



Department
for Education

Consultation on looked-after children: improving permanence

Government response

October 2014

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Introduction

The government is committed to improving permanence for all looked-after children. Achieving good outcomes for these children must be the primary objective of everyone involved in delivering a high quality care service for our most vulnerable children. Promoting permanence, security, placement stability and enduring relationships is a means to achieving good outcomes.

This document presents the outcome of the government's Improving Permanence for looked-after Children consultation.

The consultation sought views on proposals to strengthen the team around the looked-after child; improve the status, security and stability of long-term foster care; and strengthen the requirements for returning children home from care.

These were developed following extensive discussions with two expert groups – one on long-term foster care and another on returning home from care. These expert groups included representatives from national organisations, academics, local authority managers, social work professionals and foster carers.

The main proposals were to;

Strengthen the team around the looked-after child

- introduce a requirement for local authorities to ensure delegation of authority is discussed at every review of the care plan;
- strengthen guidance and regulations to ensure local authorities invite foster carers or the registered manager of a children's home to review meetings; and
- introduce a requirement for the Independent Review Officer to take into account the wishes and feelings of foster carers and registered managers as part of the review process.

Secure permanence for looked-after children

- amend paragraph 2.3 and 2.4 of the Care Planning, Placement, and Case Review guidance (henceforth referred to as 'the care planning guidance') to address the issue of achieving legal permanence in long-term foster care; and to ensure that long-term foster care can be considered as a proactive permanence choice for children both where attachment relationships are already formed and where children are matched to new carers; and
- introduce a duty to require local authorities to publish a local permanence policy which outlines how they will secure permanence for all looked-after children.

Improve the status, security, and stability of long term foster-care

- introduce a legal definition of long-term foster care in regulations to ensure that these placements are recognised and supported where this is the most appropriate placement for a child;
- introduce a duty on local authorities to carry out an assessment of a foster carer's suitability as a long-term foster carer, to empower foster carers to make a long term commitment to a child in their care;
- introduce minimum requirements for local authorities to develop a formal process to improve the way decisions are taken about long-term foster care arrangements;
- reduce the requirement for visits to children in formalised long-term foster care arrangements ensuring that safeguarding and corporate parenting responsibilities are fully met, whilst allowing children to experience family life without unnecessary interruptions;
- strengthen the guidance to make it clear that, while the review process should continue every six months, the review meeting may only need to happen once a year, where this is in the child's best interests; and
- change the requirements on the matters that must be considered at each review better to reflect the long-term nature of the arrangement.

Strengthen the requirements for returning children home from care

- introduce a requirement for the local authority to set out a 'return plan' before a voluntarily accommodated child returns home;
- introduce a duty to hold a review within 10 days where the return home of a voluntarily accommodated child is unplanned;
- introduce a requirement for a nominated officer to sign off a decision to return a voluntarily accommodated child home where this is part of the care planning process;
- introduce a requirement for local authorities to offer visits to eligible children and their families following a return home; prescribing the timing and functions of visits.

The consultation took place from 30 September 2013 to 29 November 2013. This included an online consultation, as well as face-to-face stakeholder events. TACT, the fostering and adoption charity and The Who Cares? Trust carried out consultations with children and young people about the proposals.

In the period since this consultation closed and in line with the reform agenda established following Professor Eileen Munro's review, the government has pursued an approach to raising standards in children's social care that prioritises professional judgement on the part of social workers and the development of systems to support it. Several of the

proposals set out in the original consultation received broad support from a majority of respondents, but were the subject of concern from a minority who questioned their alignment with the government's wider approach to raising standards in children's social care.

The government intends to take forward many of the proposals from the original consultation, in particular those concerned with strengthening the team around the child and long-term foster care. We do not propose to take forward those that prescribe timescales or could be seen to be setting up a parallel system to existing safeguarding arrangements. Instead we intend to meet our continued commitment to improving care for looked-after children by making even clearer the requirements and expectations within the current framework, and to pursue a range of approaches to improve practice.

Summary of responses received and the government response

A public consultation on improving permanence for looked-after children was completed on 29 November 2013. The majority of respondents to the consultation welcomed the proposals and agreed with the principles presented.

Breakdown of all responses

In total there were 104 responses to the consultation. The majority of responses received were from local authorities and sector organisations (32% and 23% respectively). The majority of responses were received by email (63%) and on-line (35%). We received six additional responses which did not specifically address the questions.

Response Types	Responses
On-line	36 (35%)
Off-line	0 (0%)
Paper based	3 (3%)
Email	65 (63%)
Total	104 (100%)

Table A - How have respondents responded?

Type	Responses
Local Authority Fostering Service	33 (33%)
Sector Organisation	24 (23%)
Other (e.g. Health / Education Practitioner)	21 (20%)
Private / Voluntary Fostering Agency	9 (9%)
Independent Reviewing Officer	7 (7%)
Foster Carer	5 (5%)
Parent	3 (3%)
Children's Social Worker	2 (2%)
Other Relatives	0 (0%)
Residential Children's Homes Staff	0 (0%)
Child / Young Person	0 (0%)
Total	104 (100%)

Table B – Types of responders

Question 1: Do you agree that delegated authority should be discussed at every review? If not, please explain why.

Local authorities have a duty to ensure that authority is appropriately delegated to foster carers to enable them to take day-to-day decisions about the lives of the children in their care. Looked-after children and foster carers, however, continue to report that authority is not appropriately delegated and children continue to wait unnecessarily for decisions.

Breakdown and summary of responses

There were **96** responses to this question. The majority of responses were from local authorities (34%); other individuals (e.g. health/education practitioners) (21%); and sector organisations (18%).

	Yes	No	Not Sure
All respondents	81 (85%)	9 (9%)	6 (6%)

Table Q1a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	31	0	2
Private / Voluntary Fostering Agency	9	0	0
Child / Young Person	0	0	0
Parent	1	1	1
Other Relatives	0	0	0
Foster Carer	5	0	0
Children's Social Worker	0	2	0
Independent Reviewing Officer	4	3	0
Sector Organisation	13	2	2
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	18	1	1
Total	81 (85%)	9 (9%)	6 (6%)

Table Q1b – Respondent breakdown

85% (81) welcomed the proposal for a requirement to be introduced for the delegation of authority to be discussed at every review. There was strong support for this proposal from across the sector including local authorities, other individuals (e.g. health/education practitioners) and sector organisations.

16% (15) either did not support or were not sure about the proposal. The main concern was that delegated authority should only be part of the review process when circumstances change or the individual needs of the child require it. Respondents felt that it was important that review meetings do not become too long or overly bureaucratic.

Government response

We will take this proposal forward. We will make it an explicit requirement in regulations that delegated authority is considered at every review meeting. The care planning guidance will reflect the need to balance the length and detail of this discussion as part of the review process according to the individual needs of the child.

Question 2: Do you agree that the wishes and feelings of foster carers and registered managers should be ascertained and taken into account as part of the review process? If not, please explain why.

Foster carers and registered managers have the central role in the day-to-day care of a child and often know the child best. We proposed to introduce a requirement for the Independent Reviewing Officer (IRO) to ensure that the wishes and feelings of foster carers or the registered manager have been ascertained and taken into account as part of the review process.

Breakdown and summary of responses

There were **98** responses to this question. The majority of responses were from local authorities (34%); other individuals (e.g. health/education practitioner) (20%); and, sector organisations (19%).

	Yes	No	Not Sure
All respondents	92 (94%)	4 (4%)	2 (2%)

Table Q2a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	32	1	0
Private / Voluntary Fostering Agency	8	1	0
Child / Young Person	0	0	0
Parent	2	1	0
Other Relatives	0	0	0
Foster Carer	5	0	0
Children's Social Worker	2	0	0
Independent Reviewing Officer	6	1	0
Sector Organisation	17	0	2
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	20	0	0
Total	92 (94%)	4 (4%)	2 (2%)

Table Q2b – Respondent breakdown

94% (92) supported this proposal. There was strong support from across the sector including local authorities, other individuals (e.g. health/education practitioners) and sector organisations.

Many respondents also emphasised the continued importance of listening to children and young people.

Only 4% (4) did not support the proposal. The main concern was that children and young people’s participation in their review meetings may be prohibited if they do not have positive relationships with their carers.

Government response

We will take this proposal forward and make explicit in regulations the expectation that, so far as reasonably practicable, the wishes and feelings of carers should be ascertained and taken into account as part of the review process.

Question 3: Do you agree that foster carers and registered managers should be invited to review meetings where these are held?

We proposed to strengthen the care planning guidance to ensure that local authorities invite foster carers or the registered manager of a children’s home to review meetings where these are held.

Breakdown and summary of responses

There were **96** responses to this question. The majority of the responses were from local authorities (33%); other individuals (e.g. health/education practitioners) (21%) and sector organisations (19%).

