

**Report by the Local Government and Social Care  
Ombudsman**

**Investigation into a complaint against  
East Riding of Yorkshire Council  
(reference number: 17 003 962)**

**15 April 2019**

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## The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

### Key to names used

Mr and Mrs X	The complainants
Child B	Foster child
Child C	Foster child
Dr S	Consultant Clinical Psychologist
The IRO	Independent Reviewing Officer
The LADO	The Local Authority Designated Officer

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## Report summary

### Child protection and adoption

The complainants allege the Council wrongly removed two foster children from their care who they had told the Council they wished to adopt.

### Finding

Fault causing injustice and recommendations made.

### Recommendations

To remedy the injustice to Mr and Mrs X and to Child B and Child C, the Council should within three months from the date of this report:

- apologise in writing to Mr and Mrs X for the faults which we have identified;
- consider issuing a qualifying determination stating the Council's reasons for not approving Mr and Mrs X as prospective adopters so that they can challenge this through the Independent Review Mechanism;
- pay Mr and Mrs X £5,000 for their avoidable distress. This is more than we might normally recommend for avoidable distress. But we are satisfied that the Council's faults caused a significant injustice and there is nothing we can recommend which can make up for the loss of a family life which Mr and Mrs X had so wanted;
- pay Mr and Mrs X £500 for their time and trouble in pursuing the complaint. This is more than we might recommend because they had to go to some length to have their complaints considered properly;
- place a copy of this report on Mr and Mrs X's foster/adoption files so that, if they apply to another adoption agency, the new agency will have access to the information in this report;
- in recognition of the potential harm to the children by the Council's actions, it should set aside £2,000 for each child in a savings account for when older;
- place a copy of this report on Child B and Child C's social care files so that, when older and, if the children request access to their files, they can see the efforts which Mr and Mrs X made to pursue their concerns about the children's removal in addition to their clear wish for the children to have remained with them long term. While the Council has parental responsibility for the children, it will be for it to decide about when and what parts of the report the children can see. But these decisions must be made in conjunction with the Independent Reviewing Officer (IRO);
- ensure that IROs are, in future, actively involved and consulted when there is to be a significant change to a looked after child's care plan and ensure that social work staff follow the requirements to hold a 'looked after' child review when making significant decisions unless there is a safeguarding issue requiring immediate removal of a child;
- report back on the Council's review of its foster care procedures and its training regarding record keeping.

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## **The complaint**

1. Mr and Mrs X were foster parents for an independent fostering agency which we call Agency Z. They cared for two young children, Child B and Child C. The children had lived with Mr and Mrs X for nearly three years and Mr and Mrs X had formally written to the Council, two years after the placement had begun, giving notice of their intention to adopt the children. Mr and Mrs X complain that the Council, without justified reason or notice, decided to remove the children from their care.
2. In addition, Mr and Mrs X say that the Council breached the statutory requirements of the *Care Planning, Placement and Case Review Regulations and Guidance 2010* and it told the children wrongly that the complainants had gone on holiday to explain why they had not picked up the children from school as normal.
3. If the Council had given them notice of the children's removal from their care, Mr and Mrs X would have attempted to stop the removal through a legal challenge. It would then have been for the Court to decide on the best interests of the children. Mr and Mrs X say the Council destroyed their hopes of the children living with them permanently and its actions caused, and will cause, long term harm to the children.

## **The Ombudsman's role and powers**

4. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
5. In addition to Mr and Mrs X's complaint, we exercised our discretion under section 26(D). This enables us to investigate matters coming to our attention, during an investigation, if we consider that a member of the public, who has not complained, may have suffered an injustice as a result. (*Local Government Act 1974, section 26D and 34E, as amended*).
6. Such a decision has not required the children to be involved in our investigation; only that the Council provided an update and evidence of their current emotional state and the care plan for them.

## **How we considered this complaint**

7. We issued a confidential draft of this report to both the Council and to the complainants and to those interviewed. While the Council accepted the faults identified, it maintained that it had made the right decision in the best interests of the children.
8. We have produced this report following the examination of documents provided by the Council and the complainants.
9. We have interviewed the Independent Reviewing Officer (IRO). The IRO had overall responsibility for ensuring the Council acted in the best interests of the children. She was also responsible for chairing the statutory 'looked after children' (LAC)'s reviews.

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10. We spoke on the telephone to the Consultant Clinical Psychologist from an Adoption Support Agency, who we refer to as Dr S. She had been asked by the Council to prepare an assessment of the children's adoptive support needs.
  11. We have spoken to Mr and Mrs X on the telephone and to the Head of Children Services about the investigation process. We wrote to the Assistant Manager of Agency Z to obtain his comments and these have been considered. We have received additional information from two officers who have now left the Council's employment; the Head of Service and the Service Manager for Safeguarding.
  12. Under the information sharing agreement between the Local Government Ombudsman and the Office for Standards in Education, Children's Services and Skills (Ofsted), we will share the final decision statement with Ofsted.

## **Legal and administrative arrangements**

13. In considering this complaint, we have considered the following guidance relevant at the time.
  - The *National Fostering Minimum Standards 2011* says investigations into allegations against carers should be carried out quickly and should provide protection to the child but also support to the person subject to the investigation. Foster carers should be told in writing about allegations against them and given information about the timescale for completing the investigation.
  - Standard 22.10 says, "*Fostering services should ensure that a clear distinction is made between investigation into allegations of harm and discussions over standards of care.*"
  - Section 22(4) of the *Children Act 1989* states that, before making any decision with respect of a child, a local authority shall, as far as is practicable, ascertain the wishes and feelings of the child, his parents and any other person whose wishes and feelings the authority considers relevant.
  - The *Children Act 1989: Care Planning, Placement and Case Review Regulations 2010 (the Regulations)*, updated in 2015, states that, where the council proposes to end a placement, it may only do so following a review of the child's case. But it does not need to do this if there is an immediate risk of significant harm to the child. The review provides an opportunity to consider also what, if any, support or services could be provided to avoid the need to terminate the placement.
  - The *Children Act 1989* Guidance, in relation to fostering services, also states children should not be removed, unless there has been a statutory review, and the move should be properly planned.
  - *Regulation 14* requires a local authority, as far as is reasonably practicable, to give written notification of the intention to terminate a placement to the person with whom the child is placed, unless there is an immediate risk of significant harm, and to inform the IRO.
  - *Working Together to Safeguard Children, 2013* sets out how councils should deal with child protection concerns.
  - The Council's Guidance to its social workers about care planning and averting foster placement disruptions states that the children's social worker and fostering social worker should be alert to the signs that indicate the placement

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is in difficulty. Consideration should be given to the provision of additional support to avert a disruption.

