child's school before offering advice and inform the school of decisions taken,</li><li>c. the child's GP.</li></ul> <p>104 Sometimes the probation service and the police should also be consulted.</p> <p>105 The Department should liase with named people in other agencies who can be contacted when pre-placement enquiries need to be made. It is helpful if these people will consult their colleagues who are involved with the child, and report back to the Department.</p> <p>106 Specific opportunities should be created for other people who are (or have) cared for the child (foster carers, the head of a children's home) to contribute to consideration of a family placement.</p> <p><b>Links with child protection procedures</b></p> <p>107 When family placement of a child on the child protection register is considered, the decision making process should be linked effectively with the child protection review procedures. This is rarely the case as children who are the subject of interim and full care orders do not usually remain on the register.</p>
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	<p><b>The child</b></p> <p>108 The child's views should be sought in direct discussion, subject to his or her understanding.</p> <p>109 What the child says must be recorded and given due consideration before a placement decision is made, and at every review meeting and at case conference subsequently.</p> <p>110 The options to be put forward in the plan and their implications should be:</p> <ul style="list-style-type: none"><li>• explained,</li><li>• discussed and, if necessary,</li><li>• reassessed in the light of the child's views.</li></ul> <p>111 If there are differences between the child's views and those of his or her parents or the Department, the social worker should acknowledge that there may be good reasons.</p> <p>112 Differences in age and maturity should be taken account of. The older and more mature the young person:</p> <ol style="list-style-type: none"><li>i. the more fully she or he will be able and wish to engage in discussion,</li><li>ii. the more differences in perception between the young person and his or her parents should be expected, especially in cases of self-referral .</li></ol> <p>113 The social worker should make every effort to communicate with a younger child and discover his or her real feelings.</p> <p>114 All children need to be given information and appropriate explanations so that they can develop views and make choices.</p> <p>115 Providing children with reassurance and helping her or him with their anxieties is essential to the success of a placement.</p> <ol style="list-style-type: none"><li>a. The child should feel that he or she has been properly consulted, and enabled to participate as a partner in the decision-making process, without having to carry too much of the burden of decision-making,</li><li>b. If the child chooses not to attend a meeting the social worker should explore the reasons with him or her, and enable her or him to understand the reasons for attending,</li><li>c. The possibility of the child being accompanied to a meeting by a person who is able to provide friendly support should be considered,</li><li>d. Where the child has communication difficulties appropriate specialist provision must be made so that the child can express his or her views and those views can be considered. Provision</li></ol>
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could include:

- i. a sign language interpreter,
- ii. an interpreter for the relevant language for a child whose first language is not English.

## THE DECISION

116 The Department must satisfy itself that this is the most suitable way of carrying out its duty to safeguard and promote the child's welfare

- 117 The person or people making such a decision should:
- a. be senior staff at team manager level or equivalent, and
  - b. have a good knowledge of child care practice.

### Notification of the decision

118 The people who have been involved in the decision-making process should be notified of the decision.

119 The people to be notified, if at all possible, are those wishes and feelings should be ascertained before the decision is made, that is to say:

- a. the child,
- b. his or her parents,
- c. any other person who has parental responsibility for the child, and
- d. anyone else whose wishes and feelings the Department considers to be relevant.

120 The following individuals and agencies should also be informed:

- a. the health division of the Department,
- b. the Department of Education,
- c. the child's registered medical practitioner,
- d. any person who has been caring for the child immediately before the placement, and
- e. 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.

121 Other people will also need to be notified. They include those who:

- a. did not contribute to the decision-making but will be involved with the child in the future and need to know the arrangements,
- b. relatives or friends, who are involved in the child's life but are not specified in the Regulation, and
- c. any specific individuals in other statutory or voluntary agencies

