

## Parent and Child Arrangements

### Description

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<https://sparksfostering.org/wp-content/uploads/speaker/post-12791.mp3?cb=1692917436.mp3>

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Note that this policy is information provided in the Children Act 1989 vol.4. Foster carers who choose to support parent and child arrangements will be provided additional support to further understand their role.

### Introduction

1. A local authority sometimes wishes to commission an assessment of a parent's ability to safeguard and promote the welfare of his or her child, to inform its decision making about the provision of support services or intervention through care proceedings. Sometimes the court will request such an assessment within the framework of care proceedings. Most commonly these are arrangements for mothers and their babies.

2. Residential assessments may take place in residential family centres. A residential family centre is regulated under the Care Standards Act 2000 and the Residential Family Centres Regulations 2002. They are required to register with Ofsted and are subject to inspection by Ofsted, and to meet the National Minimum Standards for Residential Family Centres published by the Department of Health.



3. Residential family centres are defined as establishments where accommodation is provided for a child and their parents, the parents' capacity to respond to the child's needs and safeguard their welfare is monitored and assessed, and parents are given such advice, guidance or counselling as is considered necessary.

4. An increasingly common alternative to assessment in a residential family centre is the arrangement

whereby children and their parents live with foster carers for the purposes of assessment. A foster carer's household is not an establishment, and so cannot be regarded as a residential family centre.

5. The sections below set out the different scenarios whereby arrangements may be made for a parent (or parents) and their child (or children) to live with foster carers for the purposes of an assessment. A foster carer is a person who has undergone checks and an assessment and has been approved as a foster parent by a local authority or an independent fostering provider.

A voluntary arrangement by the local authority where the child is not looked after

6. Where a local authority wish to assess a parent's parenting capacity in the context of support provided to the child/family under section 17 of the Children Act 1989 or pre care proceedings, this would need to be with the agreement of the parent. The local authority may decide to make an arrangement with the family to live with a local authority foster carer to make the assessment, rather than to make use of a residential family centre. 57

7. Since in this case the child is not looked after by the local authority, none of the provisions of the Children Act 1989 relating to looked after children will apply, and the foster carer will not be acting in their capacity as a foster carer under the Fostering Services (England) Regulations 2011. In such a case the local authority will need to be satisfied that the arrangement is appropriate, in the sense that the foster carers have the necessary skills to participate in the assessment, and will not place at risk the welfare of any foster child who is placed in the household.

A voluntary placement by the local authority where the child is looked after

8. In a situation where the child is looked after and the parents are 18 or older, the provisions relating to looked after children will apply in relation to the child only. The child will be placed with the foster carer under section 22 of the Children Act 1989, and the responsible authority will be under a duty to make the most appropriate placement available for both the parent and child. In making the placement it will therefore need to consider the skills and capacity of the foster carer, notwithstanding that the assessment of the parent's ability is not covered by the 2011 Regulations.

9. Although the child will be fostered by the foster carer, the child's parent or parents will also be living with the child in the foster carer's household. As the parent will not be a looked after child, the provisions in respect of looked after children will not apply to them, regardless of whether the parent is under 18 or is older or has previously been a looked after child.

10. In these circumstances the parent will still hold parental responsibility in respect of their child, and be living in the same household as the child's foster carer. It will therefore be vital that respective roles and arrangements for delegated authority are clarified when the arrangements are being made. These must be set out in the placement plan. The foster carer's task in relation to undertaking an assessment of the parent's capabilities will not be governed by the 2011 Regulations, but will be closely aligned with their responsibilities towards the looked after child.

11. The fostering service and the responsible authority will need to satisfy themselves that the proposed arrangements will not impact unduly on the foster carer's responsibilities towards other children. Any necessary support should be provided to enable the arrangements to succeed. As with any placement when another child is already placed with the foster carer, the responsible authority for

that child would need to agree to the new arrangements.

12. For the purposes of the 2011 Regulations, a parent living with a foster carer in the above circumstances is a member of the foster carer's household. The fostering service's safeguarding policy must include a statement of measures to be taken to safeguard children placed with foster carers before any arrangements are made for a parent and child to join the household. The 2011 Regulations allow for CRB checks to be obtained but 58 59 there is no requirement for these to be undertaken as a prerequisite to the individual joining the household (regulation 26 and 28(3)).

### **A voluntary placement by the local authority where both the child and parent are looked after**

13. Where both the child and the parent are looked after the provisions relating to looked after children will apply to both. The duties in relation to section 22 of the 1989 Act, as outlined in paragraph 8, will

apply in respect of the placements of both the child and the parent.



An arrangement directed by the courts where the child is looked after

14. Where care proceedings are in progress, the court may require an assessment of the child and their parents.

15. If the child is subject to an interim care order under section 38(6) and the court directs a parenting assessment but leaves it up to the local authority how that assessment is organised, the local authority may decide that the parent and child will live with a foster carer for the purpose. This will be a placement of a looked after child by the local authority and so the placement will be governed by the 2011 Regulations.

16. Even if the court directs that an assessment be made by a foster carer, the placement will still be a local authority placement and the 2011 Regulations will apply.

#### Placement with Parents

17. Children who are in care may also be placed with their parents (or someone else who has parental responsibility for them) under regulations 15 – 20 of the 2010 Regulations. While such children are looked after children and fall within the 2010 Regulations, they do not fall within the 2011 Regulations as they are not fostered children. This includes where a child is placed with their parents and the parents and that child then live with foster carers.

#### The usual fostering limit

18. The usual fostering limit applies to the placement of looked after children, and so a parent who is living in a parent and child arrangement with a foster carer does not count towards that limit unless he or she is themselves a looked after child. However, the impact of the parent being within the household must be taken into account in considering the placement of any looked after children.

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