- The Independent Reviewing Officers' Handbook 2011 sets out the IRO's duties to safeguard and promote a child's best interests who is in the council's care.
- The *Adoption and Children Act 2002* and the *Adoption Agencies Regulations 2005* says that, a decision, at a child's statutory review, that adoption is appropriate is the first of many steps in the adoption process. Councils will need to complete a Child Permanence Report and medical reports to present to an adoption panel and the agency decision maker will need to reach a decision after this. Section 22 (1) of the *Adoption and Children Act 2002* states a local authority must apply for a Placement Order if the authority is satisfied that the child ought to be placed for adoption.
- If a child has been living with a foster carer for over a year, and a council does not support adoption, the foster carer can submit, under section 44 of the *Adoption and Children Act 2002*, a Notice of Intention to Apply for an Adoption Order (the Notice). This Notice must be issued to the council three months before a foster carer makes an Adoption Order application in Court. This is to give councils time to decide whether adoption is appropriate for the child.
- Where a local authority receives a Notice of intention from foster carers, if adoption is already the plan and the local authority considers the foster carers may be suitable, the foster carers can be assessed using the fast track assessment procedure.
- If a council does not support adoption, the foster carer can still make an application to Court for an Adoption Order. This is referred to as a 'non-agency' application.
- Once the Adoption Order application has been filed at Court, the child may not be removed without the permission of the Court. The Court would appoint a Guardian to advise it about the child's best long-term interests.
- Since 2012, the Government has set requirements for adoption assessments and planning for adoption placements, seeking to reduce delay and advising that adoption placements must seek to meet most, if not all of, a child's needs.
- The *Adoption Support Regulations 2002* requires councils to consider what additional support an adoptive parent may require to maintain the placement.
- If a council has investigated a complaint under the *Children Act 1989* statutory complaint procedure, we would not normally re-investigate it unless we consider that the investigation was flawed. However, we may look at whether a council properly considered the findings and recommendations of the independent investigation.

### **What happened**

14. The Council had concerns about the care provided by the birth parents to Child B and Child C. It started care proceedings and the then Agency Decision Maker ratified the Adoption Panel's recommendation for adoption. However, the Court did not agree, at this stage, with the care plan and the children were returned to the parents' care.
15. Two years later, the children were again taken into care and there were further care proceedings. The Family Court granted Care Orders to the Council for both children with a view to adoption. The children became 'looked after' by the

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- Council which meant the Council shared parental responsibility with the birth parents and had specific duties to safeguard and promote the children's welfare. The Council placed them with Mr and Mrs X as an emergency placement.
16. Mr and Mrs X described them as two traumatised, scared anxious children. The Council had not applied for a Placement Order, at the same time as a Care Order, which would have given the Council permission to place both children for adoption without returning to Court. In later legal proceedings, the Judge stated the children had had a 'horrid' life and "*were to a considerable degree unmanageable*".
  17. A Play Therapist started to work with the children. Her report stated that both children presented extreme behaviours and they were highly dysregulated in all aspects of their behaviour. The Play Therapist noted significant differences in the behaviours of the children. One child had self-harming behaviours and was physically harmful to the carers and at times displayed overtly sexualised behaviour. The other presented as cut off emotionally, hypervigilant and watchful.
  18. After nine months in Mr and Mrs X's care, they say the Council wanted to move the children to in-house foster carers who Mr and Mrs X say were only respite carers and therefore the children would have to move again. They raised concerns that this was not in the children's interests. The Council agreed and the children remained.
  19. After a year of therapy, the Play Therapist noted improvements in both children's presentation and stated that Mr and Mrs X displayed exceptional commitment and the children had started to be able to give and receive affection and were developing trust in their relationship with Mr and Mrs X. The Council's then Permanence Panel considered the case and agreed, in principle, a proposed financial package to support an adoptive placement with Mr and Mrs X.

#### **Mr and Mrs X's Notice to adopt**

20. After two years of the children being placed with them, the Council considered the two options of either the children remaining with the complainants as a long term fostering placement at a cost of £1,755 a week (this included the fee the Council had to pay to Agency Z) or as an adoptive placement at a cost of £650 a week with the additional cost of therapeutic support. The then Head of Service agreed the second option. The Head says that the Council was keen to achieve permanency for the children but this would only be if adoption was agreed.
21. On receipt of this written confirmation about the proposed adoption support package, Mr and Mrs X wrote to the Council formally expressing their interest in adopting the children. The complainants thanked the Council for agreeing to financial support through to the children's adulthood but they noted there were points of renegotiation. The Council acknowledged the complainants' Notice and told them that colleagues would be in touch to progress their application.
22. In accordance with adoption procedure, the Council's Consultant Paediatrician undertook an adoption medical on both children. She stated: "*I would wholeheartedly second this plan. Mr and Mrs X have given consistent, nurturing, empathic care to the two [children], who have made great progress whilst living with them. Given all the traumas suffered in the past, plus the number of carers the [children] have already had, the prospect of further trauma of separation from their carers would not be advisable*".
23. At this stage, the current support package included play therapy, one weekend in a month "short break" with other carers, a support worker for three hours after

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School and one to one support in School. The Consultant Paediatrician noted that: *“the [children] are likely to have extra needs well into the future and the adoptive parents will require a great deal of support ... I would advise that a post adoption support care plan be written and all the current support continued for the foreseeable future”*.