	Yes	No	Not Sure
All respondents	85 (89%)	2 (2%)	9 (9%)

Table Q3a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	30	0	2
Private / Voluntary Fostering Agency	7	1	1
Child / Young Person	0	0	0

	Yes	No	Not Sure
Parent	0	1	2
Other Relatives	0	0	0
Foster Carer	5	0	0
Children's Social Worker	2	0	0
Independent Reviewing Officer	7	0	0
Sector Organisation	15	0	3
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	19	0	1
Total	85 (89%)	2 (2%)	9 (9%)

Table Q3b – Respondent breakdown

89% (85) supported the proposal to strengthen the guidance to make clear that foster carers and registered managers should be invited to attend review meetings where these are held. There was strong support for this proposal from across the sector including local authorities, other individuals (e.g. health/education practitioners), sector organisations, as well as from private/voluntary fostering agencies and IROs.

Most of those who supported the proposal said that the input of foster carers and registered managers at review meetings was essential in order to provide a link between the child and those who make decisions on their behalf. While it was agreed by the majority of all respondents that registered managers should be invited to reviews and that their views should be incorporated, many questioned their capacity to be present at every review meeting. Respondents expressed that the views of the registered manager may therefore be more appropriately relayed, for example, by a child's key worker.

Only 2% (2) did not support the proposal. They held the view that the current care planning guidance sufficiently requires the local authority to ensure they provide for the full participation of the child's carers in case reviews.

Government response

We will take this proposal forward and will strengthen the care planning guidance to make it clear that foster carers and registered managers should be invited to review meetings where these are held. We will make it clear that the registered manager may delegate the duty to attend a review to the appropriate key worker.

Question 4: Do you agree that the definition of permanence should be amended so that it encompasses long-term foster care?

The care planning guidance (paragraph 2.3) defines permanence as a framework of emotional, physical and legal permanence (parental responsibility) which gives a child a

sense of security, continuity, commitment and identity. Foster carers cannot have parental responsibility for looked-after children and therefore cannot provide the legal permanence required within this definition. Long-term foster care, however, is a permanence option for some looked-after children. We proposed to amend the definition to address this.

Breakdown and summary of responses

There were **98** responses to this question. Most of the responses were from local authorities (34%) and sector organisations (19%).

	Yes	No	Not Sure
All respondents	78 (80%)	7 (7%)	13 (13%)

Table Q4a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	27	2	4
Private / Voluntary Fostering Agency	8	0	1
Child / Young Person	0	0	0
Parent	0	2	1
Other Relatives	0	0	0
Foster Carer	4	0	0
Children's Social Worker	1	0	1
Independent Reviewing Officer	6	0	1
Sector Organisation	15	2	2
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	17	1	3
Total	78 (80%)	7 (7%)	13 (13%)

Table Q4b – Respondent breakdown

78 (80%) agreed that the definition of permanence should be amended to encompass long-term foster care. There was support for this proposal from across the sector including local authorities, other individuals (e.g. health/education practitioners), sector organisations, as well as from IROs and foster carers.

Respondents welcomed the status of long-term foster care as a permanence option. Many acknowledged this as a key recommendation of the *Care Inquiry*¹, which urged

¹ Making not Breaking – Building relationships for our most vulnerable children, Findings and recommendations of the Care Inquiry (April 2013): <http://www.fostering.net/sites/www.fostering.net/files/resources/reports/care-inquiry-full-report-april-2013.pdf>

greater recognition of the possibility of permanence through long-term foster care. Respondents were positive that this amendment would bring stability and clarity for the young person about their fostering arrangements.

7% (7) did not support the proposal. The majority of those who disagreed felt that long-term foster care is already viewed as a permanence option and that the current definition does not make parental responsibility (or legal permanence) a prerequisite of permanence.

Another important issue that was raised by some of those who supported the proposal was that more consideration should be given to what happens when a child in long-term foster care reaches 18.

Government response

We will take this proposal forward and will amend the definition in the care planning guidance to make it clear that permanence can be achieved for children through long-term foster care.

Since the consultation was published the government has introduced changes to the law in relation to young people remaining with their former foster carers when they reach 18. More information can be found at

<https://www.gov.uk/government/publications/staying-put-arrangements-for-care-leavers-aged-18-years-and-above>.

Question 5: Do you agree that the guidance on long term foster care as a permanence option should be amended in this way? [As set out in the original consultation document]²

We proposed to amend the care planning guidance to recognise that long-term foster care arrangements may result from a short-term foster care arrangement where attachments are formed or where long-term foster care is identified as the most appropriate permanence arrangement for a child and there is a proactive matching process with appropriate long-term foster carers.

Breakdown and summary of responses

There were **93** responses to this question. The majority of responses were from local authorities (35%) and other individuals (e.g. health/education practitioners) (19%).

² Improving Permanence for looked-after children consultation document, September 2013, paragraph 9.3

	Yes	No	Not Sure
All respondents	68 (73%)	8 (9%)	17 (18%)

Table Q5a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	26	2	5
Private / Voluntary Fostering Agency	8	0	1
Child / Young Person	0	0	0
Parent	0	2	1
Other Relatives	0	0	0
Foster Carer	5	0	0
Children's Social Worker	2	0	0
Independent Reviewing Officer	4	0	3
Sector Organisation	9	1	6
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	14	3	1
Total	68 (73%)	8 (9%)	17 (18%)

Table Q5b – Respondent breakdown

73% (68) agreed that the guidance on long term foster care as a permanence option should be amended. There was support for this proposal from across the sector including local authorities.

Respondents broadly agreed that the amendment will raise the status of long term foster care as a permanence option. Many also recognised that for some looked-after children long term foster care is the right permanence option. It was suggested that the different legal status of permanence options should be made clear in the care planning guidance so that the potential benefits and limitations of placement types can be clearly recognised and understood by the child, young person and carer.

9% (8) did not support the proposal and 18% (17) were unsure. Some felt that this was already explicit in the care planning guidance. Others were concerned that the proposed changes to paragraph 2.4 may suggest that long-term foster care arrangements can only be made for children subject to a care order. These respondents expressed that the revised definition needs to be clearer regarding long-term placements for those children who are voluntarily accommodated (under section 20 of the Children Act 1989).

Government response

We will take this proposal forward and amend the care planning guidance to ensure that, where long-term foster care is identified as the right permanence

option as part of the care planning process, it is clear that this could be with existing carers or with those sought for and matched with specific children.

Question 6: Do you agree with the proposal to introduce a requirement for local authorities to publish a permanence policy?

The proposal was to introduce a requirement for local authorities to publish a permanence policy which would include setting out the approach to securing permanence for all looked-after children regardless of legal status or placement type.

Breakdown and summary of responses

There were **93** responses to this question. The majority of responses were from local authorities (34%) and sector organisations (19%).

	Yes	No	Not Sure
All respondents	87 (94%)	0 (0%)	6 (6%)

Table Q6a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	31	0	1
Private / Voluntary Fostering Agency	9	0	0
Child / Young Person	0	0	0
Parent	1	0	0
Other Relatives	0	0	0
Foster Carer	5	0	0
Children's Social Worker	1	0	1
Independent Reviewing Officer	5	0	2
Sector Organisation	18	0	0
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	17	0	2
Total	87 (94%)	0 (0%)	6 (6%)

Table Q6b – Respondent breakdown

94% (87) supported this proposal. This included strong support from local authorities, sector organisations, as well as from private/voluntary fostering agencies and IROs.

Respondents felt that a requirement for local authorities to have a permanence policy could ensure their commitment to securing permanence for their looked-after children and young people.

No respondents disagreed with the proposal. Of those who were unsure (6%) there was a general concern about the consistency and quality of permanence policies across local authorities. Respondents also stated that achieving permanence should form part of Ofsted’s judgement on the experiences and progress of looked-after children.

Government response

We recognise that there was strong support for this proposal. However, we have reflected on the experience to date of similar initiatives, and at this point we are not convinced that requiring local authorities to publish a policy will achieve the desired focus on improving practice in relation to achieving permanence. Local authorities must already set out how they will achieve permanence for individual looked-after children. We will explore existing work undertaken by local authorities to consider how organisational policy helps to shape practice and what, if anything, government can do to support that.

Question 7: Do you agree that the proposed definition for long-term foster care covers the core elements of the arrangement?

Long-term foster care is the only permanence option without a formal legal definition. We proposed to introduce a definition into the Care Planning, Placement and Case Review [England] Regulations 2010. The consultation document also proposed that we could require a long-term foster care placement to be signed off by a ‘nominated officer’.

Breakdown and summary of responses

There were **94** responses to this question. The majority of responses were from local authorities (35%) and other individuals (e.g. health/education practitioners) (22%).

	Yes	No	Not Sure
All respondents	60 (64%)	18 (19%)	16 (17%)

Table Q7a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	22	6	5
Private / Voluntary Fostering Agency	5	2	2
Child / Young Person	0	0	0
Parent	0	2	0

	Yes	No	Not Sure
Other Relatives	0	0	0
Foster Carer	5	0	0
Children's Social Worker	2	0	0
Independent Reviewing Officer	6	0	1
Sector Organisation	6	6	3
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	14	2	5
Total	60 (64%)	18 (19%)	16 (17%)

Table Q7b – Respondent breakdown

64% (60) agreed that the proposed legal definition for long-term foster care covered the core elements of the arrangement. There was support for this proposal from local authorities (23%) and other individuals (e.g. health/education practitioners) (15%). Many of these respondents stated that, in principle, introducing a legal definition of long-term foster care would be a positive step and that the core elements of the arrangement were covered in the proposed definition.

