

Practice Note

Kinship assessment timescales: impact and practice considerations

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Introduction

Many kinship assessments are completed during public law proceedings. It is evident that some courts are still making Directions for completion of these assessments in unachievably short timescales, sometimes between six–eight weeks.

This Practice Note is written to convey with absolute clarity why 12 weeks is the minimum timescale required. It should be read by anyone involved in or who has influence over the timetabling of kinship assessments – so readers may include judges, local authority solicitors and barristers, parents’ and kinship carers’ solicitors and barristers, social workers and social work managers who give instruction to local authority solicitors and barristers, and children’s guardians. The Practice Note therefore has a mixed audience and some sections may be more relevant to some readers than others. But it provides a single document that can be read, referenced and referred to regardless of role within the family justice system.

Insufficient timescales negatively impact in various ways: on the child, on the prospective carers being assessed, and on the quality of the assessment that is relied upon to inform care planning for a child. It is likely that these unrealistically short timescales are being directed in the mistaken belief that compliance with the statutory 26-week timescale is the determinative priority in the management of a case in court.

Delay for children is always to be avoided, but nothing in the Public Law Outline (PLO), primary legislation or jurisprudence requires corners to be cut in coming to a safe, evidenced conclusion about what is in the best interests of a child and where they should live.

The context of kinship assessment practice

Kinship care is defined as any situation in which a child is raised by a family member or friend who is not their parent. The arrangement may be temporary or longer term.

The legal framework underpinning each arrangement specifies the type and level of assessment required. For children subject to public law proceedings, kinship assessments are usually directed where either a child arrangements order or a special guardianship order may be made, and/or where the child is subject to an interim care order or care order, and the carer is therefore temporarily or fully approved as a kinship foster carer. CoramBAAF publishes [Form K \(Kinship Care Assessment and Support Plan\)](#), which can be used to recommend the making of special guardianship orders, child arrangements orders or approval as a kinship foster carer. CoramBAAF recommends the minimum timescale of 12 weeks for completion of Form K.

Stepping up as a kinship carer to look after a child who can no longer live at home with either or both of their parents is often the epitome of unplanned parenthood. Kinship carers are motivated by love, commitment and sometimes a sense of familial or cultural duty. Their decision to care for a child is often made at times of family crisis, triggering heightened stress and anxiety, with little planning or preparation. They have not made a proactive choice to become a foster carer or adopter, had time to weigh up options, or think about the timing. Instead, they find themselves in a situation, not of their own choosing, but wishing to safeguard a child they love.

This propels them into a system of regulations and laws, often not designed with them in mind. They might be anxious and focused on keeping the child in the family, making it harder for them to understand local authority processes. Unlike foster carers or





adopters, they cannot select which agency or local authority to assess them. In reality, they often have little choice other than to comply with the need for an assessment, but the impact of this lack of choice and the unequal power dynamics between carer and social worker should not be underestimated.

Some kinship carers will understand why the local authority is involved with their family, and may share the concerns for the child's welfare. Others will need more time to understand the reason for the assessment and may have little information, perhaps because a parent has not been truthful with them, or only shared partial information, or as a reflection of complex family relationships.

Some carers may have had previous involvement with the local authority and may feel mistrustful of social workers. Some may not feel that the local authority sees or understands their identity needs around their faith, culture or ethnicity, and may therefore feel reluctant to engage with the assessment process.

Understandably, this creates a very different context for assessment when compared to mainstream fostering or adoption.

Impact of insufficient timescales

Voice of the child

Kinship assessments are specific to a particular child and it is essential that their voice is a golden thread throughout the assessment. Insufficient timescales impact the assessing social worker's ability to meaningfully gather the child's wishes and feelings about the kinship care arrangement, either directly or in partnership with the child's social worker. A child's voice can be amplified through direct reporting of their wishes and feelings. But assessment should also include observations of their relationship with the prospective kinship carer, both within the home if they are already living together as a temporary arrangement, or during family time/contact that should be arranged to support their building relationship and to inform the assessment. It is difficult to analyse what it means for the child to live with someone they likely already know, love and trust, which is an essential component of all good kinship assessments, without sufficient time to gather wishes and feelings and observe behaviour and communication.

