Permanency Strategy

Supporting you to make a difference

Children & Families Services

Sept 2019

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Supporting you to make a difference

Staffordshire County Council

SCC Permanency strategy doc
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Introduction

The Children Act (1989) Guidance and Regulations sets out the clear expectation that Local Authorities should, wherever necessary, secure permanent care arrangements for children in their care. This was strengthened in the regulations, where achieving permanence for every child must be a key consideration from the day a child becomes looked after (Care Planning Placement and Case Review (England) Regulations 2010, revised 2015).

This strategy sets out how Staffordshire County Council will ensure that a permanence philosophy is embedded into our practice, and where children are at the centre of the planning process. The strategy outlines our commitment to ensuring that children who come into our care go on to have secure, stable and loving homes that support them through childhood and beyond. The strategy links to, and should be read alongside, other associated Children & Families policies and procedures in respect of care planning for our looked after children.

It is not possible to take a systemic or holistic approach to permanency planning without recognising that children’s needs change over time. We recognise that the strategies and plans which set out the support for children, families and carers must work together to address the needs of those children who come into our care throughout their childhood and on into adulthood.

Our strategic approach is informed and supported by the following: ‘Connected Staffordshire’, Staffordshire County Council’s Strategic Plan (2018-2022); Children’s Social Care Services’ Business & Improvement Plan (2019/20), SCC ‘Corporate Parenting Strategy’ 2016/19, and SCC Looked After Children ‘Sufficiency Strategy’ (2018-19).

The evidence from the Looked After Children Sufficiency Needs Analysis identified the following key areas for further analysis and development in Staffordshire:

- Continued research and analysis to deepen our understanding of the causes of placement breakdowns
- Increasing the number, and an improvement in the timeliness of children moving from care to permanence, through adoption, special guardianship, or long-term fostering
- A greater placement choice, improved matching and enhanced stability for children requiring permanent care
- Further improving the quality and availability of high-quality residential care to meet the complex needs of those children and young people whose needs are best met in these settings
- Further developing effective mechanisms for all young people to feel valued and listened to and have their wishes and feelings considered
- Early responsive support for all children and young people in their placements at a level that is sufficient to achieve good outcomes and avoid placement disruption
- Supporting families to prevent the need for children coming into care, wherever possible. In order to maintain children living with their families, resources will also be focused on prevention and early intervention.
- An increase in the availability of adopters from minority ethnic backgrounds.
- Increasing the number of suitable adopters for older children, sibling groups and children with additional needs

• An increase in the availability of adopters from minority ethnic backgrounds.
• Increasing the number of suitable adopters for older children, sibling groups and children with additional needs
• The development of tracking tools and an integrated approach to how data is collated and managed across the child’s journey through the system

• The development of effective commissioning in order to improve placement choice, improve placement stability and support between Looked After Children’s services and targeted and universal provision.

A continuing focus upon these issues remains critical in order to ensure that Staffordshire has a flexible, dynamic, needs-led, whole system approach to permanency policy and planning. Through continuous improvement we will maintain an approach that is fit for purpose and holds the child at the centre of the journey through what are often complex and multi-layered systems and processes.
Permanence, in the context of children’s social work, is defined as a framework of emotional permanence (attachment), physical permanence (stability) and legal permanence (in respect of who discharges parental responsibility) which gives a child a sense of security, continuity, commitment and identity. Permanence provides an underpinning framework for all social work with children and families - from family support, through to adoption.
Principles for Permanence

- Where children are not able to live with their birth parents, every consideration will be given to securing their permanent care within their family and friends’ network and with support from the Local Authority.

- To achieve their full potential, children will be placed with carers who support them to feel secure and cared for, and the opportunity to be happy and better able to achieve their goals and aspirations.

- Care planning will focus on achieving enduring, stable, caring and nurturing home-lives for all children in Staffordshire’s care.

- Permanency planning will be child-focused. Where conflict arises between the wishes of the parent(s) and the needs of the child, the child’s needs will be paramount.

- Where a child is Looked After, contact and family time will be actively promoted and supported, unless there are clear reasons why this is not in their best interests.

- Decisions about the permanent placement of children will consider and respect the child’s age, disability, gender, race, religion or belief, and sexuality.

- Children will be consulted with sensitively and in ways that are appropriate for their age and understanding, throughout the care planning process. Their wishes and feelings will be properly considered in relation to decisions about their care, and we will ensure that the burden of decision-making does not fall inappropriately upon them.