36% (34) were either unsupportive or unsure whether the definition covered the core elements of the arrangement. These respondents felt that the proposed definition needed further amendment; in particular, to address the additional elements to consider when giving a placement long-term fostering status. These included the child's wishes and feelings and the level of agreement and support needed from birth parents.

Government response

We will take this proposal forward and introduce a definition of long-term foster care into relevant regulations.

We will not, however, take forward the proposal to require nominated officer sign off for long-term foster care arrangements as we are confident that the existing statutory framework is sufficient.

Question 8: Do you agree that foster carers should be able to ask a local authority to assess them as a long-term foster carer for a particular child?

We proposed to introduce a duty on local authorities to carry out an assessment of a foster carer's suitability to care for a child long-term if the carer requests it, and the decision is that this arrangement is the right placement option for the child.

Breakdown and summary of responses

There were **98** responses to this question. The majority of responses were from local authorities (34%), other individuals (e.g. health/education practitioners) (22%) and sector organisations (20%).

	Yes	No	Not Sure
All respondents	79 (82%)	4 (4%)	14 (14%)

Table Q8a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	30	0	3
Private / Voluntary Fostering Agency	6	1	2
Child / Young Person	0	0	0
Parent	1	1	0
Other Relatives	0	0	0
Foster Carer	5	0	0
Children's Social Worker	2	0	0
Independent Reviewing Officer	4	0	3
Sector Organisation	13	2	4
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	19	0	2
Total	80 (82%)	4 (4%)	14 (14%)

Table Q8b – Respondent breakdown

82% (80) supported this proposal. There was support from across the sector including local authorities and sector organisations.

Respondents agreed that enabling foster carers to ask to be assessed as a long-term foster carer for a particular child (where it has been determined that the child cannot return home) would enable children to develop more stable attachments to their carers.

4% (4) disagreed with the proposal and 14% (14) were not sure. Some respondents stated that there should be clear guidance about when a local authority could refuse to undertake an assessment, but welcomed the proposal that foster carers should always be notified in writing about the reason for this decision.

The government response to question 8 has been grouped together with question 9.

Question 9: Is three months a reasonable period within which to make such an assessment? If not, please explain why.

Breakdown and summary of responses

There were **91** responses to this question. The majority of responses were from local authorities (36%); other individuals (e.g. health/education practitioners) (21%); and sector organisation (16%).

	Yes	No	Not Sure
All respondents	62 (68%)	8 (9%)	21 (23%)

Table Q9a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	26	3	4
Private / Voluntary Fostering Agency	4	0	4
Child / Young Person	0	0	0
Parent	1	1	0
Other Relatives	0	0	0
Foster Carer	4	0	1
Children's Social Worker	2	0	0
Independent Reviewing Officer	6	0	1
Sector Organisation	8	2	5
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	11	2	6
Total	62 (68%)	8 (9%)	21 (23%)

Table Q9b – Respondent breakdown

68% (62) agreed that three months was a reasonable period within which to make such an assessment. There was strong support from local authorities for this proposal. The majority of all respondents, however, said that there should be some flexibility in the timescale to account for different circumstances.

9% (8) of those responding did not agree that three months was a reasonable period. The majority of these expressed the view that decisions on timescales should be made by individual local authorities. Others felt that three months was not enough time to assess a foster carer and could compromise the robustness of the assessment.

Other factors that were raised included the need for flexibility depending on the complexity of the arrangements and the need to align this assessment with other assessments or review processes to avoid duplication or unnecessary delay.

Government response (Questions 8 and 9)

We will set out a clear expectation in guidance that, where the permanence plan for the child is long-term foster care, local authorities should consider assessing foster carers who have expressed an interest in caring for the child on a long-term basis. Such an assessment should be carried out within a reasonable timescale and we would expect a local authority to clearly explain their reasons where a placement is not made with the carer. We recognise the broad support for the proposal for a duty, however we do not believe that the case is made for regulatory change.

Question 10: Do you agree with the proposal to introduce minimum requirements for a decision making process for long-term foster care?

Some long-term foster care placements become long-term as a result of placement drift. Decisions about whether a placement should be long-term require careful consideration, both of the child's long-term needs and the foster carer's capacity to meet those needs. In order to improve the way these decisions are taken we proposed to introduce minimum requirements for a formal decision making process. The proposed minimum requirements are set out in question 11.

Breakdown and summary of responses

There were **93** responses to this question. The majority of responses were from local authorities (35%), other individuals (e.g. health/education practitioners) (20%) and sector organisations (18%).

	Yes	No	Not Sure
All respondents	78 (84%)	4 (4%)	11 (12%)

Table Q10a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	29	1	3
Private / Voluntary Fostering Agency	6	1	2
Child / Young Person	0	0	0
Parent	1	1	0
Other Relatives	0	0	0
Foster Carer	4	0	1
Children's Social Worker	2	0	0

	Yes	No	Not Sure
Independent Reviewing Officer	6	0	0
Sector Organisation	13	1	3
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	17	0	2
Total	78 (84%)	4 (4%)	11 (12%)

Table Q10b – Respondent breakdown

84% (78) agreed with the proposal to introduce minimum requirements for a decision making process for long-term foster care. There was strong support for this from local authorities, sector organisations and other individuals including IROs and foster carers.

Respondents also noted that the child, the child's current carer (if they are not the proposed long-term foster carer), the IRO and any other person who the child has a significant relationship with should be consulted as part of the decision making process.

Of those that were either unsure or did not agree with the proposal (16%), the main reason given was that they felt that the process should be left to the discretion of the local authority. Others said that this was already in place or part of their local practice.

The government response to question 10 has been grouped together below with question 11.

Question 11: Do the proposed minimum requirements seem adequate or are there others that we should consider? If so, please set out what additional / alternative requirements you think would be helpful.

The minimum requirements set out in the consultation included:

- a formal assessment including consideration of what support will be needed/provided to maintain the placement;
- clear role and responsibility of the decision maker (nominated officer);
- written confirmation within 10 working days of the decision to the parents and other person(s) with parental responsibility for the child, the child (where appropriate), the foster carer(s) and the Independent Reviewing Officer; and
- a formal process for termination of long-term foster care placements (must be signed off by the nominated officer) and for a disruption meeting to be held where appropriate.

Breakdown and summary of responses

There were **90** responses to this question. Many were from local authorities (37%).

	Yes	No	Not Sure
All respondents	47 (52%)	18 (20%)	25 (28%)

Table Q11a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	22	3	8
Private / Voluntary Fostering Agency	2	3	3
Child / Young Person	0	0	0
Parent	1	1	0
Other Relatives	0	0	0
Foster Carer	4	0	1
Children's Social Worker	1	0	0
Independent Reviewing Officer	4	0	3
Sector Organisation	5	6	4
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	8	5	6
Total	47 (52%)	18 (20%)	25 (28%)

Table Q11b – Respondent breakdown

52% (47) agreed with the minimum requirements proposed in question 10. The majority of respondents agreed that the proposed minimum requirements are necessary to ensure consistency and clarity about the decision making process for long-term foster care for foster carers, children and young people, their families and local authorities. One respondent, however, noted that it is important to ensure that any process is child focused.

48% (43) were either unsure or felt that the proposed minimum requirements needed to be strengthened and more wide ranging. Suggestions included a requirement for a formal pre-disruption meeting where there is risk of disruption to stabilise the current placement and a requirement to consider additional support needs (and to address the offer of support in writing).

Of those that disagreed with the proposal (20%), the main concern was that it should be for local authorities to make their own arrangements on the decision making process for long-term foster care.

Government response (Questions 10 and 11)

The proposals commanded broad support. However we recognise the point made by a significant minority that the degree of prescription envisaged was not consistent with the government's wider approach to reform, exemplified by the most recent revisions to *Working Together to Safeguard Children*. We believe that the introduction of a legal definition of long-term foster care in regulations provides a clear status for the arrangement. It will be for local authorities to determine how decisions are made in their area. In care planning guidance, we will encourage local authorities to consider whether their processes are sufficiently robust, emphasising the importance of ensuring that the arrangement is clearly communicated to all relevant parties.

Question 12: Do you agree with the proposed content of the written confirmation? If not, please explain why.

Where the decision has been taken that long-term foster care is the right permanence option for a child, and the child has been appropriately matched with a foster family, we proposed to require that the arrangement must be confirmed in writing (Q13) and a list of content which must be included in the written confirmation (Q12).

Breakdown and summary of responses

There were **85** responses to this question. The majority of responses were from local authorities (39%), other individuals (e.g. health/education practitioners) (21%) and sector organisations (16%).

