

Long Term Options Guidance – Warwickshire Children and Families

	Private fostering	Connected Others (informal)	Connected others care (formal foster care)	Unrelated foster care (and residential care)	Independent and state boarding schools	Child Arrangement Orders	Special Guardianship Orders (SGO)	Adoption
Route into the caring arrangement	<p>Private arrangement whereby the child is being cared for, for 28 days or more (or the intention is that the arrangement will last 28 days or more) by anyone who does not have PR and who is not a close relative.</p> <p>The child is not in care.</p>	<p>Informal arrangement where the relative without PR takes on the care of the child.</p> <p>Parents may be unable to care for the child; deceased/unavailable e.g. in prison.</p> <p>An agreement between relatives due to difficult family circumstances.</p> <p>The child is not in care.</p>	<p>Child placed with the relative or friend because the child’s parent/carer was not providing suitable care.</p> <p>Voluntarily accommodated with agreement of the parents (time-limited) or subject to a care order.</p> <p>Local authority must approve the relative/friend as a local authority foster carer.</p> <p>The child is in care.</p>	<p>In care under s20 Children Act 1989</p> <p>Subject of a care order but placed with a LA foster carer or residential care.</p>	<p>Discussions with operations manager; verified at CDM and sanctioned at Boarding School Partnership Steering group</p>	<p>Child at risk of coming into care and a friend or relative applies for an order; or child is in care and their foster carer or other relative applies for an order; Application can be made without the support of the parents or the local authority.</p> <p>Relatives may apply for an order after a child has lived with them for 12 months or given leave of the court to apply for an SGO.</p>	<p>Consent of the birth parent or under a placement order made by a court.</p> <p>A foster carer can apply for an adoption order after 12 months of caring for the child.</p> <p>Other informal carers could apply for an adoption order if the child has lived with them for 3 years or with leave of the court.</p>	

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Parental Responsibility(PR)	Remains with birth parents.	Remains with birth parents Connected other carer has delegated responsibility unless alternative legal order in place e.g. SGO, Adoption or CAO.	Remains with birth parents if accommodated under S20. If a care order/emergency protection order is in place – PR is shared/LA determines the extent to which it may be delegated to others.		Remains with birth parents.	Shared with parents and anyone else with PR to the exclusions of all others with PR, apart from another special guardian. Limitations include taking child out of country/changing the child's name.	Transfers to adopters. Legal relationship with birth parents/siblings is severed.
Approval basis	The arrangement is assessed by the local authority. Carer is not 'approved' as a LA foster carer.	None	Approved in accordance with fostering services regulations.		The schools are regulated by the DfE and inspected by Ofsted and Independent Schools Inspectorate. The LA approves the placement match in partnership with the family and the child/young person.	Appointed by court following application. Local authority must investigate the matter and prepare a report for the court dealing with suitability of the applicant to be a special guardian.	Adoption agency assesses and approves the prospective adopters, and the court makes an order. If the child is not in care then notice of the intention to adopt must be given to the LA who will carry out an assessment.
Duration	Subject to discretion of the person with PR and readiness of the private foster carer	Subject to the discretion of the person with PR	Placement remains in line with the child's care plan as determined by the LA or the making of an alternative order (unless s20) when the parents have the right to remove the child from care.		In collaboration with the persons who hold PR; remains in line with the child's care plan – until the child completes that period of education	Age 18 unless varied or discharged by the court before the child reaches 18	Permanent life-long relationship

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Placement Supervision	Statutory visits to the child by the social worker (minimum 6 weekly in first year and then 12 weekly).	None.	Statutory visits to the child by the social worker. Supervision of the foster carer by fostering social worker.		Stat visits to the child and the placement as per normal guidance; reviews as per normal guidance; parents or family engaged/invited to planned events/planned meetings – developing a QA framework by commissioning.	None.	Placement is supervised and there are statutory reviews prior to the Adoption Order. Once the Adoption Order is made there is none.
Review of placement	The LA may do formal reviews in addition to the ongoing assessment during visits.	None.	Statutory reviews of the child's care plan (minimum 6 monthly) and annual reviews of local authority foster carer approval.		Statutory reviews of the child's care plan (minimum 6 monthly) and annual reviews; Finances reviewed on an annual basis – collaboration between LA/family/child/young person and school.	None.	See above.