- When seeking permanent or long-term family placements for Looked After Children, we will aim, wherever possible, to keep siblings together where this is consistent with children’s welfare and best interests. Plans to separate siblings will only be considered in exceptional circumstances, where the need has been clearly evidenced.

- Wherever siblings must be placed separately, good quality contact/family time will be promoted by their care-givers, wherever this is in the children’s best interests.

- Every child will have support and services available to meet their assessed needs. Support will be provided to promote life-story work and assist children to understand and explore their histories and identities in sensitive and age appropriate ways.

- Every looked after child will receive information about how to make complaints or representations, and how to access advocacy services.

- Every child will have an agreed written permanence plan in place at the 2nd Statutory Looked After Child Review in accordance with the Care Planning Placement and Case Review (England) Regulations 2010 (amended 2015) and the Adoption and Children Act (2002).

- Systems for assessment, planning, intervention and review, will be robust, legally compliant, timely and informed by best practice and research.
Most children will have their need for stability and nurturing met by their birth parent(s) and will not require support from, or come to the attention of, Local Authority Children’s Services.

Where families require additional support, Staffordshire County Council (Children’s Social Care) Services will endeavor to provide the right assistance to help them to maintain the care of their children, wherever this is in their child’s best interests.

Where children do become Looked After by the Local Authority, the following options for permanence must be fully considered:

- To remain with, or **return to their birth parent(s)**
- To live with a **connected person** (close to the child) by virtue of a Special Guardianship Order, or Child Arrangement Order
- To be **long-term fostered** by a family
- To be **adopted** into an alternative family.

For a variety of reasons, it may not be possible for some Looked After Children to secure any of the above outcomes. The specific reasons for this may be complex and varied, and should only be agreed following careful assessment, management endorsement and a rigorous review; all of which must place the child’s best interests at the centre of decision-making. In such circumstances, care planning will be driven by the pursuit of achieving enduring stability for the child/young person.

A long-term fostering placement is defined as one where the child has a clear sense of stability and belonging and the carers expect the child to be part of their family into adulthood. The child’s primary attachments will be within the foster family, despite the potential for ongoing contact with birth family members.

Long-term fostering arrangements for children under the age of 15 years will be formally matched at a ‘Best Interest Panel’ (BIP) and agreed by all relevant parties with input from the professionals involved with the child and their foster carers. For older children, this decision will be formally agreed through the Statutory Review of the child’s care plan. In all cases, the child, their foster carers, the birth family and the Local Authority will share an expectation about the permanence of the arrangement and provide a commitment to support and maintain an enduring, nurturing and caring home environment. Wherever possible, the plan for children in long-term fostering placements should be made with a view to securing their legal permanency, by virtue of a Special Guardianship Order (SGO) at the appropriate time.

Special Guardianship provides an alternative legal status for children, and provides greater security than long term fostering, but without the absolute legal severance from the birth family that stems from an Adoption Order. It is a legal route to permanence for children for whom adoption is not appropriate.
Planning for Permanence and Stability

The objective of planning for permanence is to ensure that all children have a secure, stable and loving family to support them through childhood and beyond; and to give them a sense of security, continuity, commitment, identity and belonging. Plan for permanency should begin well before a child becomes looked after, informing early help and targeted support for families.

For Looked After Children, there is a legal requirement to have an up to date care plan. The minimum statutory requirements for the review of the care plan are set down in the Care Planning Regulations (2010), revised 2015. The 1st Looked After Review should take place within 20 working days of the child coming into care. The child’s second review should take place no later than three months after the first. Reviews are then held at intervals of no more than six months for as long as the child remains looked after.

The Care Planning Regulations 2010/2015 and the Adoption and Children Act 2002 require there to be a written permanence plan presented to the 2nd statutory Review (i.e. within four months of becoming looked after). The Permanency Plan will identify the appropriate option (or options depending upon the stage reached in any care proceedings) for the child and will be formally endorsed at this review. Responsibilities for implementing the plan, and actions contained within it, will be clearly attributed with clear timescales for outcomes. The plan will also include evidence of contingency arrangements.

The Permanency Plan will be made available, and updated, at each subsequent review. The Independent Reviewing Officer (IRO) will be informed by the child’s Social Worker of any changes to the Care Plan and any significant events in the child’s life, between reviews.

