

Summary of temporary changes to SMBC procedures following The Adoption and Children (Coronavirus) (Amendment) Regulations 2020

This briefing note summarises changes to SMBC procedures incorporating the above Regulations.

These changes are effective from 24th April 2020 and will remain in force until 25th September 2020 when the Coronavirus Act 2020 requires parliamentary renewal.

These changes are intended to provide additional flexibility for local authorities, providers and services to meet statutory duties whilst maintaining appropriate safeguards. These are low risk changes to ease administrative and procedural duties and are required to ensure stability of children's social care during the outbreak.

Adoption Agencies Regulations 2005

1. An Adoption Agency now has flexibility over whether to constitute an adoption panel. If a Panel is convened, it is quorate as long as there is a Chair (or Vice chair), a social worker with at least 3 years PQE, and one other independent person. The decision relating to whether to constitute a Panel relates to the approval, review and termination of approval of a prospective adopter/adopter.

Comment: Adoption Central England (ACE) will continue to make the decision about whether to convene Panel. ACE report currently being able to have virtual Panels.

2. If the Agency decides not to convene a Panel, the decision shall be made by the Agency Decision Maker (as per Reg19).
3. Reg 27 : Pre- assessment decision: The Agency may now approve the suitability of an adopter to adopt a child in the absence of enhanced police checks and health information.
4. Stage 2 assessment: there is no longer a 6 month time limit for when prospective adopters need to notify the Agency of their intention to proceed with the assessment process.
5. Reg 30B: The Adoption Agency no longer needs to decide whether the prospective adopter is suitable to adopt a child within four months but *where reasonably* practicable.
6. Where the Agency has decided a prospective adopter is not suitable to adopt due to information arising out of Reg25 (police checks) or 26(b) (health checks) the prospective adopter can no longer apply to the Secretary of State for a review by an independent review panel.
7. Reviews: The Agency does not have to carry out a review where it is not reasonably practicable to do so unless a review is necessary to safeguard and promote the welfare of the child.

Comment: SMBC is aiming to continue to hold LAC reviews in line with previous timescales although there may be occasions where this is not possible due to the specific circumstances of the case. In such circumstances, the decision will be made jointly by the Independent Reviewing Officer, the adoption team manager and the relevant children's social work team manager.

Amendment of the Children (Private Arrangements for Fostering) Regulations 2005

1. Where the LA receives notification of a proposed private fostering arrangement, the LA must investigate as soon as is *reasonably practicable*.

2. Where the LA receives notification of a private fostering arrangement, the LA must investigate as soon as is *reasonably practicable*.
3. Visits to children who are privately fostered should take place where *reasonably practicable*.

Comment: SMBC will continue to work in line with previous expectations. However if there is a need to change timescales, this will be considered on a case by case basis. The Fostering Assistant Team manager will continue to review the list of children subject to private fostering on a weekly basis in order to ensure a timely response to changing needs.

Amendment of the Children Act 1989 Representations Procedure (England) Regulations 2006

1. The timescales are relaxed so that a complainant must ask for a review panel as *soon as is reasonably practicable* rather than within 20 working days (Reg 18).
2. A review panel must be convened as *soon as is reasonably practicable* (rather than within 30 working days) (Reg19)
3. The review panel's report must be sent out *as soon as is reasonably practicable* (rather than 5 working days)
4. The local authority must consider Panel's recommendations *as soon as is reasonably practicable*.

Amendment of the Care Planning, Placement and Case Review (England) Regulations 2010

1. The definition of a connected person has been removed suggesting that the authority can place with any person under Reg 24.
2. Placement plans no longer need to be prepared within 5 working days of placement but as soon as is *reasonably practicable* after placement.

Comment: The fostering and children's social care team managers will continue to review each new placement weekly and agree a timescales for a placement planning meeting on a case by case basis.

3. Where the LA places a child with a parent or a person with PR, prior to an assessment being completed, the assessment no longer needs to be completed within 10 working days, but as soon as reasonably practicable after placement (Reg19)
4. Where a decision is made to place a child in foster care this no longer has to be made by a nominated officer.

Comment: any decision to place a child in foster care will continue to be made at Head of Service level

5. Emergency placement under Reg 23 can now be authorised for up to 24 weeks
6. Reg 24: Temporary approval as a foster carer can now be authorised for up to 24 weeks with any person (doesn't have to be connected).
7. Visits to foster placements can take place by telephone, video or other electronic means. If visits cannot be maintained as per the requirements of Reg 28 (within one week of the start of the placement, and intervals of no more than 6 weeks within the first year of placement), they should be undertaken as soon as is reasonably practicable thereafter.

Comment: SMBC continue to seek to maintain the same timescales for visits. Any changes will be considered by the children's social work team manager and in line with the child's best interests. Any decision as to any changes to the timescales for why and when a visit to a child is to take place shall be recorded as management decision.

8. A LAC review still needs to take place within 20 working days of the child being looked after, the second one taking place within 3 months of the first. Thereafter reviews are to take place where *reasonably practicable*.

Comment: SMBC will seek to continue to maintain timescales. Any changes will be considered by the independent reviewing officer and the social work team manager in line with the child's best interests and will be recorded as a management decision.

9. Reg 36(2). The IRO may no longer adjourn the review if they are not satisfied that they have not received sufficient information from the responsible authority. The IRO may still adjourn the review for no longer than 20 working days.
10. Reg 47C(3). Where a child is remanded to local authority care, there is no longer a requirement to prepare the placement plan within 5 working days, but as soon as is reasonably practicable from date of placement.

Comment: SMBC will seek to maintain current timescales. Any changes will be considered by the children's social work team manager and in line with the child's best interests. Any decision as to changes to why and when visits take place are to be recorded as a management decision.

11. Reg 48: short breaks can now be authorised for a duration of up to 75 days within a 12 month period. Visits under this regulation should take place at regular intervals, as soon as is reasonably practicable and can take place by telephone, videolink or other electronic means. A review must take place as soon as is reasonably practicable from the start of the placement and at regular intervals.

Amendment of the Fostering Services (England) Regulations 2011

1. Where there is a change to the statement of purpose and children's guide, or there is a change to the arrangements regarding the fostering manager, the Chief Inspector now needs to be notified as soon as is *reasonably practicable*.
2. Reg 26: there is no longer a requirement to present a case to Fostering Panel. The LA can decide whether to present to Panel or go straight to ADM to make the decision.

Comment: SMBC continues to hold fostering panel virtually and will aim to do so for all cases. Head of Service for LAC, Fostering and Adoption Service will continue to act as ADM. Any cases requiring a different approach will be considered on a case by case basis.

3. Constitution of Fostering Panel: Where the LA decides to refer an assessment to the Fostering Panel, the Panel may consist of the Chair (or vice chair), one social worker with 3 years PQE and one other independent person. Where a Panel is being convened the carer should submit their written observations as soon as is *reasonably practicable*.
4. The notification to the carer that the decision is that they are not suitable to be approved as a foster carer must be served as soon as is reasonably practicable (no longer 10 working days)
5. Where a carer makes written submissions in response to a decision not to approve them their submissions should be referred to the Fostering Panel (where convened) or ADM for consideration. There is no longer a restriction on the timescales for receiving written submissions.

6. The assessment of the foster carer under Reg 26 can be completed notwithstanding the absence of health and enhanced criminal record checks.
7. Reg 28: reviews should take place not more than one year after approval and thereafter when the fostering service provider consider it appropriate.

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