Lack of preparation

Given the unplanned nature of kinship care, it is essential that prospective kinship carers have sufficient time to make life-changing decisions to care for a child. Many kinship carers find the assessment process bewildering, intrusive and traumatic, and insufficient timescales contribute to the negative assessment experience. Social work practice with kinship families should explore their unique circumstances, treat their experiences with respect and understanding, and gather and analyse the information to make recommendations about their care of a child. This needs time to build trusting relationships, and requires cultural sensitivity, and strengths-based and trauma-informed practice. This good practice is impossible if the assessment is rushed and the prospective carer feels stressed, anxious and not treated with respect.

Incomplete assessments

In some circumstances, if an assessment has been directed with insufficient time, it will be incomplete. The local authority will be required to file the incomplete assessment, setting out the gaps, and request an extension, which contributes to further delay overall.

Kinship assessment as a journey

The assessment process is a psychological journey that requires prospective kinship carers to make sudden and often significant changes to their lifestyle, life plans, family relationships and living arrangements. Over the assessment period, many kinship carers will need to move through various stages in their journey as they adjust to the reality of caring for a child, sometimes from a sense of optimism to a realisation of the impact on themselves and other family members.

Support planning

The assessment process therefore also involves planning for the future, including what support may be needed from other family members, their wider support network, the local authority and other universal services. When assessments are rushed, it undermines this ability to effectively support plan and reduces the kinship carer's trust in the local authority. This may understandably impact their willingness or readiness to accept support from the local authority in future.

High quality evidence

Kinship assessments are relied on to inform care planning decisions for a child, which enables the local authority to present well-evidenced and considered final evidence. Insufficient timescales can contribute to risk-averse assessment practice and could potentially lead to negative recommendations, if there has been insufficient time to fully explore whether support can mitigate risks and vulnerabilities. They can make it difficult to test and evidence whether there have been the required changes during the assessment process. It is common for some prospective kinship carers to struggle to fully understand the risks posed to a child or to fully recognise the harm they have experienced.



Policy context

The former President of the Family Division, Sir Andrew McFarlane, published [A View from the President's Chambers](#) in 2022, focusing on relaunching the Public Law Outline (PLO). It set out his campaign to 'exhort, require and expect every single professional, judge, magistrate or staff members in the system to get back to operating PLO in full and without exception'. He stated the need for the family court system to reconnect with the structures and aims of the PLO, 'to meet the statutory requirement of completing each public law case within 26 weeks'. He described the 'normalisation' of delay.

But there are instances where delay is appropriate. Delay caused by necessary assessments of prospective kinship carers or interim placement of a child with a proposed special guardian is both planned and purposeful delay for the longer-term benefit to the welfare of the child.

Requirements for a kinship assessment

The PLO provides a template for case management of proceedings with a view to reducing delay and bringing cases within the statutory 26-week time limit, as set out in [s.32\(1\)\(a\) of the Children Act 1989](#). It also highlights the need for early identification of prospective kinship carers before matters go to court. [Kinship Statutory Guidance 2026](#) sets out the need for family group decision-making (FGDM) prior to applications to court. [The Children's Wellbeing and Schools Act 2026](#) now makes it a legal requirement for a local authority in England to offer a FGDM meeting before making an application for a care or supervision order.

It is therefore good practice for any initial viability assessments of prospective kinship carers to be completed before the first court hearing, but this is not always able to be the case. Where possible, social workers or lawyers should speak to the prospective carer prior to the completion of an initial viability assessment to ensure they understand the process involved. It is also good practice for an initial viability assessment to be completed jointly with the child's

social worker and a social worker with kinship experience, although this is not always achievable. The combination of knowledge about a child and their needs and the understanding of the complexity of kinship care may help towards identifying (via initial viability assessment) those prospective kinship carers best placed to potentially care for a child, to avoid multiple full kinship assessments being completed unnecessarily.

