

How do we define “visits”, “interviews” and “meetings” in relation to the law around fostering and adoption?

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The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 were introduced on 24 April 2020 and have significant implications for family placement work in England. The amendments allow flexibility in how “visits”, “interviews” and “meetings” are carried out. This brief note sets out key definitions.

In relation to undertaking visits, conducting interviews, and holding meetings, the most crucial thing is ensuring the quality of those events. This note discusses what is meant by “visits”, “interviews” and “meetings” in the context of child placement. However, compliance with the basic definition is not sufficient, and each event must meet its purpose as fully as possible. Those who are responsible for quality assurance and inspection will need to judge the extent to which this is so when “virtual” activity is used to replace traditional face-to-face activity.

Visits

The Care Planning, Placement and Case Review Regulations 2010 (as amended), and the associated guidance, set out requirements around frequency and purpose for visiting children in foster placements, but do not define the term. They do, however, make clear that the visits must take place ‘wherever he or she is living’, and so meeting elsewhere does not constitute a “visit”.

A “virtual visit” does not meet this requirement. This was evident from the temporary regulations that came into force on 24 April during the coronavirus pandemic, when specific changes were set out to allow an alternative way of “visiting”:

(1A) Any visit required by this regulation may be conducted by telephone, video-link or other electronic means.

This indicates that, in normal circumstances, the law requires that visits should be made in person to the child in the foster home. Guidance indicates that, other than in exceptional circumstances, the visit should be undertaken by the child’s allocated social worker.

Interviews

Fostering and adoption regulations require an “interview” (not a visit) with people to provide personal references for prospective foster carers and adopters. In most cases, a physical, in-person, face-to-face interview will provide the fullest information, and when considering the most sensitive and difficult issues, might be the only appropriate format for the interview.

However, sometimes referees live a long way away (including overseas) and the law does allow for the interview to be undertaken using electronic means. Video technology offers the benefits of being able to interact with the referee and pick up the cues from their body language, and is better than simply telephoning. If telephone remains the only option, there is nothing that prevents this in the legislation. In considering who are the most suitable referees, it will be necessary to consider how the interview might take place.

Meetings

Fostering and adoption panels are required to meet in order to make their recommendations, and the Care Planning, Placement and Case Review Regulations 2010 (as amended) note the potential for review meetings as part of the care planning process. In practice, meetings are also the norm in relation to reviewing the ongoing suitability of foster carers through their review process.

“Meetings” are not defined in the legislation, but can usefully be considered as an event where ‘two or more people are by some means sharing the same real time as a means of communication’. This does not prohibit the use of technology, which is increasingly becoming the norm in a variety of sectors, and it is generally accepted that video technology works better than telephone meetings. A “meeting” requires attendees to be in the same “room” – virtual or otherwise – meaning that sequential conversations, telephone calls or email correspondence is not sufficient to claim that a meeting has taken place.

Summary

The key factor that must be addressed in meeting the challenge of the above issues is ensuring that every child’s safety, welfare and needs are being fully addressed. That is the primary responsibility for every professional who works in child protection and child placement services.