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Support Services	<p>Provision of advice and support as determined by the LA</p> <p>If child assessed as CIN services/support provided under s17 Children Act 1989.</p>	<p>If child assessed as CIN services/support provided under s17 Children Act 1989.</p>	<p>Health assessment and personal education plan (PEP)</p> <p>Training and practical support for foster carers in accordance with fostering services regulations, national minimum standards and CWDC standards.</p> <p>Leaving care support services.</p> <p>Statutory social worker.</p> <p>Placement support to meet the child's identified needs.</p>		<p>The child (if CIN) would be entitled to a social worker support and a CIN plan complementing and assisting in meeting need. If under a family order, e.g. SGO additional support could be requested under the SGO support fund. If child in care then the child would get all statutory support - IRO, social worker, care plan and any needs would be added to the plan to assist in meeting our corporate parenting responsibilities.</p>	<p>If a child was in care prior to the making of the SGO, LA must assess for the need with a special guardianship support services.</p> <p>LA has discretion whether to provide support.</p> <p>Leaving care support services if the young person was in care prior to the making of the SGO.</p>	<p>Entitlement to assessment for adoption support services which may be provided at the discretion of the LA in accordance with regulations and national minimum standards</p> <p>For the first three years, the placing authority is responsible - after that it falls to the local authority in which the child resides.</p>

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Financial support - entitlement	<p>Child benefit and any other universally available benefits for children if not being paid to the parent</p> <p>Financial responsibility remains with the holders of the PR.</p>	<p>Child benefit and any other universally available benefits for children if not being paid to the parent</p> <p>Financial responsibility remains with the holders of the PR.</p> <p>Guardian's allowance payable if both parents have died/or the only surviving parent cannot be found/or is serving 2 years or more in prison.</p>	<p>Weekly allowance to meet the costs of caring for the child. This should be at least the national minimum rate by the department for education (DfES).</p>		<p>No entitlement - request for additional support funding can be made to the relevant charities.</p>	<p>Child benefit and any other universally available benefits for children if not being paid to the parent.</p> <p>Entitlement to assessment for financial support (part of SGO support) if child is in care prior to order and is needed to ensure the arrangement can continue.</p>	<p>Child benefit and any other universally available benefits for children.</p> <p>Entitlement to assessment for financial support (part of adoption support) if child is in care prior to order.</p>

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Financial support - discretionary	One off or regular payment by LA under s17 Children Act 1989 – other forms of financial support should be explored first and should be seen within a context of a CIN Plan.	One off or regular payment by LA under s17 Children Act 1989 – other forms of financial support should be explored first and should be seen within a context of a CIN Plan.	As part of the payment for skills scheme,		No entitlement - request for additional support funding can be made to the relevant charities.	Entitled to an assessment for financial support under special guardianship regulations if child in care prior to the order and meets the criteria in regulations. Subject to assessment as above and for former foster carers can include financial remuneration Discretion regular or one off payments. Any allowances reviewed annually at a minimum	Subject to assessment one off payments or regular adoption allowance may be made.
Contact	Private arrangement with birth parent or person with PR	Private arrangement with birth parent or person with PR.	As set out in the care plan/placement plan with details of frequency and supervision arrangements. Duty to promote contact		As per private agreement/defined by the court.	Agreed as part of SGO or at discretion of the SGO carer with PR. May be subject to S8 contact order	Agreed as part of the adoption order. Legally at the discretion of the adopter May be subject to a contact order.

Long term options for children of different ages						
Age under 7 years		Age 7 -10 years			Age 11 years +	
No connected others arrangements available	Connected others arrangements available	No connected others arrangements available	Connected others arrangements available			No connected other arrangements available
Long term plan includes twin-track or parallel planning until it is clear that a return to birth family is not possible					Rehabilitation should be kept under review where risks have been identified and are reduced/can be reduced with service provision	
	Family Group Conference should be offered		Family Group Conference should be offered			Family Group Conference should be offered
Adoption Long Term Fostering (H of S approval for child under 5)	Approved connected others foster care; Special Guardianship Order; Child Arrangement Order; Care Order – move to SGO/CAO.	Adoption; Long term fostering; Special Guardianship Order (with existing foster carer).	Approved connected other foster care; Care Order – possible move to Special Guardian/Child Arrangement Order; Special Guardianship Order; Child Arrangement Order.	❖		Approved connected other foster carer; Special Guardianship Order; Child Arrangement Order; Care Order – possibility of move to SGO/CAO; Rehabilitation.