Some parents struggle to share information with wider family members or provide an honest or realistic picture of the extent of the concerns about a child. Their reluctance might be a reflection of complex family relationships and/or their feelings of fear, anger, guilt or shame. From a legal perspective, social workers are limited in what information they can share without parental consent, outside of proceedings. Some family members will be actively supporting parents to make the necessary changes to safeguard a child, and therefore hoping that the child will be able to remain in the care of their parent/s. For some, it is too difficult to fully contemplate the reality of needing to care for the child, as it is only a hypothetical scenario. Therefore, to start any detailed assessment work with them as prospective carers is premature as they are often simply not ready.

If initial viability assessments are yet to be completed, the court will need to allow a minimum of two weeks for completion, in addition to the 12 weeks needed for the full kinship assessment. If the initial viability assessment involves carers living overseas, additional time may be required to allow for time differences, potential need for interpreters and translation, as well as possible technical issues with cross-border internet and telephone use.

The complexity of kinship assessments is reflected in the [2016 amendments to the Special Guardianship Regulations 2005 in England](#), and the [2018 amendments to the Special Guardianship \(Wales\) Regulations 2005](#). These make explicit the need to consider the carer's capacity to provide reparative care, the nature of their relationship with the child and their ability to care for the child throughout their minority.

The Fostering Regulations require an assessment addressing the matters set out in [Schedule 3 to the Fostering Services \(England\) Regulations 2011](#), in accordance with the statutory guidance [Assessment and Approval of Foster Carers: Amendments to the Children Act 1989 Guidance and Regulations 2013](#). They also require a report to be prepared and considered by the fostering panel before the agency decision-maker can approve them as a kinship foster carer.



Kinship assessments therefore require time to complete sufficient assessment visits/sessions to explore and analyse:

- The child's wishes and feelings – directly reported and observed.
- The nature of the prospective carer's past and current relationship with the child.
- How have the carer/s' experiences influenced the person they are now – childhood.
- How have the carer/s' experiences influenced the person they are now – adulthood and caring for children.
- Their history of adult relationships.
- How have the carer/s' experiences influenced the person they are now – adult relationships.
- How have the carer/s' experiences influenced the person they are now – education and employment.
- Their medical history.
- How will the carer/s' health and lifestyle influence their care of the child/ren?
- How will the carer/s meet the child/ren's needs throughout childhood, into young adulthood and beyond? (Including identity, social, emotional and behavioural needs, health and educational needs and safety.)
- Family relationships, both within the home and with wider family members.
- How will the carer/s' financial situation be affected by caring for the child/ren?
- How will the carer/s' housing be affected by caring for the child/ren?
- How will the carer/s' household and work commitments be managed whilst caring for the child/ren?
- How will important people in the carer/s' life and wider community be able to support them in their care of the child/ren?



Assessment must also include:

Enhanced DBS checks on all household members over 18	To identify criminal convictions, cautions and any other relevant police information disclosed.
Medical assessments on all prospective carers	Attendance at a comprehensive medical assessment, and analysis of the information by the agency medical adviser.
Local authority checks	All household members over the age of 18 years and their children, potentially from multiple local authorities.
Reading of court documents and social work files in relation to all relevant persons as well as prospective carers	Specifically, on all family members subject to proceedings, on all children of the prospective carers, on the prospective carers themselves, and of any other significant family members in the network.
Written reference from schools or nursery/childminder	For any children in the household.
Interviews with a minimum of three personal referees	To obtain their views on the carer's capacity to care for the child.
Written reference from employers	On all prospective carers.
Health and safety checks	Within the home and of any animals.

Other assessment activities may include:

Observation of contact/family time	Between the prospective carer and the child subject to proceedings.
Direct work with children of the prospective carer	To ascertain their wishes and feelings, and to assess the impact on them of a child joining the family.
Interviews with significant family members	To ascertain their wishes and feelings, and to assess the impact on them of a child joining the family.
Interviews with any significant ex-partners	To obtain their views on the carer's capacity to care for the child.