	Yes	No	Not Sure
All respondents	66 (78%)	8 (9%)	11 (13%)

Table Q12a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	28	4	1
Private / Voluntary Fostering Agency	6	0	2
Child / Young Person	0	0	0
Parent	0	1	0
Other Relatives	0	0	0
Foster Carer	4	0	1

	Yes	No	Not Sure
Children's Social Worker	1	0	0
Independent Reviewing Officer	5	0	0
Sector Organisation	8	2	4
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	14	1	3
Total	66 (78%)	8 (9%)	11 (13%)

Table Q12b – Respondent breakdown

78% (66) agreed with the proposed content of the written confirmation. There was strong support for this proposal from local authorities and other individuals (e.g. health/education practitioners) including foster carers.

Other respondents again highlighted the need for local authorities and IFAs to work in partnership to ensure the success and stability of long-term foster care arrangements. Some commented that a commitment to partnership working, where the foster carer is approved by an IFA, should be set out in the written confirmation.

Those who responded against the proposal or were not sure (22%) said that it should be for local authorities to make their own arrangements on the decision making process for long-term foster care.

The government response to question 12 has been grouped together below with question 13.

Question 13: Do you agree with the proposal to introduce a requirement for decisions about a long-term foster care arrangement to be confirmed in writing? If not, please explain why.

Breakdown and summary of responses

There were **90** responses to this question. The majority of responses were from local authorities (36%), other individuals (e.g. health/education practitioners) (22%) and sector organisations (17%).

	Yes	No	Not Sure
All respondents	84 (94%)	2 (2%)	4 (4%)

Table Q13a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	30	1	1
Private / Voluntary Fostering Agency	8	0	0
Child / Young Person	0	0	0
Parent	1	0	0
Other Relatives	0	0	0
Foster Carer	5	0	0
Children's Social Worker	2	0	0
Independent Reviewing Officer	7	0	0
Sector Organisation	13	1	1
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	18	0	2
Total	84 (94%)	2 (2%)	4 (4%)

Table Q13b – Respondent breakdown

94% (84) agreed with the proposal to introduce a requirement for decisions about a long-term foster care arrangement to be confirmed in writing. There was strong support for this proposal from local authorities, private/voluntary fostering agencies, sector organisations and other individuals (e.g. health/education practitioners) , including foster carers.

Mirroring previous comments on this issue, many felt that a specific requirement would support the stability of the placement, provide clarity for all parties and was in line with current requirements for other permanence options.

Those who responded negatively or were unsure (6%) felt that the process should be left to the discretion of the local authority.

Government response (Questions 12 and 13)

While we recognise the strong support for this proposal, we also acknowledge that many local authorities have established frameworks for permanence planning and placement decisions, including specific processes for informing relevant parties. We will consider how we can support the spread of existing good practice in these areas and make clear in guidance that the nature of the long-term foster care arrangement must be clearly communicated to the foster carer. The method and format of this communication will be for local authorities to decide.

Question 14: Do you agree with the proposal to introduce more flexible requirements for social work visits to children in long-term fostering arrangements?

We proposed to reduce the requirement for visits to children in formalised long-term foster care arrangements from intervals of no more than three months to intervals of no more than six months where the arrangement has been in place for at least a year. The intention was to enable a flexible approach where a child is settled and may find the ongoing visits intrusive or unnecessary.

Breakdown and summary of responses

There were **94** responses to this question. The majority of responses were from local authorities (35%) and other individuals (e.g. health/education practitioners) (21%).

	Yes	No	Not Sure
All respondents	49 (52%)	29 (31%)	16 (17%)

Table Q14a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	18	9	6
Private / Voluntary Fostering Agency	7	1	0
Child / Young Person	0	0	0
Parent	0	0	1
Other Relatives	0	0	0
Foster Carer	4	1	0
Children's Social Worker	1	1	0
Independent Reviewing Officer	2	4	1
Sector Organisation	7	7	4
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	10	6	4
Total	49 (52%)	29 (31%)	16 (17%)

Table Q14b – Respondent breakdown

There was a mixed response to this proposal with an almost equal number of those who agreed (52%) and those who disagreed or were not sure (48%) with the introduction of a more flexible approach to social work visits for children in long-term foster care arrangements.

While some agreed the proposal would mirror family life for children who are older and have been in very stable, long-term placements for a number of years (and where they request reduced visiting), this was balanced with wider concerns about ensuring safety

and stability within the placement. Other respondents emphasised the importance of forging meaningful relationships between the social worker and the child and were therefore concerned that visits on a six monthly basis could lead to drift and a delay in addressing any difficulties. In particular, those who agreed with this proposal stated that it would be essential that safeguards are in place to ensure more frequent visits occur where required by the child, the foster carer, the child's social worker or at the request of any other relevant party.

Some of the suggestions to ensure the success of introducing this flexible approach whilst maintaining the safeguards required for looked-after children mirrored those set out in the consultation. This included the requirement for the frequency of visits and that these should be made on an individual basis and be discussed, agreed and recorded as part of the statutory review process; and, to ensure that local authorities understand and carry out their current duty to arrange a visit whenever it is reasonably requested by the child or foster carer.

The majority of young people consulted by The Who Cares? Trust stated that they did not agree with this proposal, citing the importance of their social worker in every aspect of their lives, from decision making to building a trusting relationship where they have time to talk. Young people made suggestions about other ways that social workers could get in touch and check that things were going well, in addition to their on-going relationship with the young person. Suggestions here included text, telephone calls and drop-in centres. An important issue also raised by young people was that social workers should know them well and be available when needed - or that young people should have access to an alternative contact who also knows them well.

Government response

Having weighed the arguments, we will take forward the proposal to enable a more flexible approach to social work visits where a child is settled in a long-term foster placement and may find ongoing social work visits intrusive or unnecessary. Our expectation is that local authorities take a proportionate approach for children in long-term arrangements which ensure safeguarding and corporate parenting responsibilities are fully met, whilst allowing the child to experience family life without unnecessary interruption. We will ensure that the statutory framework remains clear that the arrangements and frequency of visits should reflect the needs of the child and that the child, foster carer, social worker, or any other interested party can request additional visits when they are needed.

Question 15: Do you agree that there should be a more proportionate approach to reviews which reflects the long-term nature of the arrangement? If not, please explain why.

Where a long-term foster care arrangement has been formalised through a decision making process and where it has been in place for over a year, we proposed to make it clear in care planning guidance that, while the review process should continue every six months, the review meeting may only need to happen once a year, where this is in the child's best interests.

Breakdown and summary of responses

There were **95** responses to this question. The majority of responses were from local authorities (35%) and other individuals (e.g. health/education practitioners) (21%).

	Yes	No	Not Sure
All respondents	61 (64%)	18 (19%)	16 (17%)

Table Q15a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	20	6	7
Private / Voluntary Fostering Agency	9	0	0
Child / Young Person	0	0	0
Parent	0	0	1
Other Relatives	0	0	0
Foster Carer	4	0	1
Children's Social Worker	2	0	0
Independent Reviewing Officer	2	2	3
Sector Organisation	9	6	3
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	15	4	1
Total	61 (64%)	18 (19%)	16 (17%)

Table Q15b – Respondent breakdown

64% (61) agreed with the proposal that there should be a more proportionate approach to review meetings which reflects the long-term nature of the arrangement. There was support for this proposal from local authorities, private/voluntary fostering agencies and sector organisations.

Most respondents, while acknowledging that many looked-after children want fewer review meetings, broadly agreed that the frequency of the review process should continue to reflect the needs of the child on an individual case-by-case basis. There was

a general concern that the proposals could reduce the opportunity for the child to be an active participant in their care plan and that children in long-term foster care arrangements could become “out of sight, out of mind”.

Some of those who responded positively, however, felt that a flexible review process would help to encourage family life once a decision has been made for long-term foster care. They were clear, however, that any reduction of meeting frequency should only happen with agreement of the IRO; that a robust review process should continue to be in place; and that the care planning guidance should clarify the circumstances in which a review meeting might be held once a year.

Of those who disagreed (19%) or were unsure (17%) many felt that the current guidance enables sufficient flexibility in the review process to incorporate a child’s wishes and feelings in relation to attendance at a formal review meeting.

Government response

Our intention is to ensure that the review process is flexible, proportionate and responsive to the needs of children in long-term foster care arrangements. We will amend care planning guidance to make it clear that, while the review process should continue every six months, and views should be sought from all relevant parties to ensure that the child’s welfare is being appropriately safeguarded and promoted, a review meeting may only need to happen once a year.

We will emphasise in guidance the importance of recording where changes to the care plan are proposed, communicating those to relevant parties, and ensuring that actions from previous reviews have been undertaken. We will also set out in guidance the factors that should be considered in reaching decisions about the frequency of reviews meetings.

Question 16: Do you agree with the proposed changes to what must be covered in a child’s review where the child is in a formalised long-term foster care arrangement? If not, please explain why.

