

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

Paul Adams, Fostering Consultant

In relation to undertaking visits, conducting interviews, and holding meetings, the most crucial thing is ensuring the quality of those events. This brief 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. As part of those considerations, it is important to ensure that individuals or groups are not excluded because they do not have suitable equipment, or lack the skills to use these effectively.

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 [the child] is living’, and so meeting elsewhere does not constitute a “visit”. A “virtual visit” does not meet this requirement.

The Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020 (effective from 25 September 2020) allow visits to a looked after child, as required by the Care Planning, Placement and Case Review (England) Regulations 2010, to be carried out:

...over the telephone, a video link or other electronic communication methods...[but only] when it is not reasonably practicable to have a face-to-face visit otherwise for a reason relating to the incidence or transmission of coronavirus. All uses of this temporary flexibility must be recorded in individual case files. These records should include the reasons why a virtual visit was necessary, and the name of the nominated officer consulted.

The Fostering Services statutory guidance requires ‘regular visits to the foster carer’, but the Adoption and Children (Coronavirus) (Amendment) (No2) Regulations 2020 make no mention of how these might take place during the coronavirus pandemic. This is considered in the CoramBAAF document, *Supervisory and Assessment Visits to Foster Carer Households*.

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 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, and how identity might be verified.

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.