

## **Process for Managing Viability Assessment and Regulation 24 Cases: Placement with Family and Friends**

### **Introduction**

- A 'Viability Assessment' is a means by which practitioners, for or on behalf of the local authority, can determine whether family and friends are potentially a realistic option to care for the child until they reach adulthood.
- The purpose of the Viability Assessment is for the local authority to assure itself and where necessary to further recommend to the court which members of the child's family and kinship network should be *further* assessed as potential carers for the child.
- The placement of a child with a family or a friend requires the identified person to be assessed and temporarily approved as a foster carer under Regulation 24 of the Fostering Regulation 2011.
- A Viability Assessment does not determine the final outcome of whom a child will live with, nor does it determine which legal order should be used.
- Viability Assessments usually require at least one home visit to the potential carer with a follow-up discussion. However, on occasions this is not deemed sufficient and further visits are required where there are welfare issues to consider. Early discussion with the relevant case manager is essential. The discussions resulting in management decisions /actions must be recorded on the relevant file for quality assurance purposes.
- Lastly, a Viability Assessment should be conducted in the spirit of a partnership with the child's family/ connected person in order to build rapport and understanding of the holistic needs of the child concerned.

### **The context**

- The Viability and Regulation 24 Placements covers the placement of Children Looked After (CLA) with Family and Friends Carers (Connected Persons), where the prospective carers have been identified by the local authority, nominated by parents or have volunteered as potential carers for the child/ren.
- Once it has been identified that the parents or carers of a child are not able to provide good consistent parenting for the child/ren, the local authority must look for other family members or friends who can care for the child/ren.
- When family members have been identified, a Viability Assessment must be undertaken.
- The guiding principle of this process is to ensure that the prospective carers have and can demonstrate their ability to Safeguard and promote the "best Interest" of the child/ren until age 18 years and beyond.

## **Legislation and Guidance:**

This process should be read alongside the following Child Care legislation and statutory guidance and best practice documents below:

- The Children Act 1989, Guidance and Regulation Volume 2, Care Planning Placement Review (2015)
- Care Planning, Placement and review Regulation (2010) Schedule 4
- Care Planning Regulation 2011
- Family and Friends Care, Statutory Guidance for Local Authority 2018
- Regulation 24 of Care Planning and Fostering Regulation
- Initial Family and Friends Care Assessment: A good practice guide- (Family Rights Group, 2017.
- Looking after Some Else's Child (GOV.UK)

## **The process and timescales**

### **Viability Assessment:**

- Once the need for a Viability Assessment has been established, the allocated Social Worker will complete the Viability Assessment within **10** working days.
- On the same day that the decision is made for the social worker to complete the Viability Assessment, the allocated social worker and Team Manager should meet to further discuss the parameters of the viability assessment. This will be recorded on LCS under ?

### **The purpose of the initial meeting with the Social Worker and if possible the assessing Social worker will be to:**

- Ascertain the number of families that will be subject to the Viability Assessment.
- Gain insight and understanding of the known relationship between the child and prospective carer/s
- Ascertain the age and health of the prospective carer/s and suitability of the accommodation.
- Explain the steps for undertaking a Viability Assessment and parameters of what will be explored.
- Hold the child/ren in mind exploring their best interest in accordance with their wishes and feelings
- Check LCS to ascertain whether prospective carers and any of their household is/are known to the local authority
- Discuss the parameters for undertaking statutory checks on household members
- Make the request for Police National Checks and request the Child Care Team administrator forwards the DBS link to the prospective carers
- Ensure the Viability Assessment commences immediately after the meeting with the Team manager and is completed within **14 days (10 working) days).**

Once the Viability Assessment is completed, the Team Manager and social worker should meet within **2** working days to discuss the outcome. If the outcome of the assessment is

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positive, this is sent to the Agency Decision Maker (ADM) for approval, this is known as '**Temporary Approval under fostering Regulations 24**'.

- If the Viability Assessment is negative, the assessment process if started is terminated.
- Once the ADM) has signed and approved the viability
- The child can be placed, unless they were placed there in an emergency under Reg. 24 of the Fostering Regulations 2011, this is regarded as a temporary foster placement. This triggers the statutory timescale of **16 weeks** to complete the full assessment and present to Panel and the ADM under the Fostering Regulations. a
- It is the duty of the childcare team social worker and Team Manager to complete a referral to the Fostering Recruitment and Assessment (R and A) team within **24 hours** of placing a child for a detailed assessment as set out under Regulation 24 of the Fostering Regulations 2011 to be completed.