	<p>who were consulted during the decision-making process. These people should be asked to disseminate information about the decision to the people in their agency who have been or will be involved with the child in the future.</p> <p>122 Where a child abuse case conference has been consulted in the course of the decision-making, members should be notified of the outcome of their recommendation.</p> <p>123 Where the child is placed with a person other than his or her parent the notification should include:</p> <ul style="list-style-type: none"><li>a. the name and address of the person with whom the child is placed,</li><li>b. the arrangements for contact with the child and</li><li>c. any other information concerned with the care and welfare of the child which the Department thinks should be given.</li></ul> <p>124 The Department is not obliged to give notification:</p> <ul style="list-style-type: none"><li>a. to anyone whose whereabouts are not known or cannot easily be found out, or</li><li>b. where it would not be accordance with its duty under s. 24(2) of the Act, i.e. prejudice its responsibility to safeguard the child and promote his or her welfare.</li></ul> <p><b>AGREEMENTS</b></p> <p>125 When a placement decision has been made the Department should draw up a placement agreement with the person with whom the child will be placed.</p> <p>126 The placement agreement should be based on the plan required by the Placement of Children (General) Regulations.</p> <p>127 The points to be covered in the agreement are set out in the Regulations and include the support the Department will provide.</p> <p><b>Reaching agreement</b></p> <p>128 Regulation 5 states that agreement should be reached on all matters specified in Schedule 2 "so far as is practicable". This means that not all particulars will apply to all cases. It does not mean that certain particulars can be overlooked for convenience.</p> <p>129 If agreement is not reached and the Department still considers placement to be in the child's best interest, it will be necessary to work with the carer to renegotiate the plan and the placement agreement.</p> <p>130 Placement cannot be made until agreement is reached except in the case of:</p>
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- a. an immediate placement, or
- b. the placement of a young person aged 16 or over.

131 There is no requirement that the agreement be signed, but drawing up and signing the agreement together will demonstrate the carer's and the Department's commitment to the placement and help to clarify their respective roles.

### **Signing agreements**

132 If there are two prospective carers in the household in which the child will live, both should agree the terms of the placement agreement and sign the document before the placement is made.

133 Children should not usually sign agreements but when a young person is being placed in foster care a signed agreement may be a useful way to record his or her understanding of the aims of the placement and the degree of responsibility taken on by the carer.

134 The agreement should be recorded and a copy given to:

- a. the person with whom the child is to be placed, and
- b. the child, depending on his or her age and understanding.

### **Reviewing and amending agreements**

135 The plan and the placement agreement should be reviewed regularly and amended whenever a significant change in the arrangements is agreed.

136 The parent and the child should be confident that they can seek an amendment if a change in circumstances makes this sensible or if a particular problem is causing difficulty.

137 The need to make changes can be expected to emerge from time to time in the course of placement supervision.

138 Some changes may best be dealt with in the review process, but some should not wait. In these cases, changes should be agreed following discussion between:

- a. the social worker,
- b. his or her supervisor, and
- c. the people directly involved.

## **INVOLVING PARENTS WHEN THEY ARE NOT THE CARERS**

139 Parental participation is one of the key provisions of the Children and Young Persons Act 2001. A parent with whom the child is not living should be kept informed about changes in circumstances and placement arrangements unless this is contrary to the child's best interests.

	<p>140 Proposals for changes arising out of supervision and review of the placement should be discussed with the child's parents. Their views and those of the child (depending on level of understanding) should be taken into account, as far as practicable and in the best interests of the child.</p> <p>141 The contact between parents who are not the carers and the child, and their involvement with the carer, are important aspects of the placement agreement and should be carefully monitored.</p> <p style="text-align: center;"><b>PREPARATION FOR PLACEMENT</b></p> <p>142 A child's planned return to his or her family after a placement with another carer needs as careful preparation as any other placement. Both the child and family will need support over the period while the child is re-integrated.</p> <p>143 Clear aims and objectives for the placement should be established as essential aspects of the placement plan and agreement.</p> <p>144 Preparation should include:</p> <ul style="list-style-type: none"> <li>a. assessment of the child's needs in the placement,</li> <li>b. assessment of any risk attached to the proposed placement,</li> <li>c. early discussion with the current carer, the parents and the child of the objectives for the placement, and the basis for and terms on which the placement is made,</li> <li>d. visits to the proposed placement,</li> <li>e. identification of the type and level of support which will be required (including social work, therapeutic and/or remedial services, and financial or practical help).</li> </ul> <p>145 A period of gradual re-introduction may be needed, depending on the length of time the child has been away from the family and the changes which have take place.</p> <p>146 Change should be minimised, for example:</p> <ul style="list-style-type: none"> <li>a. a change of school should be avoided, if possible,</li> <li>b. contact with friends made during the previous placement should be maintained,</li> <li>c. opportunities to continue pursuing new interests should be sought,</li> <li>d. contact with the previous carers should be maintained if this is in the child's best interests.</li> </ul> <p>147 Parents should be prepared for changes in the child's habits, interests and routines, and for the possibility of disturbed behaviour while the child is settling in.</p>
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148 The Department should assess the support needed to achieve a successful placement and should provide any assistance or services considered appropriate.

