

CARE PROCEEDINGS:- ASSESSMENT of ALTERNATIVE CARERS

I am circulating below some changes to the recommended approach to the assessment of potential alternative carers in our area. In consultation the local authorities saw advantages in departing from the formal two stage approach used to date. The new scheme allows the full 12 week period for a full dual assessment, with the local authority giving notice of any early negative conclusion so as to permit challenge.

Candidates identified late will still require a two stage approach if delay is to be avoided. In these cases, a short first assessment in positive terms will trigger a full assessment but the local authority must contact the parties and court by C2 and draft order as the completion date and consequential directions will need judicial approval, and may or may not need a hearing.

The early identification of potential alternative carers remains crucial. The directions on issue expect identification by the first hearing. Any extensions of time to put forward names should be limited and normally for no more than one week, with assessment to follow. Local authorities are expected to identify any additional candidates in the same time frame. Late searches to satisfy the ADM should not be necessary.

6 January 2020

HHJ Louise Bancroft

Acting DFJ for Lancashire

A STANDARD

Alternative Carer Assessments

1. The local authority shall file and serve a full dual fostering/SGO assessment of WXYZ no later than 4pm on (the date 12 weeks from date of order). In the event that the local authority reach an earlier conclusion that the assessment is without merit, the local authority shall within 7 days file with the court and serve on all parties a written explanation.
2. In the event that any assessment is negative the local authority shall forthwith on completion write to the person assessed enclosing a copy of the assessment/written explanation and explaining that, in the event that the person wishes to challenge the assessment, they must;
 - a. seek legal advice as soon as possible; and
 - b. inform the local authority in writing within 7 days of receipt; and
 - c. make a formal application to the court within 14 days of setting out the basis or reasons for the challenge

B LATE OR DELAYED IDENTIFICATION

In the event a candidate for assessment is identified so late that a full 12 week assessment will unacceptably delay the timetable of the case, the merits of the

candidate should be investigated to ensure that the delay is justified. In these circumstances the direction might be:-

Alternative Carer Assessments

1. Where there is late or delayed identification of any proposed carers, the local authority shall within 14 days of identification, investigate the merits of a full assessment of the proposed carers, WXYZ, by carrying out a short initial assessment which shall be filed and served upon the court, the proposed carer and other parties forthwith upon completion and in any event within 14 days of identification.
2. In the event that the short initial assessment is positive, the local authority shall proceed with a dual fostering/SGO assessment and contact the parties and court with proposed variations to the existing timetabling directions.
3. In the event that the short initial assessment or the full assessment is negative the local authority shall forthwith on completion write to the person enclosing a copy and explaining that in the event that the person wishes to challenge the assessment they must;
 - a. seek legal advice as soon as possible; and
 - b. inform the local authority in writing within 7 days of receipt; and
 - c. make a formal application to the court within 14 days of receipt.