

# **Timetabling and timescales for full Family and Friends Assessments**

## **Introduction**

1. It has become evident that Directions are being made for completion of full Family and Friends Assessments in unachievably short timescales, sometimes between 6 – 8 weeks, in the mistaken belief that compliance with the 26 week timescale is the determinative priority in the management of a case. This document serves to remind social workers, Guardians, lawyers, and the judiciary regarding the process required to be incorporated into any timescales for a full Family and Friends Assessment to be done to an appropriate standard, so as to provide for a sufficient (usually 12 week) assessment period to undertake the complex requirements inherent in any full assessment. Delay for children is always to be avoided, but nothing in the Public Law Outline, primary legislation, or jurisprudence requires corners to be cut in coming to a safe evidenced conclusion, that places the welfare of the child at the heart of any recommendation or decision.
2. When children can no longer remain in the care of either or both of their birth parents, recognising the importance for children of their pre-existing relationships with family members and friends is an essential component in planning for a permanent alternative home. The overwhelming majority of children in public law proceedings requiring substitute care will have suffered significant harm and relational trauma, and as such their need is to receive reparative care. Before the option of placement with family or friends can be sanctioned by the court the completion of comprehensive and robust assessments is essential.
3. Any assessments will need to carefully balance the strength of a pre-existing relationship and the meaning for a child of remaining within their family of origin against the risks and vulnerabilities of the prospective carer's capacity to meet and understand the assessed needs of the individual child, throughout their minority. This document sets out core requirements for this to be done, against which any timetable for assessment should be informed. This may mean in some cases that the requirements of justice mean it will be necessary for the timetable for proceedings to be extended beyond 26 weeks.

## **Timescales need to reflect the complexity of the assessment required**

4. Care by family and friends is often the epitome of unplanned parenthood. Whilst some prospective carers will have been aware for some time of concerns about children in their family network, the challenging reality of either assuming the care of a relative's child in an emergency or considering looking after someone's else's child for the rest of their childhood, cannot be underestimated.
5. The complexity of family and friends assessments is reflected in the 2016 amendments to the Special Guardianship Order Regulations in England and the 2018 amendments to the Special Guardianship (Wales) Regulations 2005. These make explicit the need to consider the carers capacity to provide reparative care,

the nature of their relationship with the child and their ability to care for the child throughout their minority.<sup>1</sup> Assessments are required by regulation to consider:

- An assessment of the nature of the prospective special guardian's current and past relationship with the child.
- An assessment of the prospective special guardian's parenting capacity, including:
  - Their understanding of, and ability to meet the child's current and likely future needs, particularly, any needs the child may have arising from harm that the child has suffered.
  - Their understanding of, and ability to protect the child from any current or future risk of harm posed by the child's parents, relatives or any other person the local authority consider relevant, particularly in relation to contact between any such person and the child.
- Their ability and suitability to bring up the child until the child reaches the age of eighteen.

## **The Process of Assessment**

### **Format**

6. In order to avoid delay in achieving interim placement options with connected persons some local authorities present their full assessments in a format which serves as both a report to Fostering Panel, if needed, as well as the significant component of a Special Guardianship Order Report. This avoids duplication of work, and can avoid delay in realising recommendations as to placement with prospective carers.

### **Essential requirements for a full assessment**

7. Final recommendations and orders should not be made without the completion of the essential tasks and activities required for a full family and friends assessment identified by regulation and statute. In addition this guidance sets out elements of assessments which are recognised good practice, arising from research and serious case reviews.
8. Before embarking on a period of assessment prospective carers should be provided with full information about what the assessment will entail, and the time commitment needed from them. A standard letter or meeting explaining what will be expected of carers, and what they will need to think about throughout the process is recommended.

### **Provision for mandatory/essential checks and reading**

9. The following elements require some time to be completed by external agencies and so should be commissioned as a priority as soon as it is identified a full assessment is required. Specifically:

- **Enhanced DBS Checks on all household members over 16 years of age**, to check their criminal record, including cautions, non-convictions and on occasion intelligence from the Police if it relates to persons known to pose a risk to children. Once applied for, the Disclosure and Barring Service do not currently permit local authorities to chase outstanding checks until they have been in progress for 60 days (8 ½ weeks). The completion of the paperwork for DBS checks should be prioritised at the initial visit so as to ensure these are processed as efficiently as possible. This must include establishing if prospective carers are able to provide sufficient documents to verify their identity, as without this the checks cannot proceed causing delay. If results are positive time will be needed to consider the implications.
- **Medical Assessments** on all prospective carers. Good practice includes self-completion of a medical assessment form, attendance at a comprehensive medical assessment appointment with their GP, and interpretation and analysis of the information by the Agency Medical Advisor.
- **Local Authority Checks** on all household members over the age of 16 years and their children. This is relatively straightforward when the carers and any household members have always lived in the assessing local authority, but there can be significant delay when information is required from other Local Authorities.
- **Reading of Court documents and social work files in relation to all relevant persons as well as the prospective carers.** Specifically all family members subject to proceedings, on all children of the prospective carers, on the prospective carers themselves and of any other significant family members in the network. Any assessing social worker will need to understand the assessed needs of the child and those already in the household before assessing the capacity of a connected person to meet them
- **Written Reference from Schools or Nursery/Childminder** for any children in the household
- **Written Reference from Employers** on all prospective carers
- **Health and Safety Checks** within the home and of any animals