24. Subsequently, at a meeting, referred to as a Linking meeting, it was noted Child C had a Statement of special educational needs and had one to one support at School; Child B was in the process of being assessed. The children’s Social Worker noted that the children’s relationship with Mr and Mrs X was wholly appropriate, both had developed a strong bond with the children. Regarding potential difficulties, it was noted Mrs X could be anxious and her strong personality could lead to conflict with other professionals at times. The Adoption Social Worker, who had prepared a brief report, stated that the children had built up trust with the complainants and to move them would be detrimental. It was reported by the Play Therapist that these *“children were the most damaged children she had ever seen and they will need considerable therapeutic interventions”*.
25. It was agreed by all at this meeting that, among other things, Mr and Mrs X would be assessed as prospective adopters for the children, that the Council would apply for a Placement Order, the children’s Social Worker would complete the children’s Permanence Reports (he said that he was in the process of updating these) and an adoption social worker should be allocated to complete the prospective adopters’ report. It was noted that the matter would be considered by the Agency Decision Maker the following month although it is not clear whether this happened.
26. The Head of Service says that this was not an agreement that the children would be adopted by Mr and Mrs X. But Mr and Mrs X say that they had understood that the placement changed, at this point, to an adoptive one awaiting assessment as did the IRO.
27. After the Linking meeting, the Council says that the children’s Social Worker started to raise concern with his Manager (the LAC Team Manager) about the complainants’ ability to manage the children’s behaviour, that they were not making the progress which would be expected in a long-term placement and the complainants were asking for a considerable support package.
28. The Council therefore approached a local Adoption Support Agency for an assessment of the children’s adoption needs. The Consultant Clinical Psychologist, Dr S, was appointed to undertake this assessment.
29. The Council arranged a meeting with Dr S before the assessment. The Council officers explained to Dr S that they had concerns about the children’s placement with Mr and Mrs X and concerns about the level of support they were requesting. The Council was therefore anxious about proceeding with adoption.
30. Dr S considered the Council was also worried that the information, which Mr and Mrs X would provide about the children, would be inaccurate. The Council had wanted Dr S to see the children at their School and not with Mr and Mrs X. Dr S explained that this would not be possible and, in any event, the school holidays were about to begin, which would have delayed her assessment.
31. Dr S felt that the Council wanted to give her a 'flavour' of the case. The Council also had some concern about the success of the current therapy which was being provided and which the Council considered expensive.

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### **Dr S's assessments**

32. Dr S saw the children and Mr and Mrs X. The conclusions were that Child B and Child C should stay together, that there was evidence Child B had made a lot of progress and viewed Mr and Mrs X as their parents. In respect of Child C, Dr S stated Child C was a complex child who would need an intense level of intervention to help her manage. Dr S recommended that the Council were a part of the adoption plan to ensure that Child C's needs were monitored by a multidisciplinary team of professionals. Dr S also recommended significant therapy packages for both children and regular support for the carers linked to the children's therapy. Mr and Mrs X wrote to the Council agreeing to Dr S's recommendations regarding therapy.

### **Events after Dr S's assessments**

33. The Council allowed the children to attend Mr and Mrs X's wedding. The Council says that the impact of the carers' wedding was considered as part of the care planning process and the carers knew that they had not been formally approved as the children's 'forever family'. The Council was not aware that vows were made by Mr and Mrs X to be good parents to Child B and Child C. The Council permitted Mr and Mrs X to go on holiday for two weeks abroad with the children.
34. The children's School sent feedback for Mr and Mrs X's annual review: the School reported that Mr and Mrs X were always professional, the children were happy in their placement and Mr and Mrs X were positive in meetings about the children. No concerns were raised by the School. However, the Council says that subsequently the School did report concerns but this was after the children had been removed.
35. The Adoption Manager arranged a meeting. At this meeting, Mr and Mrs X say that they were assured that the children would be staying with them permanently, albeit there were a few further questions regarding therapy that needed to be clarified by Dr S. The IRO told them that there was to be a meeting to better understand Dr S's report about the type of therapy which would best benefit the children.
36. There was a LAC review, chaired by the IRO. There was no representation from the School and no concerns were raised from any professional. The recommendation of the LAC review remained adoption to start as soon as possible. The IRO raised concerns with managers about the delay in undertaking an adoption assessment through the IRO dispute resolution process.

### **Events leading to the children's removal**

37. Once back at School, Mrs X raised a concern about the continued cessation of therapy for both children. Mrs X says that the therapy stopped during the summer holidays to give the children time to process information. Mr and Mrs X raised concern about the potential safeguarding issues that could arise from stopping the therapy. Mrs X explained that it was a recognised need stipulated by the professionals and under the direction of the Council's Consultant Paediatrician. Mrs X said that they needed this extra help to manage the children's behaviours.
38. In response to Mrs X's concerns about the lack of therapy, the LAC Team Manager emailed Mrs X expressing concern about the content of Mrs X's email and said this had led her (the LAC Team Manager) to question the suitability of the placement. At a meeting with Agency Z's fostering Social Worker, Mrs X raised concern about the delay in carrying out the adoption assessments and stated that, if necessary, they would make a private application to adopt. Mrs X

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- stated the children often asked what was happening. The fostering Social Worker reassured Mrs X that the issue was about how best to meet the children's therapeutic needs.
39. It was at this point the Assistant Manager of Agency Z became involved. He says that the concerns from the Council were about the escalating need for support services and the cost of provision. His concern was that the placement was almost running as a residential unit, with the care being provided by the support workers, and this was not normalising the lives of the children. Mr and Mrs X say that there was only one support worker in the home, after School, supporting Mrs X when Mr X was away at work. Further, the Assistant Manager of Agency Z did not know the family.
  40. A month before the children were removed, Mrs X told Agency Z that she had taken Child C to the General Practitioner (GP) because of a serious self-harming incident. Mrs X explained she was extremely worried about how they could keep the child safe and she had enquired from the GP about therapy for Child C. The children's Social Worker raised a concern that Mrs X had chosen to attend the GP rather than contact him or the fostering Social Worker. Mr and Mrs X say that the Council was aware of Child C's self-harming behaviours and that there had been a regression since the return to School which the complainants thought was because the therapy had not been reinstated.
  41. The LAC Team Manager emailed Mrs X saying: *"You have spoken about how you can keep Child C safe...this is of grave concern to me and the email is making me ask questions about your ability to keep Child C and yourselves safe...this could generate a s47 investigation [child protection investigation]."* Mrs X replied: *"We just wanted some advice at this very difficult time and it was also the advice of Dr S that we needed more training with regards to assisting Child C when she is in crisis...Child C needs access to mental health professional treatment ...not a move of placement and we need your support in achieving this"*.
  42. The fostering Social Worker emailed the Council to say that, in response to Mrs X's email, Agency Z needed to decide what further training the adults needed and to look at the triggers for the outbursts from Child C. Mrs X subsequently emailed the IRO raising a concern that a s47 investigation might be commenced.
  43. One week later, Mrs X received a telephone call from the Assistant Manager of Agency Z informing her that she had potentially breached confidentiality but no details were provided to her. The Assistant Manager told her that he had informed the Local Authority Designated Officer (LADO), who is responsible for investigating allegations against professionals working with children. The breach of confidentiality was in relation to Mrs X sharing Dr S's report with the children's Play Therapist and the Assistant Manager of Agency Z says it was also shared with the GP.
  44. The Assistant Manager of Agency Z visited Mrs X. Mrs X says that she found the Assistant Manager to be quite intimidating; the Assistant Manager says he found Mrs X quite defensive. The Assistant Manager emailed the next day, apologising if his approach had been unhelpful. He stated that *"it is felt that the [children] in your care are provided for very well and the placement is seen as beneficial to them both"*. The Assistant Manager noted that they required additional support and that communication between agencies may not have been the best by all parties. He said that he would arrange further visits to discuss the issues and to plan for the future.