### **SUPPORT, SUPERVISION AND MONITORING**

149 Regulation 7 sets out the minimum requirements for supervision by the Department of the placement of a child with his or her family

See Visits on page 94.

150 The objectives for the placement and regular reviews will indicate the requirements for support, supervision, monitoring and termination of the particular placement.

151 The needs of the carer and other people in the household should also receive attention.

152 Supervision and monitoring of the placement may lead to a change in the level of support for the placement, and/ or to revision of the agreement.

#### **Responding to difficulties**

153 The identification of a difficulty should lead to discussion of the need for different or increased support rather than automatic termination of the placement.

154 If a major change appears to be indicated further consultation may be required.

155 If a significant change is made the plan for the child and the agreement should be amended to reflect it.

156 Amendments should be properly recorded, and a note of the change given to the carer and the others involved.

#### **Support for the child**

157 Each child placed under these Regulations should have a social worker allocated for his or her support and supervision.

158 This will usually be the same person who provides support for the carer. However, when circumstances indicate that the child has his or her "own" social worker the roles should be separated.

159 The intention of support for the child is in keeping with the Department's general duty under the Act, which is to safeguard and maintain the child's welfare.

160 Support for the child is generally provided through visits to the child at home (see Support, Supervision and Monitoring above). Office visits and other meetings may also be necessary.

#### **Planning and review**

	<p>161 A record of all contacts should be kept as a contribution towards planning and review of the child's case.</p> <p>162 The process of monitoring and reviewing the child's progress and development should include:</p> <ul style="list-style-type: none"><li>a. discussion with the child of his or her wishes and feelings about the placement and future decisions, and</li><li>b. regular contact with other professionals and significant adults concerned with the child's care, health, education and training.</li></ul> <p><b>Support for the carer</b></p> <p>163 The carer's agreement to co-operate with the supervision which is arranged will be a condition of the placement set out in the agreement document at the beginning of the placement.</p> <p>164 This will usually consist of an agreed package of support, the aims of which should be:</p> <ul style="list-style-type: none"><li>a. to enhance the carer's ability to cope, and</li><li>b. to build on the family's strengths and to minimise weaknesses.</li></ul> <p>165 It is the responsibility of the supervising social worker to ensure that appropriate support, advice and assistance are discussed with and provided for the carer and other family members.</p> <p>166 Support can be provided by:</p> <ul style="list-style-type: none"><li>a. allocating a social worker,</li><li>b. allocating a family aid,</li><li>c. providing a link to a family centre,</li><li>d. offering:<ul style="list-style-type: none"><li>i. an emergency telephone number,</li><li>ii. respite care arrangements, baby-sitting or child-minding to provide a break, or</li><li>iii. financial help.</li></ul></li></ul> <p>167 The social worker's role is to support the carer in the exercise of parental responsibility to the extent set out in the placement agreement.</p> <p>168 Support is particularly necessary when a placement is under strain because of the child's behaviour or involvement with another parent.</p> <p>169 With older children the young person's and carer's attitude to choice of girl or boy friends, school attendance, house rules, bedtimes, late nights, spending money, attitude to work, choice of clothes etc may test commitments made by both.</p> <p>170 The social worker should foster the independence of a young person and move towards working with him or her as an adult. The social</p>
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regulation 10(3)  
children with  
parents, etc.  
regulations 2002)

worker should, however, avoid getting involved in decisions that could be construed as collusion with either the young person or the carer.

- 171 When there are other adults in the household the role of the child's true carer should be explicitly recognised. For example, the supervising social worker should primarily discuss the progress of the placement with the carer.
- 172 Other adults should not be allowed to deny access to the child or the carer, or to take over the carer's role.

### **Supervising the placement**

- 173 Regulation 7 provides a framework for the social worker's task of supervising the placement.

See Visits below

- 174 The social worker who is the supervisor of the placement should have knowledge of the child before placement begins and the child should know the particular social worker. This person should normally be involved in considering the plan for the placement.
- 175 If the child is reluctant to trust the supervising social worker because he or she was responsible for taking the child into care it may be necessary for support and supervision to be undertaken by another social worker.
- 176 When a new supervisor takes over, the reasons should be explained to both the carer and the child or young person.
- 177 So far as practicable, a planned handover should take place, including introduction of the new supervisor to the child and to the significant individuals in the child's life, including the staff of other agencies.

