

WESTGATE CHAMBERS



When an LAC cares for a LAC. An open discussion...

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Recent case.

1. A parent had been in care (residential) throughout teenage years. Then entered a local authority planned foster placement as a looked after child, aged 17 years. Turned 18 years old in that placement.

Issue.

2. What is the local authority's duty as Corporate Parent to the client and how does this duty interact with longer term accommodation opportunities for the parent and by extension, their child?

Pathway Plans.

3. The local authority ought to provide statutory Pathway Plan Reviews. These plans should include discussion of accommodation options.

Statutory duties.

4. s23CZA of the Children Act 1989. 'Staying Put' which requires the local authority to support any former placement to continue until aged 21. Eligibility for a staying put arrangement requires only that the individual has spent some time with the foster carer before turning 18.
5. Supported Lodgings. They provide accommodation for a young person within a family home, where the young person will have a degree of independence with their own room.
6. Range of accommodation options on offer to young people aimed at preparing them for independence and adulthood. (*The Children Act 1989 guidance and regulations Volume 3: planning transition to adulthood for care leavers Publication date: October 2010 Implementation date: 1 April 2011 Revision date: January 2015*).

Relevance to their child, subject to proceedings?

7. Schedule 1 to the Care Leavers (England) Regulations 2010 states that it is a requirement of the local authority to confirm, 'The support to be provided to enable the child or young person to develop and *sustain appropriate family and social relationships*'. [emphasis].
8. "Care leavers should be entitled to the same level of care and support that others would expect from a reasonable parent. The local authority responsible for their care should

make sure that they are provided with the opportunities they need, which will include offering more than chance, as they grapple with taking on the responsibilities of adulthood.” *The Children Act 1989 Guidance and Regulations Volume 3: Planning transition to adulthood for care leavers*.

Impact?

9. Do these duties to the parent who is a LAC extend to or incorporate, the child of the LAC?
10. Raise early on in course of proceedings. Request Pathway Plans. Take instructions from client on any discussion about accommodation. Request clear chronology of all placement moves. Press local authority early on to identify its duties.
11. Ought this to form one of the “realistic options” within local authority final evidence or an alternative care plan? (There ought to be full comparative analysis and balance of all realistic placement options. It is legal requirement for the CPR, not only for the Court’s purposes but also for the Agency Decision Maker who approves any placement application. *Re B (care proceedings: proportionality evaluation)* [2014] EWCA Civ 565, [2015] 1 FLR 884).