Particular attention to permanency planning will need to be paid at the 1st and 2nd Review to children accommodated under S20 Children Act (1989), given that the Local Authority will not hold parental responsibility. In these circumstances, legal advice should be considered, prior to the 2nd Review.

Where a looked after child is placed with a birth parent under Part IV of the Children Act (1989), every effort should be made to secure legal permanence though a clear exit plan which supports the discharge of the Care Order within a given timescale (usually a maximum of 12 months). In some cases, a supervision order may be appropriate.

In a small minority of cases, it may be appropriate to retain a Care Order in respect of a child placed with parents for longer than 12 months due to episodic lapses (e.g. recurring mental health issues or alcohol related relapses). This will mean that parental responsibility for the child will continue to be shared.
In cases where it is determined at the 2nd Statutory Review that permanence cannot be achieved by the return of a looked after child to their birth parents or to family and friends, then alternative permanency options, including adoption, must be considered, having clearly evidenced why all other options are not suitable. This may require multi-track planning.

Where the plan for the child is adoption, there will be robust evidence addressing all realistic options for securing permanence and security for the child, via other options. The evidence will contain an analysis of the arguments for and against all these options, along with a fully reasoned recommendation. Before deciding to grant an Adoption Order the court must be satisfied that adoption is the only option available to secure the long-term welfare of the child.

There may be some older looked after children who are settled and placed with long-term foster carers who, for whatever reason, are reluctant to pursue legal permanence for the child/ren through special guardianship or adoption. In such cases, so long as such a plan is agreed as being in the child’s best interests, such arrangements should be supported to achieve stability. This will require the approval of the Best Interest Panel (BIP); however, the possibility of securing legal permanence in the future must be kept under review.

For a small minority of looked after children, placement within a residential or specialist educational setting will be the appropriate setting to ensure that their needs are best met. For some older children these settings provide the right environment to meet their needs into adulthood. In other circumstances, this will be a time-limited arrangement to address specific needs and issues at a particular point in a child’s life. The arrangements for every child living in these settings will be kept under careful review through the care planning and review process.
Multi-Track Planning

Where care proceedings have been initiated, and there are concerns regarding the suitability of the child being able to return to his/her birth family, contingency plans will be put in place to avoid delay and to provide the court with a clear plan.

Multi-track planning in this context refers to a situation where two or more plans run in parallel. In such cases, the focus will be upon rehabilitation home but, at the same time, a parallel plan or plans (e.g. placement with family/friends and/or adoption) will be established in order to achieve an alternative permanent placement, if rehabilitation is unsuccessful. Multi-track planning does not pre-empt the court decision but does prevent delay when reunification is not feasible.

Birth parents will always be informed from the outset that two or more options are under consideration within a strictly controlled timescale and that the primacy of the rehabilitation plan must also be stressed. Only in exceptional circumstances would it not be appropriate to formulate multi-track plans for children.

An example of where exceptional circumstances may apply would be where the Local Authority is considering placing a child in a fostering for adoption placement. Fostering for adoption is a national approach to avoid delay and unnecessary placement moves for younger children. In Staffordshire, it applies where the Local Authority is very clear it has sufficient, robust and recent evidence to show that all alternatives, other than adoption, are not suitable to meet a child’s long-term permanency needs. While care proceedings will still need to fully test the Local Authority’s evidence, the law allows for approved adopters to also be approved as temporary foster carers, for named child, from the outset.

On entering care, the child is placed with the prospective adopters as a temporary fostering arrangement, in advance of the court deciding whether to make a placement order. The usual legal and panel processes still need to be pursued but in the meantime the child is in a secure and stable family that may well become their permanent adoptive family.

Where the weight of facts and concerns confirm that the Local Authority’s Care Plan needs to propose legal permanence outside the birth family, the Care Plan will need to reflect this by ensuring that it clearly states a strong evidence base, robust social work analysis, and a discussion of options with a fully reasoned recommendation (see page 8, Planning for Permanence and Stability).
Family and Friends and Connected Persons

Family and friends’ care will often provide an important alternative route to permanence for a child, particularly where this can be supported by a child arrangements’ order, a special guardianship order, long-term fostering, or through adoption.

Family and friends carers are usually motivated to provide care for a child out of loyalty to their relationship with the child. They often have to respond to an emergency without a significant opportunity to plan ahead for the impact it will have on them. They may also have to make life changing decisions such as giving up jobs, in order to respond to the needs of the child(ren).