Management of Section 20 – Warwickshire Children and Families – recommendations from audit 2016

1. Social Workers and managers should ensure that children who are accommodated s.20 have the decision recorded which reflects the circumstances, conditions and agreements reached with parents regarding the arrangements that they have entered into. Highlight clear signatures of all parties with dates that should be easily identifiable.
2. Managers will need to be reassured that they are confident that decision making reflects the capacity and psychological understanding of agreements and that appropriate advice to seek legal support is encouraged and recommended on each case particularly where these arrangements happen outside of CDM. <http://www.bailii.org/ew/cases/EWCA/Civ/2015/1112.html>
3. Any written agreements should be clear and precise as to its terms, drafted in simple and straightforward language that the particular parent can readily understand. The written document should spell out, following the language of section 20(8), that the parent can "remove the child" from the local authority accommodation "at any time" and should not seek to impose any fetters on the exercise of the parent's right under section 20(8).
4. Where the parent is not fluent in English, the written document should be translated into the parent's own language and the parent should sign the foreign language text, adding, in the parent's language, words to the effect that 'I have read this document and I agree to its terms.
5. Where there is a separate agreement to s.20 other than within the Placement Plan, it should always be submitted when a fostering referral is made and all documents uploaded should have parental signature(s). This will enable medical consent to be available in placement; where s.20 is in force, parent (s) should always be involved fully.
6. Where any parent has indicated a wish for their child to be returned to their care this must be recorded with any subsequent discussion and arrangements for the child with updated agreements which document the outcome of the request. Where the continued arrangements are for the child to remain in care the parents must sign to say that they have reflected on their request and document the reason for the change of mind and continued agreement for the child to remain in care.
7. Families that may be experiencing the delay of reunification because of outstanding assessments and where social workers anticipate a good outcome based on their assessment to date consideration needs to be given more fully about the potential of these assessments being conducted whilst the children are at home and risks balanced appropriately.
8. Permanence Panel will review s.20 accommodated children and young people and consider those where re-unification is possible and what needs to happen in order for this to occur. Where parent (s) are unable or unwilling to engage with the local authority, social workers and managers should review the circumstances and consider the need to issue proceedings. Where this is unlikely to improve outcomes, this needs to be recorded on file and proactively reviewed to reflect change and continued support for the child.

Key factors between informal arrangements and local authority arrangements

Factor	Children in care arrangements	Informal arrangements
Children's social care involvement/control	Social worker initiated the discussions; The placement was explicitly an alternative to care proceedings or foster care; Social worker dictates the child's arrangements e.g. contact; Social worker conducted formally or informally an assessment of the suitability of the placement.	Social care were approached by the family; Social care not at the point of, or considering care proceedings or removal; The child's day to day life arrangements are left up to the family/connected person whether or not in discussion with those who hold parental responsibility.
Discussion at the point of placement	Social worker explicitly described the placement as an alternative to care/foster placement; Social worker failed to discuss with the carer the fact that this would be an informal arrangement; Social worker failed to make it clear that there would be no financial support (except section 17 money).	Social care satisfied/can evidence that there was informed consent on the part of the carer to this being an informal/unpaid arrangement; Social care indicated that the relative would be well advised to apply for a Child Arrangements Order/Special Guardianship Order.
Parental involvement	The parents play no part or were peripheral in the arrangement.	The arrangement was with the active involvement of the parent(s); The parent asked the LA to track down or make arrangements with the relative; The parent(s) spoke to the carer beforehand or the carer, at parental request, has cared for the child before; The parent continues to support the placement financially with other assistance; The parent physically takes the child to the carer's home.
Subsequent regime	There has been regular social work visits, consideration of assessment as foster carers, LAC reviews etc. The carer has continued to need and seek the support from social care, whether for help with parenting, payment, schooling, welfare, managing contact etc.	There have been no LAC arrangements; Assistance is given by social care but explicitly in section 17 terms, e.g. occasional, irregular assistance; Negotiations with the parent(s) are managed by the carer with no social care support or assistance.