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45. The fostering Social Worker completed the annual foster review of Mr and Mrs X. No concerns were raised in her report. However, the Assistant Manager of Agency Z emailed the children's Social Worker, raising a concern about Mr and Mrs X's ability to work 'within frameworks' and that they manipulated professionals by contacting several people and then denying that they had done so. The complainants were not aware of his email, at the time, until it was disclosed under their subject access request a year after the children had been removed. The children's Social Worker emailed Mr and Mrs X to postpone his routine meeting with them. He did not raise any concerns with them about their care. Mr and Mrs X say that, if he was so concerned about the placement, he should not have postponed his statutory visit.
46. The children's Social Worker did subsequently visit Mr and Mrs X. They raised concerns about the children's challenging behaviours and the lack of support. The Social Worker explained that a consultation for them with the Child and Adolescent Mental Health Service (CAMHS) was being arranged and there would be discussions with Dr S about the necessary support and therapy required.

### **Professionals' meeting at the Council offices**

47. A day after the children's Social Worker visited Mr and Mrs X, a meeting took place at the Council's offices. This was attended by the Adoption Manager, the children's Social Worker, the LAC Team Manager and the Area Manager. There were two representatives from the children's School and the Assistant Manager of Agency Z. In addition, there was a legal advisor. There were no formal minutes taken at the time of the meeting. But there are two references made to this meeting; one was a case note made by the children's Social Worker; the other is a 'note' made by the legal advisor. The Stage 2 Investigating Officer noted that the concerns raised were contrary to the many positive comments made previously by the professionals
48. The Investigating Officer, as part of her complaint investigation, has stated that the note of the meeting recorded 39 points, some of which were concerns about Mr and Mrs X's ability to manage the children long term, that Mrs X had expressed concern about the children's aggressive and disturbed behaviour, that the complainants were struggling to manage their own safety and the welfare of the children and there had been an escalation in the behaviours of one of the children. The Assistant Manager of Agency Z said that "*there is a real issue about communication*" and that, during his involvement over the past month there were "*significant issues with the placement which need addressing...and that the placement operates as a small children's home given the number of people involved in the care, rather than as a foster placement*". He said that the complainants were very difficult to manage and consideration was being given to de-register them as foster carers. Mr and Mrs X say he never discussed these concerns directly with them and his correspondence to them was only complimentary of their care.
49. The children's Social Worker believed that Mr and Mrs X wanted to adopt the children but they expected the Council to support them financially. The Adoption Manager said that he would not assess them as prospective adoptive parents. There was also concern about one of the children's self-harm.
50. There was no recommendation from the professionals' meeting that the issues should be shared with Mr and Mrs X. The recommendation was that there should be consultation with the Council's senior management.

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51. The Council says that the concerns of the LAC Team Manager and the children's Social Worker had reached a point where they considered guidance from senior management was required. But the Council has accepted that the LAC Team Manager should have taken responsibility for ensuring that there was a proper record of who said what at the professionals' meeting, particularly given the absence of any specific child protection concerns. The Council accepts that the note of the meeting was inadequate given it marked such a turning point in the case.
52. After this meeting, it was decided to discuss the case with the Service Manager for Safeguarding. The Assistant Manager of Agency Z also attended this meeting. There are no records of what was discussed, but the Service Manager agreed to seek legal advice, although it is not clear whether she did. The children's Social Worker visited an alternative foster placement as a 'contingency'. The Assistant Manager of Agency Z emailed the Council saying that he had left the meeting with the clear view that a placement move was being considered.
53. The next day, a meeting took place with the Service Manager and the IRO's colleagues regarding the delay in proceeding with the care plan for adoption. The IRO's colleagues were told the Council was considering removing the children. The Stage 2 Investigating Officer's report says that the IRO was told the dispute resolution could not be resolved because the Council was considering the viability of the placement. The IRO told the Investigating Officer that she believed, in terms of good practice, that either a LAC review or a child protection investigation was required, before there was a change to the care plan. The IRO says that she was not involved in the subsequent meetings and she was not aware of them until after the children had been removed.
54. Mr and Mrs X say that they believe that the Council made the decision to remove the children at the meeting with the Service Manager and the Assistant Manager of Agency Z.

#### **Events after this meeting**

55. The Assistant Manager of Agency Z wrote to the Council's senior managers confirming concern about the viability of the placement and that Mr and Mrs X run their home as a 'mini residential unit'. This was a reference to the fact that Mr and Mrs X had support workers attending the home to help with the children. Mr and Mrs X say that both children had one to one and two to one support at their School.

#### **Second professionals' meeting**

56. The Council invited Mr and Mrs X to a second professionals' meeting. They thought that this was to discuss the proposed therapy plan. But they had misread the time of the meeting and subsequently telephoned the LAC Team Manager to explain this. Mr and Mrs X were unaware of the purpose of the meeting or that the Assistant Manager of Agency Z had raised concerns about the placement. They had understood that he would be discussing further issues with them but they had thought this was about the communication between the professionals, not about placement concerns.
57. The meeting was chaired by the Service Manager (the Chair). In attendance was the Adoption Social Worker, the Adoption Manager, the children's Social Worker, the LAC Team Manager, the LAC Area Manager and Dr S. The fostering Social Worker and the Assistant Manager of Agency Z sent their apologies as did Mr and Mrs X.