## **VISITS**

### **Frequency of visits**

- 178 Visits should take place as often as the circumstances of the individual child and placement require. They should be increased if this is indicated by the need to ensure that the child's welfare is safeguarded and promoted.
- 179 The minimum frequency for visits is:
- within a week of the start of the placement,
  - at intervals of not more than 6 weeks during the first year, and
  - at intervals of not more than three months thereafter, and
  - whenever reasonably requested by the child or carer.
- 180 In a series of short-term placements, the minimum requirement for

	<p>visits is:</p> <ol style="list-style-type: none"> <li>a. once during the first of the series of short term placements, and</li> <li>b. on one other occasion while the child is in fact place during the series of short term placements.</li> </ol> <p><b>Purpose of visits</b></p> <p>181 Visits provide an opportunity for direct contact with the child and independent observation.</p> <p>182 The supervisor's task includes:</p> <ol style="list-style-type: none"> <li>a. studying the interaction between a child, carer and family,</li> <li>b. giving all these people, including the child or young person if of sufficient age and understanding, a clear understanding of his or her expectations, and</li> <li>c. providing feedback on his or her observations.</li> </ol> <p>183 The supervisor should:</p> <ol style="list-style-type: none"> <li>a. check the perceptions of the child and carer about the aims of the placement plan and the ways these may be or are being achieved,</li> <li>b. feed back to the child and the carer is or her perceptions of the way the placement is developing over time taking account of changes in circumstances,</li> <li>c. acknowledge attainment of an aim or the failure to do so,</li> <li>d. promote a sense of stability and security for the child and the carer to enable them to build up trust in each other,</li> <li>e. avoid undermining the carer's parenting skills and authority.</li> </ol> <p>184 From time to time it will be helpful to discuss the support provided to the child and the carer and to explore with them each whether a change in support is needed.</p> <p><b>Contact with the child</b></p> <p>185 The child should be seen alone on each visit, so far as is reasonably practicable.</p> <p>186 If a child is not seen, or cannot be seen alone, a further visit should be arranged at short notice to see him or her, even if this means that a planned, notified visit is followed immediately by an un-notified visit.</p> <p>187 If the child is said to be elsewhere this must be checked and confirmed by the supervisor as soon as possible.</p> <p>188 Depending on the child's age he or she may be seen in a variety of settings:</p>
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regulation 7(2)  
placement of  
children with  
parents etc.  
regulations.

	<ul style="list-style-type: none"><li>a. at home,</li><li>b. at the other parent's home,</li><li>c. on contact visits,</li><li>d. at school,</li><li>e. in the supervisor's office,</li><li>f. at a previous care establishment, or less formally,</li><li>g. at a cafe for example, or another setting where the child feels at ease.</li></ul> <p>189 Contact with the child can take place at any combination of these venues, but the he or she should be seen regularly with both his or her carer and separately. This applies as much to young people as to younger children.</p> <p><b>Contacts with the carer</b></p> <p>190 Contacts with the carer should be either in her or his own home or at the social worker's office. Contacts elsewhere may occur fortuitously and be recorded but they should not be seen as a substitute for "visits".</p> <p><b>Others in the placement household</b></p> <p>191 In order to monitor the suitability of the placement the supervisor should:</p> <ul style="list-style-type: none"><li>a. assess the attitudes of others in the household to the child and the placement, and</li><li>b. be aware of significant changes in their attitude or circumstances,</li><li>c. be aware of how the accommodation is utilised and any changes during the placement. This means seeing the child's room, which should be handled sensitively if the room is shared with another young person.</li></ul> <p>192 The supervisor should be alert to any sensitive issues of privacy which may arise.</p> <p><b>Reports on visits</b></p> <p>193 After each visit, the Department must ensure that the social worker who made the visit produces a written report</p> <p>194 The report should cover the following points:</p> <ul style="list-style-type: none"><li>a. whether or not the child was seen, and if not why not,</li><li>b. if the child was seen alone:<ul style="list-style-type: none"><li>i. comment on the child's welfare and the success of the placement, including any comments made by the child or the carer, and.</li></ul></li></ul>
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- ii. any matter for concern or difficulties about which possible action should be discussed with the social worker's supervisor.

