

About this guidance

This guidance is an update to The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review (CPPR 2010) and it will be incorporated into the guidance shortly. It is aimed at local authorities and it supports the introduction of a new regulation under the CPPR regulations providing for the temporary approval of prospective adopters as foster carers. The new regulation will come into force on 1 July 2013.

Expiry/review date

This guidance will be reviewed in 2014 as part of a wider review of Volume 2.

What legislation does this guidance relate to?

Care Planning, Placement and Case Review (England) Regulations 2010.

Who is this guidance for?

Local authorities, directors of children's services (DCSs), social workers and officers who are responsible for carrying out the assessment and approval of prospective adopters who wish to be dually approved as foster carers.

Key points

- This guidance supports the introduction of a new regulation under the Care Planning, Placement and Case Review Regulations 2010 which provides for a person who has been approved as a prospective adopter (by a local authority or a voluntary adoption agency) to be temporarily approved by a named looked after child's responsible local authority as the foster carer for that child without undergoing foster carer assessment and approval process set out in the Fostering Services (England) Regulations 2011 (the Fostering Services Regulations).
- The effect of the regulation is that the child may be placed with that person, notwithstanding that the person has not been approved as a foster carer under the Fostering Service Regulations. If the person has already been approved as a foster carer under the Fostering Services Regulations, by a local authority or fostering agency, there is no need to approve them again for a named child, under the CPPR 2010 Regulations.

Fostering for Adoption

There may be cases where a local authority identifies that, based on the evidence available and on its assessment of the case, the long term permanence plan for a named child is likely to be adoption. The local authority is likely still to be considering other outcomes for the child, and may still be attempting rehabilitation with family. It is highly unlikely that formal decision has been made by the agency decision maker that the child's plan should be adoption. At this stage the local authority does not yet have authority from the courts to place the child for adoption nor has parental consent to do so.

The local authority will have considered wider friends and family as potential carers for the child and concluded that they are unlikely to be able to care for the child. It is possible that suitable family members may be identified or come forward after the child has been placed, and the authority will need to consider them should that occur. This is because the local authority has a continuing duty to place the child in the most appropriate placement for that child.

A placement made with carers who are both approved adopters and approved foster carers is a fostering placement under the Children Act 1989 and one which, with the agreement of the court, or parental consent may lead to adoption by those foster carers. This practice is called 'Fostering for Adoption' (FFA). The advantage of this type of placement is that the child will be able to be placed with foster carers who, subject to a placement order being made, or parental consent, would go on to become the child's adoptive family. Delay in finding a permanent family for young children who have already experienced neglect early on in their lives may have a profoundly damaging effect on their development. These types of placements have potential to reduce this delay significantly. FFA covers a number of practices which allow a child to be placed in this way. Concurrent planning, where the child is placed with dually approved carers whilst the local authority continues to try to rehabilitate the child with the birth family is one example, and some individual local authorities have alternative approaches.

The carers might have gone through the full foster parent assessment and approval process first, and then decided to be approved as PAs too. Or they might have been PAs who then went through the full foster parent assessment and approval process. Or they might be PAs who have been temporarily approved as foster carers for a named child under new regulation 25 (A) of the Care Planning, Placement and Case Review Regulations 2010 (CPPR 2010).

Local authorities will need to assess the appropriateness of placing the child with in a FFA placement with dually approved carers on a case by case basis. The local authority may have preliminary evidence suggesting that the best placement for the child will be adoption, but it has not yet come to a formal decision that adoption will be the child's plan. This may be particularly helpful for, for example, the siblings of children who were previously adopted and

where the birth parents' capacity to parent the child has not improved, but there will be other scenarios where this placement might be appropriate, which is why local authorities should consider this option on a case by case basis. See Chapter 3 of the Volume 2 guidance for local authorities' arrangements relating to making decisions about placements.

It is possible that a FFA placement may not lead to adoption, for example because the child's plan changes, for example where rehabilitation with the birth family is successful, or because the court may not make a placement order. This may mean that the child returns home or the child is moved to another permanence arrangement. But for the vast majority of children who are placed in a FFA placement, it is likely that it will lead to adoption, otherwise it is unlikely to have been the most appropriate placement for that child. The child therefore benefits from an early placement with their eventual permanent carers. Local authorities will need to ensure that people who are willing to care for a child in this way, are fully aware that the placement may not lead to adoption, and that they have been given appropriate information and training so that they understand their role and legal responsibilities as foster carers.

In brief, these roles and responsibilities are to provide care and accommodation to children who are looked after, and placed with them, by a local authority. The foster carer provides care in line with the child's care plan and the Foster Care Agreement which they enter into with their fostering service. Further information about the role of the foster carer is set out in the Fostering Services Regulations 2011 and Volume 4 guidance and the Fostering Service National Minimum Standards 2011.

The prospective adopters in their role as foster carers will provide the best possible care for the child and manage the risk and difficulties of the uncertainty. Forthcoming practice guidance covering this type of early permanence placement will be available in about May 2013 from BAAF and Coram. This will include, depending on the child's age and capacity to understand, whether or how to explain the nature of the placement to the child; how to inform the birth parents (whom local authorities are already required to keep informed about any development in the child's care plan, including the consideration of adoption); and how to manage contact. It may not be appropriate to share with small children that the carers may not become their long term carers as they may not be able to manage the timescales or the uncertainty: but each case must be decided on the child's capacity to understand.

Temporary approval of prospective adopters as foster carers

It is already possible, under section 22C of the Children Act 1989, to place a child with foster carers who are also approved prospective adopters.

New regulation 25A of the Care Planning, Placement and Case Review (England) Regulations 2010 which comes into force on 1st July 2013 provides for a person who has been approved as a prospective adopter (by a local authority or a voluntary adoption agency) to be temporarily approved by a looked after child's responsible local authority as the foster carer for that child, without having to go through the full foster parent assessment and approval process set out in the Fostering Services (England) Regulations 2011. The effect of the regulation is that the child may be placed with that person, notwithstanding that the person has not been approved as a foster carer under the Fostering Service Regulations. If the person has already been approved as a foster carer under the Fostering Services Regulations, by a local authority or fostering agency, there is no need to approve them again for a named child, under the CPPR 2010 Regulations.

Regulation 25A will not be applicable or appropriate in the following circumstances:

- Where the prospective adopter does not wish to be approved as a foster carer in order to care for a child prior to the placement order being made;
- Where a prospective carer applies to the local authority to be approved as a foster carer with no intention of becoming dually approved as an adopter.

Regulation 25A(1) and (2) provides that the child's responsible local authority can only temporarily approve a prospective adopter as a foster parent for that child if:

- they are satisfied that placing the child with that particular carer is the most appropriate placement for the child, and it is in the child's best interests to be placed with them,
- they have assessed the carer's suitability to care for the child as a foster parent,
- they have considered whether placing the child with that carer will safeguard and promote the child's welfare and meet the child's needs as set out in the care plan.

Regulation 25A 3 sets out the circumstances in which the temporary approval will be terminated. These are:

- if the local authority terminates the placement of the child with the prospective adopter;

- on the approval of the prospective adopter as a prospective adopter being terminated;
- on the prospective adopter being fully approved as a foster parent under the Fostering Services Regulations;
- if the prospective adopter gives notice to the local authority that they no longer wish to be temporarily approved as foster parent for the child;
- on the child being placed for adoption with the approved prospective adopter in accordance with the Adoption and Children Act 2002.