We proposed to remove certain requirements of reviews where a long-term foster care arrangement was in place: the requirements to review ‘changes to the child’s legal status’; ‘whether there is a plan for permanence’; and ‘whether the placement continues to be appropriate’. This proposal was intended to acknowledge the status of the long-term arrangement as the permanence option.

In addition we proposed to add a requirement for the review of long-term foster care arrangements to include ‘whether the existing support and services being provided

remain appropriate and whether at the point of the review meeting, it is considered necessary for the next review to be held less than a year from that date’.

Breakdown and summary of responses

There were **90** responses to this question. The majority of responses were from local authorities (37%) and other individuals (e.g. health/education practitioners) (20%).

	Yes	No	Not Sure
All respondents	58 (64%)	23 (26%)	9 (10%)

Table Q16a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	22	8	3
Private / Voluntary Fostering Agency	6	2	0
Child / Young Person	0	0	0
Parent	1	0	0
Other Relatives	0	0	0
Foster Carer	4	0	0
Children's Social Worker	0	1	0
Independent Reviewing Officer	3	1	3
Sector Organisation	8	8	0
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	14	3	3
Total	58 (64%)	23 (26%)	9 (10%)

Table Q16b – Respondent breakdown

64% (58) agreed with the proposed changes to what must be covered in a child’s review where the child is in a formalised long-term foster care arrangement. The proposal to remove the requirement for each review to consider whether the responsible authority should seek any change in the child’s legal status was welcomed. Respondents also supported the proposal to remove the requirement to consider whether there is a plan for permanence. This was seen as a logical proposal - in formally agreed long-term placements this has already been agreed as the right permanence option. It was recognised that the additional requirements allow for consideration of the broader issues (of legal status, permanence and placement) where this is required, but that the focus on support and service requirements is more appropriate in a long-term fostering arrangement.

26% (23) disagreed and 10% (9) were unsure about the proposed changes. While many welcomed the additional focus on support and service requirements, some felt very strongly that “*whether the placement continues to be appropriate*” should continue to be

considered at every review as part of the duty to promote the child's welfare, and in order to ensure that the care plan continues to meet the child's needs and reflects any change in circumstances. Young people who were consulted agreed that this requirement should remain.

Many respondents also raised the importance of keeping the child's legal status on the review agenda as circumstances can change over time. However, most also agreed that the current wording could be changed to ensure that reviewing this issue was not unnecessarily unsettling for the child.

Government response

We will not introduce a separate schedule into the statutory framework [as proposed in the original consultation document³] but will set out in guidance a clear expectation that the matters considered at the review should appropriately reflect the nature of the arrangement. For example where it has been agreed that the arrangement should last until the child ceases to be looked after, the review discussion should reflect that and recognise the importance of ensuring the child is confident of the status and security of the permanence arrangement.

³ Improving Permanence for looked-after children consultation document, September 2013, paragraphs 10.28 and 10.29

Children Returning Home from Care

Questions 17 - 26 of the consultation concerned children who return home from care. In the original consultation we focused on the needs of those ‘voluntarily accommodated children’ who cease to be looked-after children and for whom care planning processes end. However, during the course of the consultation several organisations, notably the NSPCC, emphasised that a single focus on voluntarily accommodated children returning home from care would exclude those returning home following the discharge of a full or interim care order from any new provisions. We agree that it is right to consider all children who cease to be looked after and return home to their families, and have done so in developing the responses below.

Children returning home from care are the largest group who cease to be looked-after every year. Assessment, decision making, planning and support must be improved for this group. A sharper focus on safe and successful reunification is essential. The government response to this section of the consultation sets out how this will be achieved; prioritising professional judgement on the part of social workers and the development of systems that support higher quality practice.

Question 17: Do you agree with the proposal to introduce a requirement to clearly set out a ‘return plan’ before a voluntarily accommodated child returns home? If not, please explain why.

We proposed to introduce a requirement for the local authority to set out the ‘return plan’ for children who will cease to be looked after and will return home to their families. Services and support to be provided prior to and following the return home would be included in this ‘return plan’.

Breakdown and summary of responses

There were **92** responses to this question. The majority of responses were from local authorities (35%), other individuals (e.g. health/education practitioners) (22%), and sector organisations (21%).

	Yes	No	Not Sure
All respondents	75 (81%)	8 (9%)	9 (10%)

Table Q17a – All respondents

	Yes	No	Not Sure

	Yes	No	Not Sure
Local Authority Fostering Service	26	3	3
Private / Voluntary Fostering Agency	8	0	0
Child / Young Person	0	0	0
Parent	1	0	0
Other Relatives	0	0	0
Foster Carer	3	0	1
Children's Social Worker	2	0	0
Independent Reviewing Officer	5	0	1
Sector Organisation	14	3	2
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	16	2	2
Total	75 (81%)	8 (9%)	9 (10%)

Table Q17b – Respondent breakdown

81% (75) agreed with the proposal to introduce a requirement to clearly set out a 'return plan' before a voluntarily accommodated child returns home. Many respondents acknowledged that this is good practice and a positive step in addressing drift or lack of proper case management and planning. Many also acknowledged, however, that implementing this requirement in practice may be challenging, particularly where the return home is unplanned or where families do not wish to engage with children's services.

It was further noted through the consultation process, the passage of the Children and Families Bill, and face-to-face consultation with stakeholders that an emphasis on assessment, in addition to robust plans, is required to ensure that the decision to return a child home is the *right* permanence plan. This assessment should address the capacity of parents to care for and safeguard the child, the current and ongoing needs of the child and the support available to the family in preparation for and following the return home.

9% (8) disagreed and 10% (9) were not sure about the proposal. While it was agreed that robust plans need to be in place for a child to return home, it was generally expressed that such planning and support processes are already in place through the use of children in need, child protection and other non-statutory assessment and planning processes.

Government response

We are absolutely clear that there should be a robust assessment of the parents' capacity to care safely for a child returning home and that there should be a plan that sets out any support and services required to facilitate successful reunification. We have reflected on the responses that emphasised the planning and support processes within the existing statutory framework and we are not

convinced that introducing a new requirement for a specific 'return plan' is necessary. However, we will ensure that the expectation to undertake an assessment to inform a decision to return a child home from care is made more explicit by amending relevant regulations.

Where the decision is taken, as a result of an assessment, to return a child home the local authority should set out in a plan (child in need, child protection or a non-statutory plan) what support will be provided by the local authority and others. The assessment should also consider whether continued support, including visits to the family, will be beneficial. As with all assessments and plans the local authority should keep arrangements under regular review, considering whether the actions being taken are effectively meeting the needs of the child and adjust plans accordingly.

Working Together to Safeguard Children is clear that local protocols for assessment should include assessment for children who return home from care. *Working Together* is also clear that any needs which have been identified when the child becomes looked-after should be addressed before decisions are made about the child returning home. It is set out in care planning guidance that children returning home from care should be treated as vulnerable children and on-going assessment and support is likely.

We will ensure that requirements and expectations for these children while they are looked after and when they return home are set out consistently across the statutory framework. In particular, we will raise the profile of children returning home in *Working Together* by drawing together and making the requirements for this group more explicit.

Question 18: Do you agree that local authorities should be required to convene a review within 10 days of a voluntarily accommodated child ceasing to be looked after as a result of being removed from care by a person with parental responsibility?

Breakdown and summary of responses

There were **92** responses to this question. The majority of responses were from local authorities (35%), other individuals (e.g. health/education practitioners) (22%), and sector organisations (20%).

	Yes	No	Not Sure
All respondents	69 (75%)	12 (13%)	11 (12%)

Table Q18a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	23	5	4
Private / Voluntary Fostering Agency	6	0	1
Child / Young Person	0	0	0
Parent	1	0	0
Other Relatives	0	0	0
Foster Carer	5	0	0
Children's Social Worker	2	0	0
Independent Reviewing Officer	3	3	1
Sector Organisation	13	2	3
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	16	2	2
Total	69 (75%)	12 (13%)	11 (12%)

Table Q18b – Respondent breakdown

75% (69) agreed with this proposal. Many argued that this would be particularly effective when a return home is unplanned without agreement from the local authority. As the support and services necessary to make this a successful return are unlikely to be in place, it was expressed that the offer of a review may help to clarify what is required to support the child's welfare and plan for and promote permanence.

Some of the respondents stated that the proposed timescale should be flexible to take account of a child's individual circumstances. One respondent suggested that timescales could be set out by the local authority as part of their permanence policy (Question 6).

13% (12) disagreed and 12% (11) were not sure about the proposed requirement. Some respondents stated that there is already a sufficient framework in place to cover the different options that may need to be pursued in such circumstances, e.g. where a local authority had concerns about a child's safety their duty is clear.

Government response

We will not introduce a requirement for local authorities to convene a review following an unplanned return home but we will make it even more explicit in guidance that local authorities should assure themselves that the environment to which the child has returned will safeguard and promote their welfare. Where the child is identified as a child in need, *Working Together* sets out a clear framework for on-going assessment, support and review.

