

# **GUIDANCE FOR SOCIAL WORKERS WHEN UNDERTAKING VIABILITY ASSESSMENT OF FAMILY AND FRIENDS**

## **1. What is a viability assessment**

Where possible, children should be supported to live safely within their family. Where a child cannot remain in the care of their parents, research has consistently found that children placed in kinship care generally do as well, if not better, than children in unrelated foster care, particularly with regard to the stability of the placement.

So it is essential that when a child may not be able to live safely with their parents, Social Workers identify potential carers from within the child's network of family and friends and determine whether they will be able to provide safe care to meet the child's needs until they reach adulthood.

An initial viability assessment is used to determine which members of a child's family and friends network are a potentially realistic option and 'viable' placement to care for a specific child(ren) and should therefore be subject to a full assessment as a potential carers.

In practice, this means that Social Workers may be required to undertake viability assessments with several family members and often to tight deadlines, especially where the alternative care plan for a child may be adoption. Where the care plan is likely to be adoption the Social Worker needs to ensure that they can evidence that they have fully explored all realistic options within the child's family and significant others network (genogram), even if the parents have not put forward those family members themselves. This does not mean that every stone has to be unturned, but that all realistic options that the parents / extended family can tell you about on their genogram are explored.

## **2. Principles and best practice**

Viability assessments to inform family Court decision making are initiated because a child's parents may be unable to meet their child's needs safely and adequately. The decision to seek alternative carers for a child will be informed by assessments of parenting capacity and issues that impact on the child's safety, well-being and development. In many cases parents will be challenged by complex problems of substance misuse, domestic violence and mental ill health. Social Workers conducting viability assessments must consider any current or historical concerns about extended family members in relation to these or other issues which impact upon parenting capacity.

Viability assessment have to be completed in a timely fashion and best practice is for these to commence as early as possible ie when children are subject to child protection plans or when families are in the Public Law Outline (PLO). Social Workers need to be sensitive that viability assessments often take place at a time of emotional turmoil for members of the child's family and friends network, who may only recently have become aware of the issues the child faces and/or be struggling to come to terms with what has happened.

A viability assessment should be evidenced based and include enough detail to evidence that there is a need for a full assessment, or that this person is not a realistic option for the child. Each issue should be considered in relation to the current and likely future needs of the specific child. Where there is evidence that the child's needs would not be met or that they may suffer significant harm if placed, a viability assessment can conclude without exploring all other areas. Where information raises concern but is insufficient to rule someone out, the assessor may return to discuss further as part of the viability, or alternatively flag this as a line of enquiry during any further assessment.

The viability assessment should set out clearly:

- The information gathered by the Social Worker in relation to the child's current and anticipated future needs
- The ability of the family member or friend being assessed to meet these needs (with appropriate support)
- The social worker's analysis of this evidence, which underpins the recommendation they have reached.

Viability assessments can be challenged in Court if they are not properly conducted, so it is important that viability assessment must be conducted in such a way that they can be legally upheld. If the legality of a negative assessment is successfully challenged in Court the assessment will need to be redone either by the Local Authority or an Independent Social Worker. This costs time and money and ultimately can cause significant delay to the proceedings and affect the outcome for the child.

The Supreme Court and Court of Appeal have commented on the proper consideration of different possible placements for children in recent years. Two key cases to know and understand are: RE B (A Child) [2013] UKSC33, and Re B-S [2013] EWCA Civ1146.

These cases outline the legal standard for ruling out potential carers:

- Orders contemplating non-consensual adoption are a 'last resort', 'only to be made where nothing else will do'.
- The Court can only conclude that 'nothing else will do' if it has considered all of the options that are realistically possible.
- Consideration of these options requires an analysis of the arguments for and against each option.
- In order for a Court to decide that an option is not realistically possible, the Court must 'be in a position of some confidence and clarity that the option is plainly not one that would have any real prospect of being chosen if a full welfare evaluation of all of the pros and cons were undertaken'.

Viability assessments that rule out a potential carer must evidence that this option is clearly and plainly unrealistic, and one that the Court can and should confidently dismiss.

### **3. Identifying who to assess, when and how**

#### Who to assess

It is important to identify and involve the wider family as early as possible when there are child protection concerns. Family members can play a key role in supporting the child and helping parents address identified problems. If these problems escalate, local authorities should then seek to place children with suitable wider family members where it is safe to do so.

A full family genogram of the child's mother and father's families should be undertaken with the parents and extended family members as early as possible into social care's involvement with the family.

When a child cannot live with their parents, it is the duty of the local authority to work in partnership with parents and relative to identify if there is anyone within the child's network of family and friends who can provide the child with safe and appropriate care. For example this could be facilitated through a Family Group Meeting or Conference to support in identifying potential alternative carers and some family member may come forward themselves once they become aware there is a possibility that the child may not be able to remain in the parent's care.

### When to assess

Engaging wider family as early as possible opens the possibility for a family placement if such an arrangement is required. The 26 week timescale for care proceedings sets out an expectation that family and friends care options will have been considered pre-proceedings. The pressures of the 26 week timescales will be considerably reduced if potential carers have been identified at an early stage.