Because of these factors, it is vitally important that the assessment process provided an opportunity for families to fully think through all the implications of their decision.

Our policies and practice will be guided by the principle that support should be based on the needs of the child rather than focusing on the child’s legal status. All support should seek to ensure that family and friends carers (whether or not they are approved foster carers) are provided with the right assistance to ensure that children do not become or remain looked after by the Local Authority for any longer than is absolutely necessary.

The placement of a child on a temporary basis with family, friends and connected persons does not imply this is a suitable permanence solution. When we place children on a temporary basis, we must be satisfied that this option is a suitable means to safeguard and promote the child’s welfare and that the circumstances are such that the arrangement cannot wait until the full fostering approval process can be completed. In these circumstances, a separate assessment, carefully considering the long-term implications for permanence, must be undertaken.

Where there is reasonable doubt, from the onset, that the proposed carer will not be able to meet the expectations required to meet approval under the Fostering Regulations (2011), preference will be given to an existing approved carer while the assessment of suitability is undertaken. In cases involving children who are privately fostered, the assessment and planning process should also keep the issue of legal permanence at the centre. These arrangements will be of a temporary nature. It is just as important for children in these arrangements to have a plan to secure permanent and stable care.

Where informal arrangements have been agreed we recognise that families may require support for a child’s permanence to be secured. This support may take the form of advice, guidance, or in exceptional circumstances, provision of financial support as a single or recurring payment.
Adoption is the most secure and permanent way of providing a new family for children who cannot be brought up by their own parents. It is a legal procedure in which all parental responsibility is transferred from birth parents to adopters. Once an adoption order has been granted it cannot be reversed, except in extremely rare circumstances. An adopted child therefore, loses all legal ties with their birth family.

Children will either be relinquished for adoption, or a placement order will be secured through the court at the conclusion of care proceedings. The court will seek clear evidence that all other options to secure the child’s legal permanence have been considered, and why they have been ruled out. Every child, whose care plan is adoption, must have this confirmed by the Agency Decision-Maker.

Careful consideration will be given to matching appropriate children with approved adopters, based on the child’s level of assessed needs and the skills and attributes of the adoptive parents to meet these needs. Matches are also presented to the Adoption Panel for a recommendation and the final decision rests with the Agency Decision-Maker.

Introductions of the child and family are carefully planned at an appropriate pace for the child. The child must live with the adopters for a minimum of 10 weeks before an application for an adoption order can be made to the court. Birth parents can refuse to give consent to the making of the adoption order and courts have powers to dispense with consent at this stage.

It is common for there to be an exchange of written information between the adoptive family and the child’s birth family, perhaps once or twice a year, via the Adoption Agency. There may also be arrangements in place for direct contact with various members of the birth family, including grandparents and siblings. Sometimes, there will also be direct contact with birth parents, if this is best for the child.

Most adopted children are curious about their origins. Since 1975 adopted people in England have the right to see their original birth certificate at the age of 18. Some people are satisfied with the fuller knowledge and understanding gained in this way, while others want to try to trace their birth parents, or other family members.
Accommodated/Section 20
An accommodated child is looked after under Section 20 of the Children Act (1989). This is a voluntary arrangement between the Local Authority and the parents (or the young person if they are aged over 16). Under these arrangements, parents retain parental responsibility.

Adoption
Adoption is a way of providing a new family for children who cannot be brought up by their own parents. It is a legal procedure in which all parental responsibility is transferred to the adoptive parent/s. Once an adoption order has been granted it cannot be reversed. An adopted child loses all legal ties with their birth parents and becomes a full member of the new family, usually taking the family's name.

Agency Decision Maker
The Adoption Agency Decision-Maker is the senior manager within the Local Authority who is responsible for the decision about whether a child is suitable to be placed for adoption before they can put this to court as the final care plan and issue an application for a placement order, in relation to a specific child.

The Agency Decision-Maker also considers recommendations from the Adoption Panel in relation to:

a. The suitability of prospective adoptive applicants to adopt.

b. Whether a relinquished baby or child is suitable to be placed for adoption and there is no application for a placement order.

c. Whether a child should be placed for adoption with prospective adopters.

Best Interest Panel (BIP)
The Best Interest Panel meets to ensure that children under the age of 15, with a plan of long term fostering, achieve permanency without delay. The panel reviews the proposed match of children with carer(s) who can meet their physical, emotional, educational and social needs, throughout their childhood and beyond. A long-term foster placement provides the child with a clear message that their carer(s) are committed to them throughout the rest of their childhood and into adulthood.