Question 19: Do you agree with the proposal to introduce a requirement for a nominated officer to sign off the decision to return a voluntarily accommodated child home? If not, please explain why.

Children who return home may be particularly vulnerable. We know from research that return home practice varies. In order to raise the status of return home decisions we proposed to introduce a requirement that a nominated officer must sign off the decision to return a voluntarily accommodated child home where this is part of the care planning process.

Breakdown and summary of responses

There were **89** responses to this question. The majority of responses were from local authorities (36%), other individuals (e.g. health/education practitioners) (21%) and sector organisations (19%).

	Yes	No	Not Sure
All respondents	63 (71%)	11 (12%)	15 (17%)

Table Q19a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	23	6	3
Private / Voluntary Fostering Agency	7	0	0
Child / Young Person	0	0	0
Parent	1	0	0
Other Relatives	0	0	0
Foster Carer	3	0	1
Children's Social Worker	1	0	1
Independent Reviewing Officer	4	1	2
Sector Organisation	10	3	4
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	14	1	4
Total	63 (71%)	11 (12%)	15 (17%)

Table Q19b – Respondent breakdown

71% (63) agreed with the proposal to introduce a requirement for a nominated officer to sign off the decision to return a voluntarily accommodated child home. There was support for this proposal from local authorities, private/voluntary fostering agencies and other individuals (e.g. health/education practitioners) . However, 12% (11) disagreed with the proposal and 17% (15) were not sure. The majority of these said that the process to sign

off the decision to return a voluntarily accommodated child home is for local authorities to determine through appropriate and robust local processes.

Government response

We will take this proposal forward and introduce a requirement that a decision to return a child home from care must be signed off by a nominated officer.

Equivalent provisions exist elsewhere in the statutory framework where the permanence decision will change the child’s legal status (e.g. they will cease to be looked after) or accommodation (e.g. they will be placed with the parent as the subject of a care order).

We recognise that for some children the return home is unplanned (due to removal by parents or the decision by an older child to take themselves home). In these circumstances, nominated officer sign off will not be required as the return home is not a local authority care planning decision.

We also recognise that some children are looked after for very short periods. Nominated officer sign off for the decision to return a child home will apply where the child has been looked after long enough to trigger the first review (20 days).

Question 20: Do you agree that local authorities should visit formerly looked-after children as part of supporting a successful return home from care?

We proposed to require local authorities to offer visits to children and their families following a return home.

Breakdown and summary of responses

There were **92** responses to this question. The majority of responses were from local authorities (35%), other individuals (e.g. health/education practitioners) (22%), and sector organisations (20%).

	Yes	No	Not Sure
All respondents	77 (84%)	5 (5%)	10 (11%)

Table Q20a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	26	2	4
Private / Voluntary Fostering Agency	7	0	0
Child / Young Person	0	0	0

	Yes	No	Not Sure
Parent	1	0	0
Other Relatives	0	0	0
Foster Carer	4	0	1
Children's Social Worker	2	0	0
Independent Reviewing Officer	5	1	1
Sector Organisation	15	2	1
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	17	0	3
Total	77 (84%)	5 (5%)	10 (11%)

Table Q20b – Respondent breakdown

84% (77) agreed that local authorities should visit formerly looked-after children in order to support a successful return home from care. The majority of respondents argued that it is good practice for local authorities to ensure that their formerly looked-after children, and their parents or carers, are receiving the support they need to maintain a successful and safe return home.

Some respondents highlighted the role of foster carers (where appropriate) in providing ongoing support to the child after they had returned home, while others commented on the importance of supporting families to access other local services able to provide support.

Those who were not sure (11%) or against (5%) the proposal expressed the view that this must be an offer to visit and not a rigid requirement, emphasising that ultimately parents and carers with parental responsibility can make this decision. Others held the view that this is best left to the local authority's discretion, based on individual circumstances.

The government response to questions 20-24 have been grouped together with question 25.

Question 21: Do you agree with proposed eligibility criteria of 13 weeks for visits following return home?

We proposed that, to qualify for local authority visits to children and their families following a return home, the child must not be an eligible child⁴ (as they are already entitled to such support) and must have been looked after for a period, or periods, amounting to 13 weeks.

⁴ An eligible child is a looked-after child aged 16 or 17, who has been looked after for a total of at least 13 weeks which began after s/he reached the age of 14, and ends after s/he reaches the age of 16.

Breakdown and summary of responses

There were **86** responses to this question. Many of the responses were from local authorities (37%).

	Yes	No	Not Sure
All respondents	41 (48%)	27 (31%)	18 (21%)

Table Q21a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	18	8	6
Private / Voluntary Fostering Agency	4	3	0
Child / Young Person	0	0	0
Parent	0	1	0
Other Relatives	0	0	0
Foster Carer	3	0	1
Children's Social Worker	1	0	1
Independent Reviewing Officer	2	3	1
Sector Organisation	5	7	3
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	8	5	6
Total	41 (48%)	27 (31%)	18 (21%)

Table Q21b – Respondent breakdown

This question received a mixed response. Whilst 48% (41) agreed with the proposal, 31% (45) disagreed and 21% were not sure. Most of these held the view that eligibility should be based on a child's need, determined on an individual basis - not on the length of time a child was looked after.

Those that agreed with the proposal (48%) said that 13 weeks in care is an appropriate timeframe in relation to a local authority's duty to visit.

Question 22: Do you agree that local authorities should be required to make a minimum of one visit, within a specified timescale, to the child and their family when an accommodated child returns home? If not, please explain why.

We proposed that local authorities be required to make a visit within two weeks of a child going home.

Breakdown and summary of responses

There were **90** responses to this question. The majority of responses were from local authorities (36%), other individuals (21%) and sector organisations (20%).

	Yes	No	Not Sure
All respondents	74 (82%)	9 (10%)	7 (8%)

Table Q22a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	29	2	1
Private / Voluntary Fostering Agency	5	1	0
Child / Young Person	0	0	0
Parent	0	1	0
Other Relatives	0	0	0
Foster Carer	5	0	0
Children's Social Worker	2	0	0
Independent Reviewing Officer	7	0	0
Sector Organisation	11	4	3
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	15	1	3
Total	74 (82%)	9 (10%)	7 (8%)

Table Q22b – Respondent breakdown

82% (74) agreed that local authorities should be required to make a minimum of one visit, within a specified timescale, to the child and their family when an accommodated child returns home.

Those agreeing expressed strongly that the requirement should be flexible to take account of need, circumstance and level of engagement of the family. Those who disagreed (10%) or were unsure (8%) held the view that it should be for local authorities to decide on the frequency and timescales of visits where a voluntarily accommodated child is returned home.

Question 23: Do you agree that two weeks is an appropriate timescale within which the first visit should take place?

Breakdown and summary of responses

There were **89** responses to this question. Many of the responses were from local authorities (36%).

	Yes	No	Not Sure
All respondents	55 (62%)	18 (20%)	16 (18%)

Table Q23a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	20	9	3
Private / Voluntary Fostering Agency	7	0	0
Child / Young Person	0	0	0
Parent	1	0	0
Other Relatives	0	0	0
Foster Carer	4	0	1
Children's Social Worker	2	0	0
Independent Reviewing Officer	5	0	2
Sector Organisation	8	3	6
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	8	6	4
Total	55 (62%)	18 (20%)	16 (18%)

Table Q23b – Respondent breakdown

This proposal received a mixed response. 62% (55) agreed, 18% (16) were not sure and 20% (18) disagreed with the proposal. Similar to the responses received for question 22, the majority of all respondents held the view that it should be for local authorities to decide on the frequency and timescales of visits. It was also suggested that the wording be changed to “*within two weeks*” to allow for flexibility, based on individual need.

Question 24: Do you agree that local authorities should be required to continue to visit and support the child and their family for a period of at least a year after a voluntarily accommodated ceases to be looked after? If not, please explain why.

We proposed that, where it is in the best interests of the child and where the parent and child want the local authority to continue to visit, that the local authority would be required to do so for a period of at least one year from the date the child ceased to be looked-after.

Breakdown and summary of responses

There were **89** responses to this question. The majority of responses were from local authorities (35%), other individuals (e.g. health/education practitioners) (21%) and sector organisations (20%).

	Yes	No	Not Sure
All respondents	30 (34%)	34 (38%)	25 (28%)

Table Q24a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	6	15	10
Private / Voluntary Fostering Agency	4	1	1
Child / Young Person	0	0	0
Parent	1	0	0
Other Relatives	0	0	0
Foster Carer	5	0	0
Children's Social Worker	0	0	2
Independent Reviewing Officer	0	3	4
Sector Organisation	7	7	4
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	7	8	4
Total	30 (34%)	34 (38%)	25 (28%)

Table Q24b – Respondent breakdown

This proposal prompted a mixed response. 34% (30) agreed with the proposal, 38% (34) disagreed and 28% (25) were unsure about this proposal. The majority of all respondents said that this should not be a requirement for local authorities, and that decisions on further visits and support after a child ceases to be looked after should be based on the individual needs of the child and set out in the return plan. The provision of this support should be based on sound professional judgment, good practice and the wishes and feelings of the child and their family. Others held the view that six months, rather than one year as a minimum period, would be consistent with the timeframe suggested in the Children Act for family assistance orders.