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58. The Chair explained that, until recently, the children's behaviours had been seen through the eyes of Mr and Mrs X. The Chair stated that *"despite a significant amount of input the situation has spiralled and is now said to be out of control"*. She said that Dr S had been asked to assess Mr and Mrs X as adoptive carers and the meeting was to discuss the points raised in her assessment report.
59. On balance, Dr S concluded that adoption and working with Mr and Mrs X was the preferred option and she says that she made this clear at the meeting.
60. The Chair says that Dr S said that, if adoption went ahead, it was likely to break down. Dr S also stated that, if the Council decided to end the placement, she would not recommend notice is given to Mr and Mrs X because of the risk of disagreements which would not be in the children's best interests.
61. The Council says that the meeting stopped while a telephone call was made to Mr and Mrs X to see if they would be attending. The LAC Team Manager recorded that Mrs X had broken down in tears on the telephone and said that they could not continue with the placement in the current circumstances. The LAC Team Manager reported this to the meeting and that this was a calculated move to put pressure on the Council to agree the adoption support package.
62. Mr and Mrs X say that there was no such telephone conversation. Mrs X says that she had telephoned earlier that day to apologise that she could not attend.
63. The meeting resumed but without Dr S. It concluded that: *"carers could not be given notice; the placement with Mr and Mrs X were exacerbating Child B and Child C's situation; that Dr S had put a contrasting choice to the Council which was that Child B and Child C were adopted by their carers or were removed"*.
64. The children's Social Worker stated that Mr and Mrs X *"did not work collaboratively with professionals in the interests of the children so to continue with the placement is not an option"*. The Service Manager stated that the placement had served to *"further damage"* the children and the Council must learn lessons to inform matching process.
65. The Service Manager says that, from her recollection, Dr S was commissioned to undertake an assessment to consider whether the care plan for the children, being adoption at the time, remained appropriate and whether the best interests of the children were that they remained together in the same placement. The purpose of the meeting was not to consider terminating the placement but the suitability of the agreed plan.
66. The Service Manager states that Dr S *"was clearly of the opinion that adoption was not in the best interest of the children and this she shared with Mr and Mrs X"*. The Service Manager says that discussions did take place regarding the number of carers being employed by the complainants and that this potentially could affect the children's ability to attach to them. There were also concerns that the children's behaviours, which Mr and Mrs X described at home, were not witnessed by the professionals involved and concerns about the working relationship between Mr and Mrs X and the Council. The Service Manager says the decision to remove the children, without notice, was *"based very clearly on Dr S's advice"*.
67. The Council decided to remove the children for safeguarding reasons and not to give Mr and Mrs X notice of its intentions. The Council, in response to our enquiries, says that the safeguarding concern was that Mr and Mrs X run their home like a mini residential unit but this is a single comment by one professional and there was also evidence about the ongoing concerns for the children
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throughout the placement. The Chair says that the issue of multiple carers had implications for the children's attachment to their primary carers and the concerns for the children were about their emotional health not an incident based issue.

### **Subsequent events**

68. The Assistant Manager of Agency Z wrote to the social care professionals stating: *"I am concerned that decisions were made last week and we had a clear plan but we are not following through on it and safeguarding was the focus for removal"*. He later wrote: *"I would normally be looking to pull together a disruption meeting...but as we have already escalated past that level due to last week's meeting and decisions with Senior Staff ... this would not be worthwhile"*.
69. The children's Social Worker went to the children's School to collect them and the Council placed them with other foster carers where they have since remained.
70. On the same day, the LAC Team Manager and the fostering Social Worker visited Mr and Mrs X to tell them of the decision to remove the children. They were told that there were 'safeguarding concerns'. Mr and Mrs X say the officers were not able to detail exactly what the safeguarding issues were. They were distraught and they could not understand why such a decision had been made.

### **The IRO's views**

71. During the IRO's last visit to Child B and Child C (five weeks before their removal), when they were still living with Mr and Mrs X, she did not report any concerns about Mr and Mrs X's care and she noted some progress with the children's development. The children did not display any behaviours or make any comment that indicated they wished to be moved. The IRO says that they regarded the placement with Mr and Mrs X as their home.
72. The IRO says that one of the difficulties was the way professionals interpreted Mr and Mrs X's emails. However, the IRO was not made aware of the information from the Assistant Manager of Agency Z and she learned about the decision to remove the children after the event. The IRO was concerned that there had not been an investigation into the alleged safeguarding concerns. When asked if she would have supported a decision to remove, the IRO said only if there had been an investigation into the alleged concerns which had substantiated those concerns.
73. The IRO says that it was not recorded on the children's electronic records who had made the decision to remove. The IRO says that she relied on these records for information. It was difficult, therefore, to work out the rationale for the decisions which senior management had made.

### **Events after the children's removal**

74. Mr and Mrs X subsequently took legal proceedings alleging the Council had breached their human rights and they applied for contact. The Court ordered regular contact between Mr and Mrs X and the children. They saw the children once after this. The Council's records show that the children asked to be returned to the care of Mr and Mrs X. The Council says that the contact ordered was to facilitate ongoing assessments and, in any event, the complainants withdrew their application to have the children returned. Mr and Mrs X explain that they could not afford to continue with their legal action.
75. It was later recommended that direct contact should not be pursued because of the children's lack of emotional resilience and because it would be difficult to restore a trusting relationship between Mr and Mrs X and the Council.

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76. Mr and Mrs X accepted this and instead the parties agreed that they should have indirect contact with the children. Mr and Mrs X requested the Council to continue with the assessment of their suitability to adopt. There were further delays and Mr and Mrs X submitted an application to Court to adopt. The Council did not support the application. Their application could not proceed further.
  77. The LADO emailed the Assistant Manager of Agency Z about his request for a meeting. The LADO stated that the concerns expressed did not identify any clear threshold for LADO involvement and there was no corroboration of any safeguarding issues, more anecdotal evidence.
  78. The Council's care plan for the children changed from adoption to long term fostering.

