

**WRITTEN QUESTION TO THE MINISTER FOR CHILDREN AND HOUSING
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 12th NOVEMBER 2019**

Question

Will the Minister set out the process followed by his Department when a child is taken from their parent(s) for fostering and / or adoption (providing a flow diagram in addition to any written explanation, if possible); will he explain the rights of the parent(s) and siblings at each stage of this process; and will he set out a table showing the number of children who were removed (a) for fostering and (b) for adoption in each of the last 10 years?

Answer

The term 'looked after children' refers to all children and young people who are in the care of the Minister.

Parental Responsibility and Foster Care

A child can be placed in foster care in one of 3 ways; (i) in accordance with article 17 of the Children (Jersey) Law (the Children Law), known colloquially as voluntary accommodation, (ii) by order of the Royal Court in accordance with articles 24 (care order), 30 (interim care order) and 37 (emergency protection order) of the Children Law or (iii) by police protection powers in accordance with article 41 of the Children Law.

When a child is voluntarily accommodated, a parent with parental responsibility retains responsibility and effectively delegates care of the child to the Minister. The Minister does not acquire parental responsibility, and a parent with parental responsibility can remove the child from foster care at any time. However, a child who has reached the age of 16 and who has agreed to being provided with accommodation cannot be removed from foster care by a parent without the young person's consent.

When a child is accommodated by virtue of a care order, an interim care order or an emergency protection order a parent with parental responsibility maintains responsibility. The difference is that the Minister also acquires parental responsibility and he has the power to determine the extent to which a parent may exercise their parental responsibility but only so far as the Minister is satisfied it is necessary to do so in order to safeguard or promote the child's welfare. A parent cannot remove a child who is subject to a court order from foster care without the consent of the Minister, or by further order of the Court.

A child may be taken or kept in police protection for a maximum period of 72 hours where there is reasonable cause to believe that the child would otherwise suffer significant harm. The child may be placed in foster care for the period of the police powers but neither the Minister nor the police acquire parental responsibility. A parent may not remove the child from foster care for the period of the police powers.

Parental Responsibility and Adoption

A child can be placed for adoption with the consent of each parent with parental responsibility in accordance with Article 13 Adoption (Jersey) Law 1961 (the Adoption Law'), the consent of a mother cannot be relied upon if it is given less than 6 weeks after the birth of the child. Alternatively, the Royal Court can make a declaration freeing the child for adoption in accordance with Article 12 of the Adoption Law. These are both preliminary steps ahead of a final adoption order being granted in accordance with Article 10 of the Adoption Law. Once an adoption order is made the child is treated in law as if they were not the child of any other person other than the adopter/s.

When a child has been placed for adoption by consent and an application for an adoption order has been made, the birth parent cannot remove the child from the prospective adoptive parents care without leave of the Court. Once an adoption order has been made the adoptive parent/s acquire sole parental responsibility for the child and the parental responsibility which the birth parent had is extinguished.

When a child has been declared free for adoption the Minister acquires parental responsibility pending the adoption order being made, and the parental responsibility of the birth parent is extinguished. Once the adoption order is made the adopters acquire sole parental responsibility and the parental responsibility that the Minister had by virtue of the declaration is extinguished.

It is important to note that for matters in proceedings parents are entitled to free legal advice from a specialist panel of child care lawyers and that children are appointed a guardian and if required separate legal representation. In relation to siblings if they are part of the proceedings they would also be appointed a guardian.

When a child becomes a Looked After Child, they are allocated an Independent Reviewing Officer (IRO). The IRO's primary focus is to quality assure the **care planning and review process** for each child and to ensure that his/her current wishes and feelings are given full consideration.

Care planning and reviews are about bringing together children who are looked after, their families, carers and professionals, in order to plan for the care of the child and to review that plan on a regular basis. Effective care planning and review is underpinned by careful assessment of the needs of the child and making the right decisions about how to meet those needs.

Review meetings are carried out in line with timings specified in the Looked After Children Procedures. The first review must be held within 28 days of the date the child first becomes looked after. The second review should be no more than four months from the date when the child becomes looked after, and subsequent reviews, no more than six months after the previous one. In addition, a review must be held if there is a proposed change to the care plan. And must be held before that proposed change is implemented.

When meeting with the child before every review, the IRO is responsible for making sure that the child understands how having an advocate can help and their entitlement to one. This service is currently being commissioned to be delivered by an Independent organisation "Jersey Cares" and is expected to start delivery imminently. Until then this service can be provided by Barnardo's. In this process an advocate is someone to support children and young people in expressing their views; the word 'advocate' in this instance does not refer to a legal adviser. Children are also informed of their right to apply for a Care Order to be discharged or a Contact Order to be applied. Younger children will be advocated for by their carers.

Parents do not lose their PR at any point unless a Freeing Order is made prior to adoption.

Children have the right to ongoing contact with parents, siblings and wider family when it is in their best interest and safe for them to do so, this needs to be part of assessments before the Court.

The number of children who were removed (a) for fostering and (b) for adoption in each of the last 10 years?

We are not able to show the number of children removed for fostering in each of the past 10 years – the only historic data that we keep on children looked after is a monthly snapshot which would not include any children that started and ended a foster placement within a month (either because their looked after episode ended, or because of a placement move). Mosaic is the services electronic recording system and was implemented in late 2017, and we now have much better access to reliable data –We have shown in the table below how many children have been removed and placed in foster care in 2018 and 2019 to date. We have given numbers of children in foster placements on 31st December in each of the years below. We’ve also given the number of adoptions, per year, for the last 10 years.

Number of children becoming looked after and placed in foster placements – 2018 and 2019

In 2018, 32 children became looked after and placed in foster care, compared with 16 so far in 2019. Around 60% of these children were initially looked after on a voluntary basis under Article 17, although their legal status may have subsequently changed.

Several children were looked after for a period, later returning to live with their parents, some continue to be looked after, while a small number have since been adopted. For those returning to live with their parents, several were looked after for less than a month.

Number of children looked after in foster placements

The table below shows the total number of children looked after as an end of year snapshot, with the total number of foster placements, either with connected carers or other foster carers:

	2019 (as at 7/11/19)	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
Total number of Children Looked After on 31 st December	81	93	96	90	98	92	90	79	83	77	82	75
In Foster Care(with family and friends or other foster carers)	56	67	65	61	70	63	65	54	53	50	50	46

Number of adoptions

The table below gives the number of adoptions per year, numbers less than 5 are not provided as this would risk revealing identifiable information.

	2019 to 07/11/19	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008
<i>Number of adoptions</i>	7	5	<5	6	<5	6	5	<5	6	9	<5	5

NB children and not placements counted.

Requested Flow Charts are not currently available and will follow as soon as possible.