Care Order
A care order gives the Local Authority parental responsibility which is shared with the parent, but the Local Authority decides to what extent the parents can exercise that responsibility. Children can live at home when they are subject to a care order, where they are placed under the Placement with Parents Regulations (2010).

Care Plan
The Care Plan records information which will help the child, parent, or the child’s carer(s) understand why decisions have been or are being made. The Care Plan should set out:

- Information about the long-term plan for the child, including timescales (the Permanence Plan)

- Arrangements to meet the child’s needs in line with the child’s developmental needs domain of the Assessment Framework, including arrangements for contact with siblings, parents and anyone else with parental responsibility.
Child Arrangements Orders

The Children and Families Act (2014) introduced child arrangements orders, replacing residence and contact orders. Under Section 8(1) of the Children Act (1989), as amended, a child arrangements’ order is one that regulates arrangements relating to any of the following:

a. With whom a child is to live, spend time or otherwise have contact; or

b. When a child is to live, spend time or otherwise have contact with any person.

These provisions came into force in April 2014.

Statutory Looked After Child Review

The statutory Looked After Child Review is the formal mechanism by which the child’s Care Plan is reviewed and if necessary, changed. Reviewing must be understood as a flexible process that will vary in relation to each child. It will be for the Independent Reviewing Officer (IRO) and the child’s Social Worker, in consultation with the child, to agree the best way to manage the process for each child before each review. Any significant change to a child’s care plan must be agreed at a review, unless this is practically not possible (in which case a review should be convened as soon as possible). Each review should consider the following issues in relation to the Care Plan:

- whether to confirm or change it
- what actions need to be taken to implement it
- by whom; and
- within what timescale

Independent Reviewing Officer (IRO)

The primary task of the Independent Reviewing Officer (IRO) is to ensure that the child’s Care Plan fully reflects the child’s needs and that the actions and outcomes set out in the plan are consistent with the Local Authority’s legal responsibilities towards the child.

Interim Care Order

An interim care order places the child in the care of the Local Authority on an interim basis whilst the family is assessed and until the court can make a final decision. An interim care order has the same effect as a care order in giving the local authority shared parental responsibility. The first time an interim care order is made it can last for eight weeks and it can be renewed after that for up to 28 days at a time.

Long-term (Permanent) Foster Care

Long-term foster care placements provide a sense of family membership, stability and security that allow looked after children to develop relationships that will last throughout their childhood and into their adult lives. The key difference between adoption and long-term foster care is that parental responsibility is shared with the child’s parents and the Local Authority.

Parental Responsibility

Parental responsibility is defined in s.3(1) Children Act 1989 as being, “all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property”. The term parental responsibility attempts to focus on the parent’s duties towards their child rather than the parent’s rights over their child.

Placement Order

A placement order gives the local authority permission to place a child for adoption with or without the consent of the parent/s. Whilst the order is in place, parental responsibility is shared between the Local Authority, birth parents and adoptive parents until the child is legally adopted.

Private Fostering

Private fostering is when a child under the age of
16 (under 18 if disabled) is cared for by someone who is not their parent or a ‘close relative’. This is a private arrangement made between a parent and a carer, for 28 days or more. Close relatives are defined as step-parents, grandparents, brothers, sisters, uncles or aunts.

**Resilience Foster Care**

Resilience foster care is a specialist scheme where carers offer long term, family-based placements for young people aged 10-18 years old who currently live in residential care.

Resilience foster carers help to build resilience in all aspects of a young person’s life: providing a secure base, encouraging friendships, promoting education, nurturing positive values, developing social competence and inspiring the young person’s talent and interests.

**Special Guardianship Order**

Special guardianship is a formal court order that was introduced on 30 December 2005 which allows parental control over a child by individuals other than the parent. This could be a grandparent, close relative or a family friend. Special guardianship means that the child lives with carers who have parental responsibility for them until they are grown up. The child is no longer the responsibility of the local authority. The order usually lasts until the child is 18 years old.

**Supervision Order**

A supervision order places the child under the supervision of the local authority. This means that a social worker will be responsible to having an oversight of the child's welfare for up to a year.
“I want a family to have fun with”

Grace, aged 3
Find out more about fostering or adopting with us:

0800 169 2061 or staffordshire.gov.uk/fosteringandadoption