### **The Council's consideration of Mr and Mrs X's complaint**

79. Mr and Mrs X complained to the Council about the removal of the children from their care. The Council considered the complaint under the *Children Act 1989* statutory complaints procedure, a three-stage process. At the third stage of the complaint procedure, the Review Panel considered the Stage 2 report was inadequate because the Investigating Officer had not interviewed key personnel.
80. The Review Panel recommended the Investigating Officer should interview the Designated Doctor for looked after children, the Manager and fostering Social Worker from Agency Z, the IRO, the children's Play Therapist (so to clarify if the children's Social Worker had stopped the therapy and why) and a School representative because the School had sent an unsigned document to a professionals' meeting raising concerns but which were at variance with what the School had reported earlier. The letter could not subsequently be found.
81. The School and the fostering Social Worker from Agency Z declined to be interviewed.
82. The Assistant Manager of Agency Z provided information to the Investigating Officer explaining that, in his view, Mr and Mrs X were requesting an unprecedented support package and that they talked about the negatives of the children.
83. The Stage 2 Investigating Officer changed her original decisions in the light of the further information she had obtained and she upheld the following complaints (we paraphrase):
  - that there had been no safeguarding concerns identified and no formal child protection investigation;
  - that the Council failed to provide feedback to the complainants after the professionals' meetings and that there was no transparency in its decision making;
  - that not all the necessary professionals had attended the meeting where it had been decided to remove the children;
  - that comments made by the children's Social Worker at the professionals' meetings were stronger than he had raised with the complainants;
  - notes of important meetings were not made and so there was no evidence to back up the Council's allegations and case records did not reflect the alleged concerns;

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- that no evidence existed from the School prior to the decision to remove and that there was no evidence of Mr and Mrs X being unable to accept professional advice, as alleged;
  - that the Council's decision makers failed to weigh in the balance the length of time the children had been with Mr and Mrs X, the previous positive comments made about their care of the children and the harm which would be caused to them by disrupting the placement;
  - that the Council had not followed correct procedures (*Care Planning, Placement and Case Review Regulations*); and
  - that the minutes of the final meeting were written after the decision to remove the children, without notice, had been made and were an after-the-fact rationalisation to justify the Council's actions rather than a genuine reflection of what was discussed and agreed at the time.
84. The Stage 2 Investigating Officer recommended that the Council reviewed its social work practice and its procedure for foster carers wishing to adopt. The Review Panel decided that, overall, poor communication was a recurrent theme, that professionals failed to pull together until the months prior to removal and that they had failed to be transparent with Mr and Mrs X. But the Review Panel concluded that the Council had acted in the best interests of the children although provided no reasons for concluding this.
85. Mr and Mrs X considered that the Council failed to consider sufficiently the avoidable harm and distress to them, and to the children, by the Council's accepted faults. They therefore complained to us.

### **Dr S's comments**

86. Dr S thought the Council had taken her observations as a criticism of Mr and Mrs X rather than an observation which would be helpful to the success of future therapy. She says that the Council had a fairly biased approach against Mr and Mrs X, in any event, and may have wanted to end the placement. So, the Council looked for the alleged 'criticisms' in her assessments to justify its decision making and overlooked the positive comments. Dr S says that she supported the adoption while also recognising the potential difficulties. But she said a therapeutic programme could help with these.
87. Dr S says that she had been expecting the last professionals' meeting, which she attended with Council officers, to be about the commissioning of therapy for the family. But the tone of the meeting was very different and she was taken aback. Dr S felt that the Council had made up its mind and was disappointed with her report, wanting her to come out against adoption. Dr S says that she felt somewhat 'attacked' by the Council at the meeting. She sensed that the Council wanted to end the placement. All she had said is that, if the Council decided to remove the children, it would not be in their interests to be subjected to legal wrangling and that is why she felt removal without notice was preferable.
88. Dr S had seen the minutes of this meeting but not what had been recorded after she had left the meeting. Dr S says that she had not implied that the placement with Mr and Mrs X had exacerbated Child B and Child C's situation. Moreover, she did not consider the fact the children's behaviours might have been 'easier' outside the home setting as a poor reflection on Mr and Mrs X's care.
89. Dr S says that the Council may well have quoted 'snippets' of her reports. It was the case that other professionals sometimes misquoted, or took out of context,

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her observations. Dr S thought that the Council had felt that Mr and Mrs X had gained a lot of control.

### **Assessment of Mr and Mrs X's suitability to adopt**

90. This was completed by the Adoption Manager some 18 months after the children had been removed. He relied extensively on Dr S's comments and he did not discuss the report with Mr and Mrs X or seek their views. He concluded that the children should remain with their current foster carers. The Adoption Manager concluded that Mr and Mrs X were not suitable to adopt the children.
91. Mr and Mrs X referred this recently to the Independent Review Mechanism which is able to consider appeals against such decisions. But the Independent Review Mechanism has said to Mr and Mrs X that there is no qualifying determination from the Council and therefore it cannot consider this matter.

### **The Council's comments**

92. The Council accepts that the case recording does not make explicit the concerns or what would have happened if the Council had not taken action. The Council refers to the excessive amount of support required by Mr and Mrs X to look after Child B and Child C. The lack of a single event meant that there was no obvious point in the placement to say 'enough'.
93. The Council says that the LAC Team Manager's email expressing concern about the content of Mr and Mrs X's email is evidence that they had been informed of the professionals' concerns at the time.
94. The Council says it did not require a child protection concern for it to decide to remove the children. The Council had responsibility for the children's best interests and, under a Care Order, had the authority to remove the children, without notice, if in their best interests to do so. The Council says it was incumbent on Mr and Mrs X to work with the Council's care plan whether, or not, it fitted with their personal wishes for the children.
95. The Council accepts that there were faults in its social work process but it maintains that decisions were made in the children's best interests. It wishes to seek a conclusion to this complaint that ensures some closure for Mr and Mrs X; ensures that there is recognition that the children's best interests remained the key priority for all; recognises that the right decisions were made but they were delivered and communicated poorly and which also recognises that the children are now doing well.
96. In addition, the Council says there have been significant changes to practice which will prevent a recurrence of the faults identified. In addition, the Council is undertaking a review of the case and this will be presented to the Safeguarding Children Board Learning Lessons group. The Council has also commissioned a review by an external specialist to deliver communication and recording workshops to all social care staff and managers.
97. The Council says that the children, who have now been with their foster carers for four years, are doing very well in their current foster placement and are attached to their carers. The Council's Permanence Panel has approved the placement as a long term fostering placement for the children.

### **Mr and Mrs X's comments**

98. Mr and Mrs X say that the purpose of their email approaches to the Council was to obtain appropriate support and provision for Child B and Child C as part of their adoption application. They wanted to adopt the children and they believed that the

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Council had fully supported this. They were particularly concerned about the loss of the previous therapy and they had noticed a deterioration in the children as a result, one of them becoming overtly sexualised. Mr and Mrs X had not wavered in their commitment to the children, despite the challenges of their behaviours.

