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| Title: Permanency Policy |  Brent | | |
| Author: Nigel Chapman | Issue 2 | Date: April 2018 | |
| Updated in April 2018 by Kelli Eboji- Service Manager | | | |
| Purpose | The purpose of this policy is to set out the London Borough of Brent's approach towards promoting and achieving permanent family arrangements for children in care. | | |
| Who is Responsible | Nigel Chapman, Operational Director | | |
| Legislation | <ul style="list-style-type: none"> • Fostering Service Regulations 2011 • Fostering National Minimum Standards 2011 • Adoption National Minimum Standards 2011 • Adoption and Children Act 2002 • Adoption Agencies Regulations 2005 & 2013 • Care Planning, Placement and Case Review Regulations 2010, 2013 & 2015 • Children Act 1989 | | |
| Forms / links | <ul style="list-style-type: none"> • Fostering and Adoption procedures: http://www.proceduresonline.com/brent/fostadopt/chapters/contents.html • Kinship Care & Support Policy 2017-2019 • Sufficiency Strategy | | |

1. Defining Permanence

Permanence is a framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment and identity.

Permanence for children has three particular aspects;

1. **Legal** - e.g. staying with birth parents who have [Parental Responsibility](#); Adoption; or Court Orders such as a [Child Arrangement Order](#) or [Special Guardianship Order](#);
2. **Psychological** - when the child feels attached to an adult who provides a stable, loving and secure relationship and the adult has made a commitment to care for them.
3. **Physical or environmental** - a stable home environment within a familiar neighbourhood and community where the child's identity needs are met.

2. Key Objectives in Permanence Planning

The objective of planning for permanence is to ensure that children have a secure, stable and loving family to support them through childhood and beyond.

The outcome of permanency planning is that children are placed within permanent family settings as quickly as possible.

Where it is necessary for a child to leave his or her family,

- This should be for as short a time as needed to secure a safe, supported return home; or
- If a child cannot return home, plans must be made for alternate permanent care. Family members and friends should always be considered in the first instance with permanence secured through the appropriate legal order to meet the child's needs;
- Where it is not in the child's best interests to live within the family network, it will usually be in the interests of the child for alternative permanent carers to be identified and the placement secured through adoption, long term foster care, Child Arrangement Order or Special Guardianship Orders;
- Residential group living is provided only when a need for this is identified within the [Care Plan](#) and when substitute family care is not appropriate;
- For older children arranging for their independent living must be considered and set out within their pathway plan.

Where it is clear that children cannot remain with their birth family, planning must be timely and robust to identify permanent alternative settings.

Wherever possible, care should be provided locally unless clearly identified as inappropriate and in line with Brent's Sufficiency strategy.

Contact with the family should be promoted where it is in the child's best interests.

The professionals involved will work in partnership with parents/families to meet these objectives. The wishes and feelings of the child will be taken into account. The older and more mature the child, the greater the weight should be given to his or her wishes.

When undertaking permanence planning, all workers have a duty to promote the child's links with his or her racial, cultural and religious heritage by:

- wherever possible promoting placements enabling the child to be brought up within the same racial, cultural and religious environment as his birth family;

- identifying a placement which will promote links for the child's race, culture and religion, if the above is not possible.
- However amendments to Adoption regulations (<https://www.gov.uk/government/publications/adoption-statutory-guidance-2013>) make clear that where adoption is the plan for a child matching considerations should not be predicated on the need to prioritise ethnic or cultural needs.

3. Options for Permanence

The options for permanence are:

- 3.1 Remaining with birth family.
- 3.2 Placement with family or connected persons under a long term fostering arrangement.
- 3.3 Adoption
- 3.4 Long-term fostering
- 3.5 Special Guardianship
- 3.6 Child Arrangement Orders

3.1 Remaining with birth family

The first stage within permanence planning is work with families and children in need to support them to stay together. Staying at home offers the best chance of stability and continuity for the child but will be balanced against the presenting risks.

3.2 Placement with Family or Friends/Connected Persons

If the assessment concludes that the child cannot safely remain at home, every effort must be made to secure a placement with a family member or friend/[Connected Person](#) as their carer. This will be either as part of the plan to work towards a return home or - if a return home is clearly not in the child's best interests - as the preferred permanence option. It is very important to establish at an early stage which relatives or friends might be available to care for the child, to avoid possible delays during court proceedings where this work has not been done. Brent's Kinship Care and Support policy sets out the process by which these arrangements are established.

3.3 Adoption

Refer to the adoption procedures for detailed procedures:

<http://www.proceduresonline.com/brent/fostadopt/chapters/contents.html>

Adoption transfers Parental Responsibility for the child from the birth parents and others who had Parental Responsibility, including the local authority, permanently and solely to the adopter(s).

The child is deemed to be the child of the adopter(s) as if he or she had been born to them. The child's birth certificate is changed to an adoption certificate showing the adopter(s) to be the child's parent(s). A child who is not already a citizen of the UK acquires British citizenship if adopted in the UK by a citizen of the UK.

Research indicates that there are very low rates of adoption breakdowns and this is the most secure of permanent court orders available for children (Selwyn et al 2014, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/301889/Final_Report_-_3rd_April_2014v2.pdf). This is especially the case for those children under four years of age who cannot be reunified with their birth or extended family.

Adopters may be supported, including financially, by the local authority and will have the right to request an assessment for support services at any time after the Order is made. The adoption procedures provide additional detail in this respect.

Adoption has the following advantages as a Permanence Plan:

- a. Parental Responsibility is held exclusively by the carers;
- b. The child is no longer **Looked After**;
- c. No future legal challenge to overturn the Adoption Order is possible;
- d. Decisions about continuing contact will usually be made by the new parents (on the child's behalf) who are most in touch with the child's needs, although this may be subject to any Contact Order made by the Court at the time of the Adoption Order;
- e. The child is a permanent family member into adulthood.