### Referral to Fostering Team by the Child Care Team:

The referral to the Fostering Team should be made by email to the Deputy Team Manager. The following essentials requirements/ documents must be included in the referring e-mail:

- Positive Viability Assessment with ADM sign off
- Progress of the DBS application , medical consent and referee details to date
- Key dates e.g. Court proceedings (if applicable)
- c written Chronology of events leading to the placement and a brief care plan (if applicable)
- Any other assessments which may assist the Fostering R& A social worker
- Outcome of Police National checks
- Assessed Needs of the child/ren and prospective carer's ability to meet the needs of the child/ren from the Viability Assessment. Taking into consideration any known limitations contained in the assessment.-
- The expressed Child/rens wishes and feelings about the proposed placement and any special arrangements needed for their identified social, developmental or heritage needs (if applicable).
- The child/rens parents and others with Parental responsibility wishes and feelings about the proposed placement and any consent obtained to explore other family or friends in the known network or extended network as potential placement option ( as part of Court proceedings .

Once the referral has been received by the team, the Deputy Team Manager from fostering and recruitment & marketing team will check the referral and acknowledge its receipt within **2 working days**, and reply to the sender confirming that the assessment has been formally accepted. Should further information be required, this will be detailed in a formal email with clear timescales for receiving any new supporting information requested. The childcare team manager must respond to the request within **24 hours** of receipt of the request.

Once the referral is accepted, the case will be allocated to the Fostering R&A social worker within **1 working day**. The R&A Deputy Team Manager will meet the assessing social

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worker and record on the carers case notes, any agreed actions and timescales for the assessment, including the date of the mid-way review.

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The Fostering R&A Deputy Team Manager) will alert the Fostering Support and Development Deputy Team Manager to allocate a supervising social worker (SSW) to support the connected carers and the placement

#### **The purpose of the Referral meeting:**

- To discuss the outcome of the Viability Assessment and identify any particular areas of strength vulnerabilities/ concerns during the assessment
- Identify written information to be given to the prospective carer prior to commencing the Connected Carer Fostering Assessment if the child is not already placed
- The SW to provide details re the status of DBS , Referees and medicals
- Set date for a midway assessment progress meeting (this should be 6 weeks from start of allocation date) Plan to present the Assessment at the Fostering Panel and agree the proposed date with the panel administrator.
- Notify the Legal team of proposed panel date (if applicable or in case of any SGO considerations)
- F
- Complete the Fostering R &A tracker for all fostering Panel cases Refer the connected carers for relevant training e.g. 'Skills to Foster'

The Fostering R&A social worker has up to **12 weeks** to complete the full Connected Persons Assessment. – depends on the time of the referral so that it can be QA'd , presented to Panel and approved by the ADM within 16 weeks

#### **Midway Assessment Progress meeting (6 weeks)**

The midway assessment meeting will take place **6 weeks** from the date of allocation to the Fostering R&A social worker. It is the responsibility of the Fostering team R&A social worker to set this meeting up.

#### **Attendees:**

- The childcare team social worker and team manager
- Fostering R&A social worker and team manager
- Legal (if applicable)
- Minute taker from either childcare Team or Fostering Team
- Minutes of the midway assessment meeting will be uploaded by the fostering R&A social worker and placed on the carers file within **2 days**.

#### **Agenda to include:**

- Update from Fostering R&A social worker regarding the progress of the assessment and likely outcome at this stage
- Update from the child's social worker re views of child if age appropriate & parents.(about the placement and the plans
- Identify any issues, concerns, progress of statutory checks.
- Any identified issues or potential issues likely to influence the outcome of the assessment.
- Identify date for Quality Assurance by DTM.

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- Proposed date for Fostering Panel
- Discuss whether an extension is likely to be required
- Agree a contingency plan and timescales for actions should there be an identified need for the potential or immediate removal of the child/ren in cases where the assessment indicate concerns /vulnerabilities or a negative assessment.
  - Consider the areas of work that would support the applicants to make the necessary adjustments within a defined timescale and for the assessor to make a positive assessment- (i.e. if there are any identified issues during the assessment which might not lead to positive recommendation)
  - Consider the parameters or information of serious concern for the immediate termination of the assessment where it become necessary to do so
  - Agree contents of letter to be sent to applicant/s if assessment is likely to be negative at stage 1 of the assessment
  - Report any information to the relevant Team Manager for guidance and next steps (any identified issues that might lead to a negative recommendation or no recommendation which would require the child to be moved)
  - Record any agreed management actions

## **Week 12: Connected Persons Assessment.**

### **In the event statutory checks (DBS, Medicals are not complete**

Should the assessment look likely to be negative, an urgent meeting needs to take place between the child care team and the Fostering team to discuss the assessment and in consultation with the Service Manager / ADM, a decision will be made for the immediate removal of the children.