99. Mr and Mrs X say that it is ironic that the Council had approved the children being a significant part of their wedding and holiday afterwards yet two months later removed them from their care without notice.
100. Mr and Mrs X say most of their complaints have been upheld but the Council has failed to consider the impact on them and that its actions have “*destroyed their lives*”. The Council has offered no appropriate remedy besides £200.
101. Further, because of the Council’s actions, their fostering agency, Agency Z, sought to deregister them as foster carers. However, the Independent Review Mechanism found that they were exemplary carers and by a majority of five to one recommended that they were suitable to foster. Agency Z refused to accept this recommendation. Mr X also had to refer himself to his professional body because he works in a caring profession and has to be registered.
102. In addition to their own avoidable distress and grief, Mr and Mrs X say that Child B and Child C have suffered because of the Council’s actions. As children, who had already suffered significant harm and had been removed from their birth family, the ending of the placement with them would have, and will cause, both children further harm. This is because they will feel that Mr and Mrs X abandoned them and this will further dent their ability to trust adults.
103. Mr and Mrs X say that the children were told wrongly that they had gone on holiday. They say the Council accepts that this is what the children were told and they say that the Council has not, to date, some four years later, corrected the children’s understanding of why they had been moved.

## **Analysis**

104. Once the Council told Mr and Mrs X about what it could offer as an adoption support package, they submitted their Notice to Adopt. At the subsequent Linking meeting, the Council decided that adoption should be the care plan for Child B and Child C and it would apply for a Placement Order and proceed with the necessary adoption assessments.
105. Over the following 12 months, however, the Council says that the children’s Social Worker raised concerns about the placement with his Manager. The Stage 2 Investigating Officer concluded that there was no evidence of any explicit conversation having taken place with Mr and Mrs X about these concerns and their perceived significance. The plan for adoption stalled and the care planning drifted despite the IRO’s challenges about this.
106. Our focus is whether there is fault in the Council’s decision-making process to remove the children without notice. We have been particularly mindful of the findings made at the second and third stage of the statutory complaints process, and note the Council has already accepted fault in its social work practice, some of which are included in our findings below.
107. We find fault as follows:
  - There was unreasonable delay in starting the necessary adoption assessments of Mr and Mrs X, despite the IRO raising concerns about this and the care plan at the time being that the children should be adopted. We cannot see any

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reason why the children's Social Worker did not complete the necessary Child Permanence Reports and he and the LAC Team Manager should have been honest with the complainants and the IRO about any concerns.

- The Council failed to apply for a Placement Order, once it had agreed at the Linking meeting that adoption was right for the children, contrary to the *Adoption and Children Act 2002*.
- It is a basic tenet of good social work practice, and endorsed by the Family Courts, that councils must be able to prove what they allege when making key welfare decisions in the best interests of children. However, the Council and the Assistant Manager of Agency Z have both accepted their records did not fully express their concerns and that there were, also, positive reports.
- There was no discussion about how the Council might have been able to avert a disruption of the placement in accordance with its own guidance and in the knowledge that disruptions of placements, unless essential, are rarely in a child's best interests.
- The decision to remove was significant and it required careful balancing of the evidence to support such a decision and consideration of the advantages and disadvantages of such action. Senior social work managers have failed to show how they weighed in the balance all the available evidence, including the length of time the children had been with Mr and Mrs X, the previous positive comments and the possible harm to the children by disrupting the placement.
- The decision to remove also meant that the Council would have to consider whether a change in its original care plan would be required; from adoption to long term fostering. The Council must have known that it would be unlikely to find adoptive parents after it ended the placement with Mr and Mrs X.
- Some of the comments expressed by the social workers, at the last professionals' meeting, are concerning. For example:
  - the statement that placements with foster carers, who then adopt, end in breakdown, was a generalisation without evidence;
  - that the placement with Mr and Mrs X had further damaged the children was without evidence and contradicted previous reports;
  - the Council's interpretation of some of Dr S's comments were misleading and it confused her observations as criticisms of Mr and Mrs X and it used snippets from her report to justify its decisions. The summing up of Dr S's comments, at the end of the second professionals' meeting, did not reflect accurately what she had said. We also do not accept, in light of Dr S's evidence, that she recommended adoption should not proceed or that the children should be removed, as the Service Manager implies.
- Based on Agency Z's Assistant Manager's emails to the Council, we also consider that the decision to remove the children had been indicated earlier than the Council has said and, short of the decision being confirmed, had been made around a week earlier. This view is endorsed by Dr S.
- The decision to remove did not follow the legal requirements or the statutory guidance in that the Council should have called a statutory LAC review, chaired by the IRO, so that she could represent the wishes of the children and so that the views of a wider audience, including that of the Consultant Pediatrician, were considered before making such a significant decision. This was not an emergency situation so the Council had the time to arrange this.

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- In accordance with legal requirements, the Council should have given notice in writing to Mr and Mrs X of its intention to remove the children. Had they been told, in all likelihood, they would have submitted an adoption application and/or sought to prevent removal.
  - Having decided that senior management would make the decision without resorting to the LAC review process, the Council then failed to involve the IRO in the decision-making process. The IRO's role is to protect and promote the best interests of the children. This is not possible if the IRO is not involved in the way guidance requires.
  - Senior Managers failed to make proper records of their key decisions and instead provided explanations for their decisions after the event, which lacked supporting evidence.
  - The Council failed to be transparent with Mr and Mrs X and, besides the email from the children Social Worker's Manager indicating a possible s47 investigation, they were not told of the ongoing concerns by the children's Social Worker and they did not therefore have an opportunity to provide a response or alternative explanation. This meant the Council's decisions were being made based on partial information.
  - Suggestions of removal were first raised by the Assistant Manager of Agency Z, not by the Council. There was little challenge by the Council of the Assistant Manager's comments or a request for his evidence to support his alleged concerns. As the LADO highlighted, much of his evidence was anecdotal and did not reach a threshold requiring a LADO investigation.
  - Child B and Child C were children with additional needs which, if they had been adopted, would have entitled them to a support package which may have been extensive. The fact that Mr and Mrs X were receiving and asking for considerable input to assist in caring for them should not have been viewed negatively.
  - Moreover, Mr and Mrs X had thought the therapeutic input to the children had ceased on a temporary basis. Without this therapeutic help, they say that they noticed a deterioration in the children's behaviors and, anxious to halt this, they were clear to the Council that, to care for the children successfully, support was required. From Mr and Mrs X's perspective, they were advocating in the children's best interests. However, the Council wrongly considered that they were controlling and possibly manipulating the situation.
  - In respect of the statutory complaint process, Mr and Mrs X asked to put this on hold until the request for their records was completed. That was a reasonable request and delayed the complaint investigation. However, the first Stage 2 report failed to interview key personnel and this unduly delayed the complaints process.
  - We also consider the Stage 3 Review Panel failed to provide reasons for why they decided the Council had acted in the children's best interests. Given the weight of evidence to the contrary, we do not consider the Panel's decision on this aspect was sound or took proper account of the fact that the IRO, who knew the children well and was responsible for promoting their welfare, had been excluded from the Council's decision-making process and that the decision had been made outside the statutory framework. We therefore disagree with the Panel's conclusions and do not consider the Council properly weighed in the balance all the available evidence when deciding it was in the