Sometimes an urgent need for protective action to safeguard the child does not allow for the involvement of the child's wider family and friends network before proceedings, in such cases, the wider family should be involved as soon as possible. In these situations, assessments of alternative placement will need to take place within the timescales and framework of these legal proceedings. The Court may choose a set a date by which those people should put themselves forward for viability assessments.

### How to assess

Viability assessments are usually based on at least one home visit to the potential carer with a follow up discussion. However, there may be times when this is not sufficient and further visits are required.

Family members wishing to be assessed should be sent in advance of the first home visit an Appointment Letter, Consent Form(s) and the fact sheet 'Viability Assessments – Information Sheet for families and potential carers' which set out the full information regarding what is a viability assessment and the process to allow the potential family member / friend to make an informed decision about whether they wish to proceed with the assessment more importantly the information that will need to be gathered during the assessment visit and who this will be shared with.

At the commencement of the viability assessment the Social Worker should verbally explain the content of the fact sheet 'Viability Assessments – Information Sheet for families and potential carers' to ensure that the family member / friend being assessed has fully understood the requirements and who their written assessment will be shared with. The Consent Form(s) should be signed and returned at the start of the assessment.

The Social Worker should specifically explain to the family member / friend being assessed that the personal information they share, pertinent to the assessment, will be collated in a written assessment document and filed to the Court and will be seen by the Judge who is making decisions about the child's future, the child's parents and lawyers who represent them and anyone else who is a party to the proceedings. It should be explained that if the document is used in court proceedings there are very strong rules about anyone showing it to other people. Throughout the assessment the assessing Social Worker should consider the information being gathered and check out with the family member / friend whether they give consent for anything they discuss to be included within the assessment report. This will depend upon what it is and how essential the information is to the recommendation.

### Forming a conclusion

When assessing and writing up the viability assessment Social Workers should consider the following:

- Ensure that the information being gathering is accurate and relevant to your assessment.
- When recording and sharing information, only record/share the right amount of information. Ask yourself is the information necessary and justifiable to the outcome of the assessment?
- The assessment must analyse the positive and negative factors: the potential advantages to the child of being placed with this person from within their network and the positive aspects

to their care, against any risks of vulnerabilities of the placement in promoting the safeguarding and wellbeing of the child both now and in the future.

- The process of analysis will inform and evidence the recommendation reached as to whether or not this is a potentially 'realistic option' that should be assessed further.
- Social Workers need to think about the entire audience that their written assessment document will be going to. People's information should only be shared with people who have a valid need for it. Have you told the client who will see their information? Do they consent to this or were they expecting all or some of their information to be held in confidence?
- Ensure that historic Police Operations are not specifically named as this will support maintaining anonymity; while supporting the level of concern to be acknowledged and explored.
- Where consent has not been given to share the information, despite it being relevant to the outcome of the assessment suitable redaction could occur. For Example L requested that information of a safeguarding concern regarding his care of a previous child resulting in him serving a prison sentence was not shared, the following paragraph was therefore used in the viability assessment report:

*"L has requested that full information is not detailed within this viability assessment due to protect his confidentiality, however should LS and DH seek to challenge this viability assessment then the Local Authority reserve the right to provide full information to the Court in this regard, on the basis that the information held strongly leads the Local Authority to believe that S would not be safe in the care of LS and DH".*

- When writing assessments / reports if it is not black and white or clear cut, Social Workers should ask questions / discuss it, check it out with their managers rather than make a mistake. Social Workers need to check and challenge themselves if the information they are sharing is justified, relevant and necessary.

#### **4. When the assessment is finished**

Once the assessment has been quality assured by the Team Manager a copy of the viability assessment needs to be shared with the family member / friend prior to this being filed with Legal Services. Best practice would be via a further home visit, however if this is not possible or practical then a telephone call should be made to the family member / friend to advise them of the recommendation of the viability assessment and a copy sent out in the post along with a covering letter explaining to the family member all of their options at that stage dependent upon whether the outcome of the assessment is positive or negative.

If the viability assessment outcome is negative, the Viability Assessment Outcome Letter template should be completed and sent out along with a copy of the viability assessment.

If the viability assessment is positive then the letter should explain that a full assessment will be progressed. DBS checks, SGO medicals and references should be progressed at the beginning of the full assessment due to the length of time they taken to complete and are often the main reason for delay at final Court hearings when a SGO recommendation is made by the Local Authority.

The family member / friend needs to be contacted again after they have had time to consider the assessment (within 5 working days) to determine that they consent for their viability assessment to be filed to the Court and parties. The family member / friend should be given an opportunity to explain anything that they do not agree within the report. This is the opportunity for any personal or sensitive information to be suitably redacted if the family member does not give consent to share particular personal or private information. However in relation to the main body of the assessment only factual inaccuracies should be corrected.

The final viability assessment should then be sent to legal services 3 days prior to the Court filing date confirming that the subject of the viability assessment has seen the viability assessment and gives consent to provide their information.