Assessment must include analysis of what support is needed and planning for how this support could be provided. Support planning should include consideration of all of the following:

- Universal support.
- The child's needs, including identity; social, emotional and behavioural needs; health; education; maintaining connections (contact and family relationships); and safety.
- The carer's needs, including family and environmental factors, finances; family relationships; and parenting capacity.
- Transfer protocol, authorisation and review frequency.

CoramBAAF recommends using [Kinship Care Assessment and Support Plan](#)

The prospective kinship carer also requires time to read and provide comments on their assessment, seek legal advice and consider the various legal options available to them if they care for the child. The CAFCASS children's guardian also needs sufficient time to meet with the prospective kinship carers and observe theirs and the child's relationship. They may want to consult with the assessing social worker in advance of reading the kinship assessment. A children's guardian will be unable to provide their final analysis about the kinship assessment unless all assessment and required checks have been completed.

Best practice guidance

In 2019, the Family Justice Council published [interim guidance](#) on best practice around the use of special guardianship orders. It referenced models of good practice for initial assessment – [Kinship Assessment Guide](#) (frg.org.uk) – and full kinship assessments – [Timescales for Full Assessment Guidance](#) (judiciary.uk). This interim guidance informed the [Best Practice Guidance on the use of special guardianship orders \(Public Law Working Group, 2020\)](#) that stated clearly for the first time the need for a 12-week timescale.

The [full guidance](#) that followed set out the following recommendations:

- *Full and comprehensive assessments are completed of prospective special guardians and sufficient time is afforded to local authorities to undertake these assessments.*
- *Where a child has not previously lived with the prospective special guardian, a child needs to be cared for on an interim basis before a special guardianship order should be made – “testing out period”.*
- *Special guardianship support plans must be comprehensive, informed by the lived experience of the child and carer and based on the assessed needs of the child and carer.*
- *Plans must include clear provisions for how a child will maintain relationships and spend time with parents (and/or other former carers), including the planning and support for any arrangements.*

In paragraph 27, it specifically states:

The issues that must be addressed in the schedule and the subsequent amendments to the schedule strongly suggest that an assessment cannot be completed without substantial time and resources.

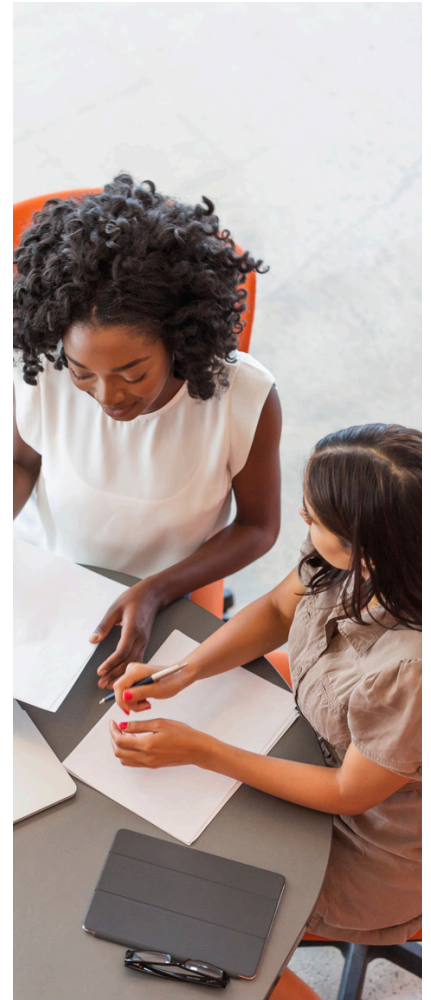
Further, in paragraph 38, it states:

Special guardianship assessments and special guardianship support plans should be robust and comprehensive and compliant with regulations. Timetabling for the provision of such assessments should be realistic to provide for this.

What should this look like in practice?