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children's best interests to remove them from a placement, where they had been for nearly three years and which the IRO has stated they regarded as their home.

## **Injustice**

108. We have to consider whether, but for the Council's faults, there might have been a different outcome.
109. We are satisfied that, had the Council told Mr and Mrs X of its intention to remove, they would have, on the balance of probability, sought legal advice and submitted a non-agency adoption application to the Court. In those circumstances, the children could have only been removed with the Court's permission. The failure to notify the complainants, therefore, denied Mr and Mrs X the opportunity to challenge this decision via a Court prior to removal. While this legal challenge may have been difficult for the children, it would have meant that an independent body, the Family Court, would have considered what was in their best interests, and a Guardian would have been appointed to advise the Court, before a significant change was made in the children's living arrangements and care plan.
110. Moreover, had the decision to remove been made in consultation with a wider group, the outcome may have been different. This is in view of the many positive reports about Mr and Mrs X, the fact the nebulous child protection concerns were not properly investigated or evidenced (as confirmed by the Stage 2 Investigating Officer) and did not meet the threshold for a LADO investigation. Additionally, there was a failure to involve the Consultant Paediatrician and the IRO, who both supported the placement, and the recommendation from Dr S that adoption with support was the preferred option, meant the Council's decision did not take account of information from key professionals.
111. The Council also failed to consider that Mr and Mrs X had expressed an interest in adopting the children in the knowledge of the children's difficulties and with the experience of dealing with them. So, they were making a fully informed decision and were not naïve about the task ahead.
112. Mr and Mrs X therefore lost opportunities to challenge the care planning for Child B and Child C and this, in turn, denied them the opportunity to have the children live with them permanently as they wanted. That is a significant loss. It is hard to quantify the injustice but it is severe and there is now no possibility of putting the complainants back in the position they would have been but for the Council's faults.
113. In respect of Child B and Child C's injustice, the Council considers that, because they are now well settled in an alternative foster placement, long term, this supports its view that its decisions were made in the children's best interests. We are pleased that the children are settled in their current placement and have now been there for nearly four years. But, at the time the Council made its decision to remove, it would not have known how any future placement would work out and, even now, it is not possible for either the Council or us to predict its long-term success throughout the children's childhood.
114. It is speculative to say the placement with Mr and Mrs X would either have remained long term or would have broken down, as the Council believed would have happened. Achieving permanency for the children was a key consideration for the Council and, while there were discussions among the social workers about the viability of the placement long term, there were equally many positive reports

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about the placement and about Mr and Mrs X's commitment to the children. Decisions were made about the children's future without the normal checks and balances through the statutory review process and IRO involvement.

115. We cannot say that, had the children remained with Mr and Mrs X, the Court would have made adoption orders. And only time will tell whether the children will remain in the same foster placement throughout their childhood and achieve the permanency and stability which might have been afforded them by remaining with Mr and Mrs X. But, on the balance of probability, had due process been followed, we are satisfied that the complainants would have legally challenged the plan to remove the children and this would have given the children an opportunity to voice their wishes through an independent assessment by a Court. The children, when older, may wonder therefore whether they were denied this opportunity to have a say in matters which directly affected them. That is an injustice to them.
116. Given the range of other aggravating factors, it would be difficult for us to conclude that these events would be causal in any long-term difficulties the children may now face or face when older, albeit, they might well be contributory. However, we can say that there is evidence that their sudden removal caused them a significant and avoidable trauma, as well as the loss of opportunity around the potential adoptive placement with Mr and Mrs X, and this may have long term adverse consequences for them.

### **Recommended actions**

117. To remedy the injustice caused to Mr and Mrs X and to Child B and Child C, the Council should within three months from the date of this report:
- apologise in writing to Mr and Mrs X for the faults which we have identified;
  - consider issuing a qualifying determination stating the Council's reasons for not approving Mr and Mrs X as prospective adopters so that they can challenge this through the Independent Review Mechanism;
  - pay Mr and Mrs X £5000 for their avoidable distress. This is more than what we might normally recommend for avoidable distress. But we are satisfied that the Council's faults caused a significant injustice and there is nothing we can recommend which can make up for the loss of a family life which Mr and Mrs X had so wanted;
  - pay Mr and Mrs X £500 for their time and trouble in pursuing the complaint. This is more than we might usually recommend because they had to go to some length to have their complaints considered properly;
  - put a copy of this report on Mr and Mrs X's foster/adoption files so that, if they apply to another adoption agency, the new agency will have access to the information in this report;
  - in recognition of the potential harm to the children by the Council's actions, it should set aside £2,000 for each child in a savings account for when older;
  - place a copy of this report on Child B and Child C's social care files so that, when older and, if the children request access to their files, they can see the efforts which Mr and Mrs X made to pursue their concerns about the children's removal in addition to their clear wish for the children to have remained with them long term. While the Council has parental responsibility for the children, it will be for it to decide about when and what parts of the report the children can see. But these decisions must be made in conjunction with the IRO;

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- ensure that IROs are, in future, actively involved and consulted when there is to be a significant change to a looked after child's care plan and ensure that social work staff follow the requirements to hold a LAC review when making significant decisions unless there is a safeguarding issue requiring immediate removal of a child;
  - report back on the Council's review of its foster care procedures and its training regarding record keeping.
118. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriate delegated Committee of elected members and we will require evidence of this.