### **Provision for sufficient meetings with prospective carers and referees**

10. The completion of a Family and Friends assessment cannot merely be an information gathering exercise, to be effective it has to be a process that occurs over time that supports and allows the family to make the necessary shifts within family relationships that enable the roles in respect of the child to all change. In contrast to the timescales sometimes suggested for these assessments Care Planning, Placement and Case Review Regulations allow 16 weeks to assess prospective Family and Friends Foster Carers under Regulation 24, (Regulation 26 of the Care Planning, Placement and Case Review (Wales) Regulations 2015 in Wales).
11. Unlike foster carers and prospective adopters Family and Friends Carers do not have the opportunity to attend preparation courses before approval, and as such the assessment period also serves as their preparation time. The assessment process can be considered as an opportunity for change, and an intervention in its own right. Without sufficient time for these changes to occur, carers are left at best unprepared

and overly optimistic, and at worst unable to meet the child's needs or pose a risk to the child, and who will be likely to struggle to prioritise the needs of the child over other adult family relationships.

12. The assessment often occurs at a time of heightened emotion, stress and rapid change, and therefore prospective carers require flexible, creative and relationship-based social work and time in order for them to have the best opportunity to meaningfully engage in the assessment process, and for the assessment to be both comprehensive and fair.
13. Sufficient assessment sessions need to be arranged with prospective carers to consider, and then reflect on:
  - their experiences of being parented
  - their parenting of their own children
  - their history of adult relationships
  - their education and employment history
  - their financial situation and the need to make lifestyle changes
  - their medical history
  - their accommodation, access to community resources and support network
  - their understanding of the child's needs, including any harm they have suffered
  - the nature of their past and current relationship with the child
  - their capacity to provide reparative care and care for the child throughout their minority
  - their ability to manage relationships with birth parents and promote contact
  - their capacity to meaningfully work with professionals

#### **Provision for other meetings and observations**

14. To avoid delay, time needs to be allocated as early as possible during the assessment process to provide for the following tasks :
  - **Observation of Contact** between the prospective carer and the child subject to proceedings
  - **Direct work with children of the prospective carer** to ascertain their wishes and feelings, and to assess the impact on them of a child joining the family
  - **Interviews with significant family members** which may include the prospective carers adult children and the birth parents
  - **Interviews with any significant ex-partners** to obtain their views on the carers capacity to care for the child
  - **Interviews with a minimum of three personal referees** to obtain their views on the carers capacity to care for the child

#### **Provision for further actions in addition to the assessment report – next steps**

15. **The prospective carers need to have the time and opportunity to read the report before it is filed**, and provide any comment. Consideration should be given for directions that allow for full disclosure of the report to carers and a time period in which to comment. Provision may need to be made for the redaction of any such

report before it is served on the parents assuming the prospective carers wish to be considered.

16. **Following the filing of the report the prospective carers should be given the opportunity to seek independent advice**, including legal advice to understand the implications of the orders recommended, and make any applications on their own behalf required.
17. **A Special Guardianship Support Plan will need to be provided where a recommendation for an order is made**. This will require a detailed consideration of the support available to the carers and child, and in particular around contact with birth parents. This may include facilitation of a family meeting to discuss views and wishes in relation to the child's future care.
18. **Provision for the filing of the Special Guardianship Support Plan should be made**, often alongside final evidence. This will ensure the Support Plan is meaningful and consistent with the Local Authority Final Care Plan, and allows the carers an opportunity to seek legal advice on the Support Plan if they wish.

#### **Learning from serious case reviews**

19. The drive to produce a high standard of assessments within reasonable timescales is in the context of wider recognition of the complexity of Family and Friends assessments arising from the publication of serious case reviews into the significant harm or murder of children placed with Special Guardianship carers.
20. In response to the death of Keegan Downer, the Local Authority and the judiciary in Birmingham have agreed that Special Guardianship assessments will be completed in no less than 12 weeks, and Care Proceedings are extended to allow for this timescale if family members are identified late into proceedings.
21. Irrespective of any local protocol timescales need to reflect the general complexity of the task, and where previously unknown complexity arises unexpectedly this should be identified to the court and consideration given to providing proportionate time to explore it, rather than curtailing an assessment prematurely.

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