Question 25: Do you agree with the proposed content of the report?

We proposed that the visiting officer (representative of the local authority) should complete a short report following a visit, place it on the child's file and send a copy to the parents, anyone else with parental responsibility or care of the child, and the child (subject to their age and understanding). We proposed that the report cover:

- the child's wishes and feelings about the return home;
- the parents' or carers' view of how the return home is progressing;

- whether any additional support or services are required to enable the child to remain safely at home; and
- whether the child’s welfare is being adequately safeguarded and promoted.

Breakdown and summary of responses

There were **85** responses to this question. The majority of responses were from local authorities (36%) and other individuals (e.g. health/education practitioners) (21%).

	Yes	No	Not Sure
All respondents	59 (70%)	8 (9%)	18 (21%)

Table Q25a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	23	4	4
Private / Voluntary Fostering Agency	6	0	0
Child / Young Person	0	0	0
Parent	0	0	1
Other Relatives	0	0	0
Foster Carer	4	0	1
Children's Social Worker	1	0	1
Independent Reviewing Officer	5	0	0
Sector Organisation	9	3	5
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	11	1	6
Total	59 (70%)	8 (9%)	18 (21%)

Table Q25b – Respondent breakdown

70% (59) agreed with the proposed content of the report and felt it covered all appropriate areas. Several respondents stated some level of concern about how the report would be shared, particularly with parents, where children may have expressed difficulties in the home environment.

9% (8) disagreed and 21% (18) were not sure. Several respondents questioned the need for a new requirement in place of professional judgement and good practice exercised by the local authority, on a case-by-case basis. Some respondents stated that this process is best carried out using existing children in need arrangements.

Government response (Questions 20-25)

We have listened to the feedback through the consultation and stakeholder meetings and we will not introduce a specific requirement for local authorities to visit formerly looked-after children. *Working Together to Safeguard Children* is already clear about the duties on local authorities for vulnerable children; and existing guidance provides a framework for ongoing assessment, planning and review of outcomes. However, we recognise that many respondents stated that an expectation for local authorities to provide ongoing support to children and their families following a return home should be clearly set out. We will look at how this expectation can be made more explicit in guidance. As outlined above, we recognise the need to raise the profile, in *Working Together*, of children returning home as part of the vulnerable group of children on the edge of care.

Implementation

Question 26: Do you foresee any problems with the proposed implementation? If yes, please explain why and what you feel might help to minimise / address the problems.

Breakdown and summary of responses

There were **73** responses to this question. The majority of responses were from local authorities (36%) and other individuals (e.g. health/education practitioners) (23%).

	Yes	No	Not Sure
All respondents	44 (60%)	14 (19%)	15 (21%)

Table Q26a – All respondents

	Yes	No	Not Sure
Local Authority Fostering Service	15	7	4
Private / Voluntary Fostering Agency	2	2	1
Child / Young Person	0	0	0
Parent	0	0	1
Other Relatives	0	0	0
Foster Carer	2	2	1
Children's Social Worker	1	0	0
Independent Reviewing Officer	5	0	1
Sector Organisation	8	1	3
Residential Children's Homes Staff	0	0	0
Other (e.g. Health / Education Practitioner)	11	2	4
Total	44 (60%)	14 (19%)	15 (21%)

Table Q26b – Respondent breakdown

60% (44) of those responding to this question did foresee problems with the proposed implementation. Some general concerns were raised, including that

- local authorities already have arrangements in place for supporting long-term fostering as a permanence option based on existing guidance and best practice;
- the capacity of social workers and the level of resources would make it difficult to implement some of the requirements proposed; and
- the role of family and friends carers is not made explicit enough in the proposals - they may be approved foster carers or may have obtained a legal order giving them parental responsibility.

Government response

We remain committed to ensuring permanence for all looked-after children. We have undertaken a detailed analysis of the responses and have amended proposals to take account of comments, concerns and suggestions where this is appropriate – setting out the reasons for these amendments.

We will continue to work with the expert group on how best to implement the changes and encourage the dissemination of good practice.

Annex A: Summary of responses and the government response

Q	Consultation Question	Level of agreement			Government response
		Yes	No	Not sure	
1	Do you agree that delegated authority should be discussed at every review?	81 (85%)	9 (9%)	6 (6%)	<ul style="list-style-type: none"> ▪ We will take this proposal forward. ▪ We will make it an explicit requirement in regulations that delegated authority is considered at every review meeting. ▪ The care planning guidance will reflect the need to balance the length and detail of this discussion as part of the review process according to the individual needs of the child.
2	Do you agree that the wishes and feelings of foster carers and registered managers should be ascertained and taken into account as part of the review process? If not, please explain why.	92 (94%)	4 (4%)	2 (2%)	<ul style="list-style-type: none"> ▪ We will take this proposal forward. ▪ We will make explicit in regulations the expectation that, so far as reasonably practicable, the wishes and feelings of carers should be ascertained and taken into account as part of the review process.
3	Do you agree that foster carers and registered managers should be invited to review meetings	85 (89%)	2 (2%)	9 (9%)	<ul style="list-style-type: none"> ▪ We will take this proposal forward. ▪ We will strengthen the care planning guidance to make it clear that foster carers and registered managers

Q	Consultation Question	Level of agreement			Government response
		Yes	No	Not sure	
	where these are held?				<p>should be invited to review meetings where these are held.</p> <ul style="list-style-type: none"> We will make it clear that the registered manager may delegate the duty to attend a review to the appropriate key worker.
4	Do you agree that the definition of permanence should be amended so that it encompasses long term foster care?	78 (80%)	7 (7%)	13 (13%)	<ul style="list-style-type: none"> We will take this proposal forward. We will amend the definition in the care planning guidance to make it clear that permanence can be achieved for children through long term foster care.
5	Do you agree that the guidance on long term foster care as a permanence option should be amended in this way?	68 (73%)	8 (9%)	17 (18%)	<ul style="list-style-type: none"> We will take this proposal forward. We will amend the care planning guidance to ensure that, where long term foster care is identified as the right permanence option as part of the care planning process, it is clear that this could be with existing carers or with those sought for and matched with specific children.
6	Do you agree with the proposal to introduce a requirement for local authorities	87 (94%)	0 (0%)	6 (6%)	<ul style="list-style-type: none"> We will not take this proposal forward. We will explore existing work undertaken by local

Q	Consultation Question	Level of agreement			Government response
		Yes	No	Not sure	
	to publish a permanence policy?				authorities to consider whether there is evidence that an organisational policy helps to shape practice.
7	Do you agree that the proposed definition for long term foster care covers the core elements of the arrangement?	60 (64%)	18 (19%)	16 (17%)	<ul style="list-style-type: none"> ▪ We will take this proposal forward. ▪ We will introduce a definition of long term foster care into relevant regulations. ▪ We will not take forward the proposal to require nominated officer sign off for long term foster care arrangements.
8	Do you agree that foster carers should be able to ask a local authority to assess them as a long term foster carer for a particular child?	79 (82%)	4 (4%)	14 (14%)	<ul style="list-style-type: none"> ▪ The Government response to Questions 8 and 9 have been grouped together below.
9	Is three months a reasonable period within which to make such an assessment? If not, please explain why.	62 (68%)	8 (9%)	21 (23%)	<ul style="list-style-type: none"> ▪ We will set out a clear expectation in guidance that where the permanence plan for the child is long term foster care, local authorities should consider assessing foster carers who have expressed an interest in caring for the child on a long term basis.