Pre-proceedings

During pre-proceedings, many practitioners will be working in partnership with parents and wider family of the child to do their best to proactively engage with the family network, to identify prospective kinship carers, including those living overseas, and start assessment work. It is good practice to involve families in family group decision-making (FGDM) throughout a child's journey from early help through to public law proceedings. Detailed FGDM practice guidance can be accessed via [Families First Partnership Programme Guide](#) or the [Knowledge Hub](#).



Suggested steps:

- Explore any potential sources of support and/or potential alternative carers with the family as soon as there are concerns about a child.
- Use FGDM, such as family group conferences and family meetings.
- Provide verbal and written information to prospective kinship carers about the initial and full assessment process, what is involved in becoming a kinship carer, and what support is available.
- Undertake initial assessment of prospective kinship carers where possible, to identify any carers needing full assessment.
- Use the initial assessment to consider whether any family members could provide immediate care, if needed, and become temporarily approved kinship foster carers under [Regulation 24 \(Care Planning, Placement and Case Review \(England\) Regulations 2010\)](#) or [Regulation 26 \(Care Planning, Placement and Case Review \(Wales\) Regulations 2015\)](#).
- Begin full kinship assessments of prospective kinship carers where possible.



Care proceedings

There will always be situations where local authorities have been unable to explore who may be best placed within a family network to provide care for a child, prior to the initiation of care proceedings, and situations where parents continue to struggle to identify potential prospective kinship carers until later in proceedings. However, this should not result in reduced timescales for assessment.

CoramBAAF is aware that courts may use other legal mechanisms to secure an interim placement, such as [s.38\(6\) of the Children Act 1989](#) or the making of an interim child arrangements order. Unless there are good reasons to do so, such approaches should not be used at the expense of providing the local authority with sufficient time and opportunity to carry out a robust and necessary initial viability assessment of potential carers.

If the kinship carer is temporarily approved as a kinship foster carer, the kinship assessment must also be presented to the fostering panel to enable the agency decision-maker to make a decision regarding their approval. Refer to [National Minimum Standards for Fostering: Implications for kinship foster care in England](#) (CoramBAAF, 2025) for further exploration of common challenges and dilemmas around the approval and review of some kinship foster carers.

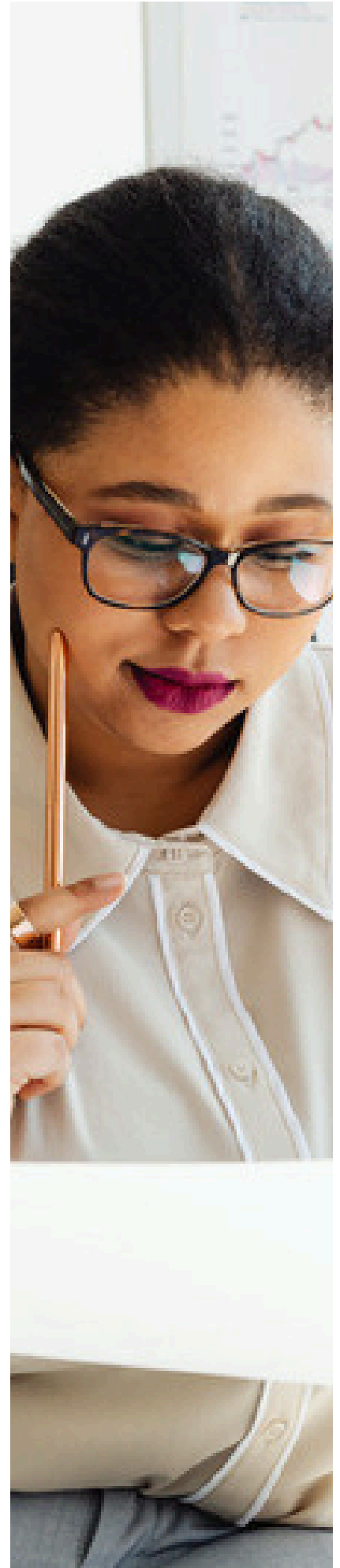
However, in many cases, it is unrealistic to expect an agency decision about a kinship foster carer within the 12-week assessment timescale, as prioritising panel deadlines may unreasonably reduce the time available to undertake a robust assessment. The court can reasonably require the agency decision either when final evidence is filed, or to be provided as an update to the court as soon as the decision is available prior to the final hearing. The court does not require the agency decision at the point at which the kinship assessment is filed.