### Useful link

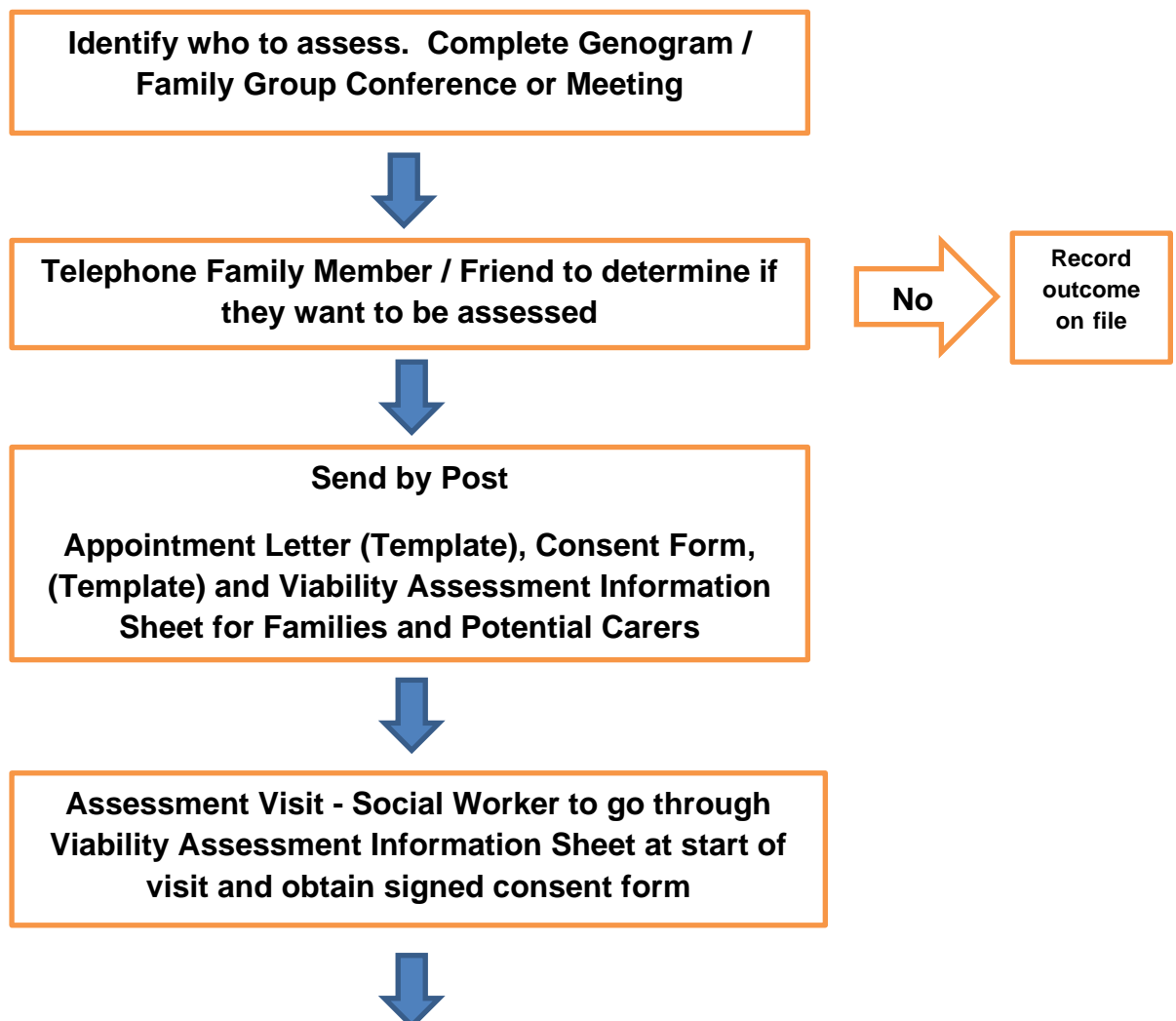
[https://www.frg.org.uk/images/Viability\\_Assessments/VIABILITY-MASTER-COPY-WHOLE-GUIDE.pdf](https://www.frg.org.uk/images/Viability_Assessments/VIABILITY-MASTER-COPY-WHOLE-GUIDE.pdf)

Developed by Family Rights Group in partnership with an expert working group. 2017

The guide sets out best practice as to how viability assessments should be conducted. It lists what factors social workers conducting the assessment need to consider, including when undertaking assessments with family members overseas. It also includes research evidence, a schedule and example template and an information sheet for a family and friends carers.

It is endorsed by the Association of Directors of Children's Services, Family Justice Council and Cafcass.

### Flow Chart



**Write Up Viability Assessment and sent to Team Manager for QA**



**Home visit to Family Member / Friend to inform of outcome of viability assessment, copy of the completed assessment and Outcome Letter shared. If home visit not possible then subject to be informed by phone and a copy of the assessment and Outcome Letter posted to them.**



**Family Member / Friend given 5 working days to consider their assessment and ask for any factual inaccuracies to be amended or sensitive information to be redacted. Consent obtained from subject to file assessment to Legal Services**



**Send to Legal Service for filing confirming the subject has given consent for their assessment to be shared.**

**Save final copy to Liquid Logic**



**If assessment positive, progress to full viability assessment.**

**Immediately commence DBS checks and progress SGO Medicals**