### **TERMINATION OF A PLACEMENT**

- 195 The Department's duty to remove a child at any time is stated in Regulation 8. The requirement to remove the child if the Department considers that leaving him or her in the placement will be contrary to his or her interests is acknowledged in the placement agreement to which the carer is a party
- 196 The social worker must recognise when a placement is no longer in the best interests of the child. The following factors should be recorded. They may indicate that the suitability of a placement should be reviewed:
- a. evidence of failure to thrive,
  - b. suspicion of abuse,
  - c. lack of cooperation by the carer,
  - d. inability to cope on the carer's part.
- 197 The social worker should also be alert to less obvious problems such as:
- a. a child making an increasing number of seemingly unrelated complaints or
  - b. behaving in an unexpected or uncharacteristic fashion.
- 198 The removal of a child from a placement should be planned whenever possible, so that the stress experienced by the child and sense of failure for both carer and child can be minimised.
- 199 A placement with the child's wider family or family friends should be considered as an alternative, taking account of the child's wishes and views and those of his or her parents.
- 200 If immediate action is necessary the social worker's team leader should provide full support.

### **Notification of termination of a family placement**

- 201 The Department should ensure that all those involved with the child and who need to know of the termination or proposed termination of a placement are informed in writing as soon as is practicable.
- 202 The people to be informed include:
- a. the carer,
  - b. parents who are not carers,
  - c. anyone who is not a parent but has parental responsibility for

	<p>the child,</p> <p>d. anyone whose wishes and feelings the Department considers to be relevant, and the agencies listed above which need this information.</p> <p>See Notification of the Decision, p.87</p> <p>203 Questions of confidentiality may arise in considering which family members to consult and inform about the new placement arrangements. Care should be taken to avoid contributing to tensions in the wider family.</p> <p>204 Explanation will be required to the child and the carer, if they have not made the request to terminate the arrangement, and to the other parent or guardian.</p> <p>205 The effect on any other children who are part of the household should be considered, whether or not they are in care, or being moved. Careful explanation should be given and increased support may be required.</p> <p>206 When the child has taken the initiative over leaving the placement he or she should be helped to articulate the reasons, and to handle the change in the least damaging way possible. The supervisor should offer the child reassurance and opportunities to discuss anxieties.</p> <p><b>PLACEMENT OFF THE ISLAND</b></p> <p>207 The Act gives the Department the power to assist children to live abroad.</p> <p>208 With the approval of everyone who has parental responsibility for any child the Department may arrange or assist in arranging for a child who is looked after, apart from a child in its care, to live outside the Island.</p> <p>209 The approval of the court is required to allow the Department to arrange or assist in arranging for a child in its care to live off the Island.</p> <p>210 The court will only give its approval in the case of a child in the Department's care if it is satisfied that:</p> <ul style="list-style-type: none"><li>a. living outside the Island will be in the child's best interests,</li><li>b. there are or will be suitable arrangements for the child's reception and welfare in the country in which he or she will live,</li><li>c. the child has consented to live in that country, provided that he or she has sufficient understanding to do so,</li><li>d. everyone who has parental responsibility for the child has</li></ul>
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	<p>consented to him or her living in the country or such consent is to be dispensed with.</p> <p>211 If the child does not have sufficient understanding to give his or her consent, the court may disregard this requirement provided that the child is to live with a parent, guardian or other suitable person.</p> <p>212 If a person whose consent is required, in paragraph 210 above, fails to give it the court may disregard that provision and give its approval provided it is satisfied that:</p> <ul style="list-style-type: none"> <li>a. the person cannot be found</li> <li>b. he or she is not capable of giving their consent, or</li> <li>c. he or she withholds consent unreasonably.</li> </ul> <p>213 Section 44 of the Adoption Act 1984, which covers to take or send children abroad for adoption, does not apply where the court has given its approval to a child living outside the Island.</p> <p>214 When the court decides to give approval it may order the decision is not to have effect during the appeal period. For these purposes the "appeal period" is:</p> <ul style="list-style-type: none"> <li>a. the period between the making of the decision and the determination of the appeal, or</li> <li>b. otherwise, the period during which an appeal may be made against the decision.</li> </ul> <p>215 For these purposes, "the court" means:</p> <ul style="list-style-type: none"> <li>a. where the relevant care order was made by a court other than a juvenile court, that court or a juvenile court,</li> <li>b. in any other case, a juvenile court.</li> </ul>
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