In the event of an indication that the assessment is going to be delayed, the Fostering R & A social worker should notify his/her Deputy Team Manager who will notify the Team Manager Head of Service and the Panel Adviser . A Regulation 25 extension - using the attached form (r extension form) must be completed within **24 hours**.

The assessing social worker should use the extension form to complete a summary of the case, clearly highlighting the reason for the request for an extension of the assessment.

### **The extension form completed by the Assessing Social worker:**

- Reasons why the assessment has not been completed to date
- Child wishes and feelings about the placement(or proposed applicable)
- Level of support to be provided to the connected carer by the service
- Number of outstanding visits required to complete the full assessment
- Update on statutory checks including when applied for
- Projected outcome of full assessment
- Reason for requested extension

This form should be presented to the Agency Decision Maker (ADM) who can make a decision to extend the placement for a further **8 weeks** before the 16 weeks expires

There is also a section for the views of the SW and IRO

Once the ADM makes the decision to extend the placement, the **8 week** extension under Reregulation 25 is submitted to the Panel Adviser (PA

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The Fostering R&A social worker will send written notification (e mail) to all interested parties (legal, child social worker) on the same day that the agreement is received from the ADM

The details of the extension will be recorded on the applicants file

The Fostering Deputy Team Manager, will notify the Fostering Panel administrator

The case will be presented for information at Fostering Panel where it is recorded in the Fostering Panel minutes

A meeting should be arranged **within 3 weeks** of the Regulation 25 extension being granted to ensure that the placement doesn't become unregulated. Any urgent issues will be escalated to the Team Manager and Head of Service

### **The continued approval status of the carer:**

The Connected carer remains a temporary foster carer under Fostering Regulations (2011), 25, until the assessment is completed and returns to Fostering Panel for their consideration.

In exceptional circumstances, the Fostering Panel will make a recommendation based on the assessment report to further extend the placement under Regulation 25 for a further period of up to 8 weeks. The 2010 Regulations set out the circumstances in which, the period of temporary approval may be extended under Regulation 25 Regulation 25 allows for Fostering Panel to make a temporary approval recommendation to the ADM and for the ADM to grant an additional 8 weeks extension for the completion of the assessment report.

Such exceptional circumstances are either where the approval process has taken longer than anticipated or where the connected person has not been approved following the assessment process and seeks a review of the decision through the Independent Reviewing Mechanism (IRM).

In the latter circumstance, the temporary approval will continue until the outcome of the review is known. When this time period expires and where the connected person has not been approved by the Council in accordance with the 2011 Fostering Regulations, the Child care team must arrange for an alternative placement and remove the child from the placement with the connected person.

### **Unregulated Placement:**

A placement will become unregulated (outside Fostering Regulations) if the full assessment remains uncompleted after the 8 weeks extension has been granted. If this is a possibility at 23/24 weeks

The Fostering R&A Deputy Team Manager must immediately notify the Head of Service (HoS) to request an urgent meeting to discuss next steps.to avoid this happening.

. Where it's not possible for the HoS or deputy team manager to meet on the day, a telephone discussion must take place, and if the HoS is not available the team manager or deputy team manager must escalate to the (ADM).

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If permission is granted for the placement to remain unregulated, the ADM making the decision must do so in writing and a copy uploaded on to the carers and child's LCS with timescales for the placement to become regulated.

Where permission is not granted by the ADM, an urgent meeting of all interested parties including the SW and Team Manager should be called by the Deputy Team manager and arrangements made for the removal of the child/ren to an alternative placement as soon as possible.

Minutes of the meeting must be recorded and circulated to all interested parties including the independent reviewing officer (IRO) and legal if applicable.

### **Fostering Panel**

The connected carer assessment is heard at Fostering Panel under Reg 24 or Reg 25 and a recommendation is made to the ADM on the suitability to foster.

Regulation 25(1) (b) of the Fostering Services (England) Regulations 2011 states that where the fostering panel makes a recommendation about a person's suitability to foster, it must also "recommend any terms on which the approval is to be given", and guidance clarifies that this might be in terms of the number of children and their ages.

### **Post Approval**

Regulation 27(3) requires the ADM to take account of the fostering panel's recommendation and any recommended terms for the approval. The decision maker would not be compliant with this regulation if they disregarded panel recommendations regarding terms of approval as a matter of routine, without being able to justify that in each individual case and setting out the reasons.

### **Placement Planning Meeting:**

A placement-planning meeting should ideally take place, in line with legislation, before the child is placed with the proposed connected carer. If the child is placed the SW must on day 1 advise the Fostering R&A managers