Q	Consultation Question	Level of agreement			Government response
		Yes	No	Not sure	
10	Do you agree with the proposal to introduce minimum requirements for a decision making process for long term foster care?	78 (84%)	4 (4%)	11 (12%)	<ul style="list-style-type: none"> The Government response to Questions 10 and 11 have been grouped together below.
11	Do the proposed minimum requirements seem adequate or are there others that we should consider? If so, please set out what additional / alternative requirements you think would be helpful.	47 (52%)	18 (20%)	25 (28%)	<ul style="list-style-type: none"> We recognise the point made by a significant minority that the degree of prescription envisaged was not consistent with the government's wider approach to reform, exemplified by the most recent revisions to <i>Working Together to Safeguard Children</i>. We believe that the introduction of a legal definition of long term foster care in regulations provides a clear status for the arrangement. It will be for local authorities to determine how decisions are made in their area. In care planning guidance, we will encourage local authorities to consider whether their processes are sufficiently robust, emphasising the importance of ensuring that the

Q	Consultation Question	Level of agreement			Government response
		Yes	No	Not sure	
					arrangement is clearly communicated to all relevant parties.
12	Do you agree with the proposed content of the written confirmation? If not, please explain why.	66 (78%)	8 (9%)	11 (13%)	<ul style="list-style-type: none"> ▪ The Government response to Questions 12 and 13 have been grouped together below.
13	Do you agree with the proposal to introduce a requirement for decisions about a long term foster care arrangement to be confirmed in writing? If not, please explain why.	84 (93%)	2 (2%)	4 (4%)	<ul style="list-style-type: none"> ▪ We will not take this proposal forward. ▪ We will consider how we can support the spread of existing good practice in permanence planning and placement decisions ▪ We will make clear in guidance that the nature of the long term foster care arrangement must be clearly communicated to the foster carer. The method and format of this communication will be for local authorities to decide.
14	Do you agree with the proposal to introduce more flexible requirements for social work visits to children in long term fostering arrangements?	49 (52%)	29 (31%)	16 (17%)	<ul style="list-style-type: none"> ▪ We will take forward the proposal. ▪ We will ensure that the statutory framework remains clear that the arrangements and frequency of visits should reflect the needs of the child and that the child, foster

Q	Consultation Question	Level of agreement			Government response
		Yes	No	Not sure	
					carer, social worker, or any other interested party can request additional visits when they are needed.
15	Do you agree that there should be a more proportionate approach to reviews which reflects the long term nature of the arrangement? If not, please explain why?	61 (64%)	18 (19%)	16 (17%)	<ul style="list-style-type: none"> ▪ We will take this proposal forward. ▪ We will amend care planning guidance to make it clear that while the review process should continue every six months, a review meeting may only need to happen once a year. ▪ We will emphasise in guidance the importance of recording where changes to the care plan are proposed, communicating those to relevant parties, and ensuring that actions from previous reviews have been undertaken. ▪ We will set out in guidance the factors that should be considered in reaching decisions about the frequency of reviews meetings.
16	Do you agree with the proposed changes to what must be covered in a child's review where the	58 (64%)	23 (26%)	9 (10%)	<ul style="list-style-type: none"> ▪ We will not take this proposal forward. ▪ We will not introduce a separate schedule into the statutory framework [as proposed in the original

Q	Consultation Question	Level of agreement			Government response
		Yes	No	Not sure	
	child is in a formalised long term foster care arrangement? If not, please explain why.				<p>consultation document].</p> <ul style="list-style-type: none"> We will set out in guidance a clear expectation that the matters considered at the review should appropriately reflect the nature of the arrangement.
17	Do you agree with the proposal to introduce a requirement to clearly set out a 'return plan' before a voluntarily accommodated child returns home? If not, please explain why.	75 (82%)	8 (9%)	9 (10%)	<ul style="list-style-type: none"> We will take this proposal forward. We will ensure that the expectation to undertake an assessment to inform a decision to return a child home from care is made explicit by amending relevant regulations. We will ensure that requirements and expectations for these children while they are looked-after and when they return home are set out consistently across the statutory framework.
18	Do you agree that local authorities should be required to convene a review within 10 days of a voluntarily accommodated child ceasing to be looked after as a result of being	69 (75%)	12 (13%)	11 (12%)	<ul style="list-style-type: none"> We will not take this proposal forward. We will not introduce a requirement for local authorities to convene a review following an unplanned return home. We will make it explicit in guidance that local authorities should assure

Q	Consultation Question	Level of agreement			Government response
		Yes	No	Not sure	
	removed from care by a person with parental responsibility?				themselves that the environment to which the child has returned will safeguard and promote their welfare.
19	Do you agree with the proposal to introduce a requirement for a nominated officer to sign off the decision to return a voluntarily accommodated child home? If not, please explain why.	63 (71%)	11 (12%)	15 (17%)	<ul style="list-style-type: none"> ▪ We will take this proposal forward. ▪ We will introduce a requirement that a decision to return a child home from care must be signed off by a nominated officer. ▪ We recognise that for some children the return home is unplanned (due to removal by parents or the decision by an older child to take themselves home). In these circumstances, nominated officer sign off will not be required as the return home is not a local authority care planning decision. ▪ We also recognise that some children are looked after for very short periods. Nominated officer sign off for the decision to return a child home will apply where the child has been looked-after long enough to trigger the second review (20 days).

Q	Consultation Question	Level of agreement			Government response
		Yes	No	Not sure	
20	Do you agree that local authorities should visit former looked after children as part of supporting a successful return home from care?	77 (84%)	5 (5%)	10 (11%)	<ul style="list-style-type: none"> The Government response to Questions 20-25 have been grouped together under Question 25.
21	Do you agree with proposed eligibility criteria of 13 weeks for visits following return home?	41 (48%)	27 (31%)	18 (21%)	
22	Do you agree that local authorities should be required to make a minimum of one visit, within a specified timescale, to the child and their family when an accommodated child returns home? If not, please explain why.	74 (82%)	9 (10%)	7 (8%)	
23	Do you agree that two weeks is an appropriate timescale within which the first visit should take	55 (62%)	18 (20%)	16 (18%)	

Q	Consultation Question	Level of agreement			Government response
		Yes	No	Not sure	
	place?				
24	Do you agree that local authorities should be required to continue to visit and support the child and their family for a period of at least a year after a voluntarily accommodated ceases to be looked after? If not, please explain why.	30 (34%)	34 (38%)	25 (28%)	
25	Do you agree with the proposed content of the report?	59 (69%)	8 (9%)	18 (21%)	<ul style="list-style-type: none"> ▪ We will not introduce a specific requirement for local authorities to visit former looked-after children. ▪ <i>Working Together to Safeguard Children</i> is already clear about the duties on local authorities for vulnerable children; and existing guidance provides a framework for ongoing assessment, planning and review of outcomes. ▪ We recognise that many respondents stated that an expectation for local authorities to provide

Q	Consultation Question	Level of agreement			Government response
		Yes	No	Not sure	
					ongoing support to children and their families following a return home should be clearly set out. We will look at how this expectation can be made more explicit in guidance.
26	Do you foresee any problems with the proposed implementation? If yes, please explain why and what you feel might help to minimise / address the problems.	44 (60%)	14 (19%)	15 (21%)	<ul style="list-style-type: none"> ▪ We remain committed to ensuring permanence for all looked after children. We have undertaken a detailed analysis of the responses and have amended proposals to take account of comments, concerns and suggestions where this is appropriate – setting out the reasons for these amendments. ▪ We will continue to work with the expert group on how best to implement the changes and encourage the dissemination of good practice.

Annex B: List of organisations that responded to the consultation

We are grateful to the range of individuals and organisations that responded to this consultation.

- Action for Children
- Association of Lawyers for Children
- Association of London Directors of Children's Services
- BAAF (British Association for Adoption and Fostering)
- Barnardo's
- Bath & North East Somerset Council
- Berkshire Healthcare NHS Foundation Trust
- Bracknell Forest Council
- Bradford Metropolitan District Council
- British Association of Social Workers, The
- Buckinghamshire County Council
- Cabrini Children's Society
- CAFCASS
- Centre for Research on Children and Families
- Cheshire West and Chester Council
- Children's Services Development Group
- Children's Commissioner for England
- Children's Society, The
- CICADA Services
- College of Social Work, The
- Coram
- Doug Lawson Consulting Ltd
- Durham County Council Children's Services
- Essex County Council
- Excel Fostering
- Family Rights Group
- Father Hudson's Society

- Foster Care Associates
- Fostering Network, The
- Fostering Solutions
- Gateway Academy, The
- Gloucestershire County Council
- Grandparents Plus
- Hackney Children and Young Peoples Services
- Hampshire County Council
- Hertfordshire County Council
- Kent County Council
- Kinship Care Alliance, The
- Kirklees Council
- Lancashire Care Foundation Trust
- Leeds City Council
- Leicestershire County Council
- Lincolnshire County Council
- Liverpool City Council
- Local Government Association
- London Borough of Barnet
- London Borough of Havering
- London Children's Assistant Directors/Heads of Children's Social Care Network
- Medway Council
- Milton Keynes Council
- National Association of Independent Reviewing Officers (NAIRO)
- National Deaf Children's Society, The
- Nationwide Association of Fostering Providers (NAFP)
- North Yorkshire County Council
- Nottinghamshire County Council
- NSPCC
- Ofsted
- PACT (Parents and Children Together)
- Parents Against Injustice

- Peterborough City Council
- Public Awareness
- Reading Borough Council
- Redcar and Cleveland Borough Council
- Research in Practice
- Royal College of Psychiatrists, The
- Royal Greenwich Fostering Service
- Somerset County Council
- South Tyneside Children's Services
- Southampton City Council
- Southwark London Borough Council
- Staffordshire County Council
- Suffolk County Council
- Suffolk Fostering Service
- Surrey Children's Service, Fostering Team, Family Finding
- Surrey County Council
- TACT (The Adolescent and Children's Trust)
- Team Fostering
- Telford & Wrekin Council
- Trafford Children & Young People's Service
- University of Bristol, School for Policy Studies
- University of York
- Wakefield Metropolitan District Council
- Wandsworth Council
- West Sussex County Council
- Who Cares? Trust , The
- Wokingham Borough Council
- Worcestershire County Council



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