There are other legal mechanisms available where the court determines that a child should live with a kinship carer but, for whatever reason, the carer has not yet been approved as a kinship foster carer. This is consistent with the approach endorsed in [Re T \(A Child\) \[2018\] EWCA Civ 650](#), where the Court of Appeal recognised the need for lawful interim arrangements pending completion of the fostering approval process.

The judgement in *Re T (A Child) [2018] EWCA Civ 650* highlighted that without approval as a foster carer, it would not have been lawful to place the child with the grandmother under a care order. The court emphasised the importance of pursuing the matter of the carer's suitability further with the agency decision-maker, and noted that wardship could be used exceptionally to achieve the desired outcome where other avenues were blocked. Refer to [Unlawful Placements in Kinship Care \(CoramBAAF, 2023\)](#) for further consideration of the legal mechanisms available to avoid an unlawful placement.

Less often, child-led care planning informed by the kinship assessment may also conclude that adoption by their kinship carer is in the child's best interests; this should be by way of agency adoption rather than expecting a carer to make an application for a non-agency adoption at a later stage. Approval as adopters may not be achieved within the 26-week timescale. This does not necessarily require the care proceedings to be extended, as approval as prospective adopters is not required before the making of a placement order.

If any prospective kinship carers live overseas, it is highly unlikely that assessment will be achievable within the 12 weeks, and very likely that care proceedings will also need to be extended beyond the 26 weeks.



Suggested steps to follow in addition to pre-proceedings above:

- Identify any prospective kinship carers by the date of the initial case management hearing and allow for two weeks for completion of any initial viability assessments.
- Allow 12 weeks for a full kinship assessment.
- Ensure that prospective kinship carers have access to information about the child, their needs and the concerns and risks, seeking directions to disclose relevant reports to them if needed.
- Ensure that prospective kinship carers have sufficient time to read and comment on their assessment.
- Support prospective kinship carers to access legal advice.
- Book the fostering panel, if required, after completion of the 12-week assessment.
- Agree a timeframe for a “testing out” period, where required, if the child has not lived with the prospective kinship carer.
- Agree a timescale for an updating assessment, where required, to analyse the quality of the child/carer relationship, and the care received by the child.
- Complete a fostering support plan or interim special guardianship support plan when the assessment is filed, and update as a special guardianship support plan at final evidence.



Examples of local practice

CoramBAAF is aware that some local authorities have worked with their judiciary and legal practitioners to agree local protocol on timescales. For example, Birmingham City Council and Solihull Metropolitan Borough Council have agreed a Timelines Document with the court that sets out the days and weeks of the 26-week timeframe, specifying tasks, requirements and responsibilities, including the need for two weeks for completion of any initial assessments required, and 12 weeks for completion of a kinship care assessment.

Most local courts will have a Court Users Group, which could be used as a forum to discuss and agree protocols around timescales.

Some areas have established networks for all users of the family justice system to come together to share local policy and influence good practice; for example, see [Quality Circle | Sussex Family Justice Board](#).

Conclusion

CoramBAAF supports the 26-week timeframe for care proceedings where achievable, as this promotes timely decision-making for children and their families. We are also clear that 12 weeks is the minimum timescale required to achieve an authoritative and analytical assessment of a prospective kinship carer. Assessments involving carers living overseas will almost certainly take longer.

The drive for compliance with the 26 weeks should not stop assessing social workers from having the necessary time to complete robust assessments of kinship carers, or prevent prospective carers from having the appropriate amount of time and support to prepare for a life-changing decision to care for a child. Most importantly, it must not impact on the child's voice being central to child-led care planning, where living in a kinship family can be a loving and stable outcome for many children.

**CoramBAAF recommends
using Form K - Kinship Care
Assessment and support plan**

**Scan the QR to
find out more
about form
licences**



References

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