Adoption has the following disadvantages as a Permanence Plan:

- a. It involves a complete and permanent legal separation from the family of origin;
- b. There is no review process.

3.4 Long-term Fostering

This option has proved to be particularly beneficial for older children who retain strong links to their birth families and do not want or need the formality of adoption and where the carers wish for the continued involvement of the local authority.

Long-term fostering has the following advantages as a Permanence Plan:

- a. The local authority retains a role in negotiating between the foster carers and the birth family over issues such as contact;
- b. There is continuing social work support to the child and foster family in a placement that is regularly reviewed to ensure that the child's needs are met;
- c. It maintains legal links to the birth family that can still play a part in the decision making for the child.

Long-term fostering has the following disadvantages as a Permanence Plan:

- a. Lack of [Parental Responsibility](#) for the carers;
- b. Continuing social work involvement;
- c. Regular [Looked After Reviews](#), which may be regarded as destabilising to the placement;
- d. The child may feel different and institutionalised as a result of remaining within the care system.
- e. The child is not a legal member of the family and will have a less secure connection to the family into adulthood. If difficulties arise there may be less willingness to persevere and seek resolution.

3.5 Special Guardianship Orders

See the Family and Friends policy for detailed information on the process in securing this outcome.

Special Guardianship addresses the needs of a significant group of children, who need a sense of stability and security within a placement away from their parents but not the absolute legal break with their birth family that is associated with adoption. It will also provide an alternative for achieving permanence in families where adoption, for cultural or religious reasons, is not an option.

The following persons may apply:

- a. Any guardian of the child;
- b. A local authority foster carer with whom the child has lived for 12 months immediately preceding the application;

- c. Anyone who holds a [Residence Order/Child Arrangement Order](#) with respect to the child or who has the consent of all those in whose favour a Residence Order/Child Arrangement Order is in force;
- d. Anyone with whom the child has lived for 3 out of the last 5 years;
- e. Where the child is subject of a [Care Order](#), any person who has the consent of the local authority;
- f. Anyone who has the consent of all those with Parental Responsibility for the child e.g. Anyone, including the child, who has the leave of the court to apply.

The parents of a child cannot become the child's special guardians.

Special Guardianship Orders offer greater stability and security to a placement than Residence Orders/Child Arrangement Orders in that - whilst they are revocable, there are restrictions on those who may apply to discharge the Order and the leave of the Court, if required, will only be granted where circumstances have changed since the Special Guardianship Order was made.

Special guardians will have Parental Responsibility for the child and although this will be shared with the child's parents, the special guardian will have the legal right to make all day to day arrangements for the child. The parents will still have to be consulted and their consent required to the child's change of name, adoption, placement abroad for more than 3 months and any other such fundamental issues.

A Special Guardianship Order made in relation to a child who is the subject of a Care Order will automatically discharge the Care Order and the local authority will no longer have Parental Responsibility.

Special guardians may be supported financially or otherwise by the local authority and, as with adoptive parents, will have the right to request an assessment for support services at any time after the Order is made.

Special Guardianship has the following advantages as a Permanence Plan:

- a. The carers have Parental Responsibility and clear authority to make decisions on day to day issues regarding the child's care;
- b. There is added legal security to the Order in that leave is required for parents to apply to discharge the Order and will only be granted if a change of circumstances can be established since the original Order was made;
- c. It maintains legal links to the birth family;
- d. The child will no longer be in care and there need be no social worker involvement unless this is identified as necessary, in which case an assessment of the need for support must be made by the relevant local authority.

Special Guardianship has the following disadvantages as a Permanence Plan:

- a. The Order only lasts until the child is 18 and does not necessarily bring with it the sense of belonging to the special guardian's family as an Adoption Order does;
- b. As the child is not a legal member of the family, if difficulties arise there may be less willingness to persevere and seek resolution;
- c. Although there are restrictions on applications to discharge the Order, such an application is possible and may be perceived as a threat to the child's stability;
- d. Although a parent requires leave to apply for a Child Arrangement Order, they can apply for any other Section 8 Order (i.e. Contact Order, Prohibited Steps Order or Specific Issues Order) as of right.

3.6 Child Arrangement Orders

A Child Arrangement Order may be used to increase the degree of legal permanence in a placement with family or friends/Connected Persons, or a long-term fostering placement, where this would be in the child's best interests.

Where a child would otherwise have to be placed with strangers, a placement with family or friends/Connected Persons may be identified as a preferred option and the carers may be encouraged and supported to apply for a Child Arrangement Order where this will be in the best interests of the child.

A Child Arrangement Order confers Parental Responsibility, to be shared more equally with the parents than with Special Guardianship, which in some cases may be a more appropriate arrangement.

The holder of a Child Arrangement Order does not have the right to consent to the child's adoption nor to appoint a guardian; in addition, he/she may not change the child's name nor arrange for the child's emigration without the consent of all those with Parental Responsibility or the leave of the court.

Whilst support may continue for as long as the Child Arrangement Order remains in force, the aim will be to make arrangements which are self-sustaining in the long run.

The making of a Child Arrangement Order can now be made until the child is 18 and will have the effect of discharging a Care Order.

The following people may apply for a Child Arrangement Order:

- A parent or guardian;
- A party to a marriage (whether the marriage is subsisting or not) where the child was brought up as a child of the family;

- A person with whom the child has lived for 3 years. (This need not be continuous but must not have started more than 5 years before or ended more than 3 months before the making of the application);
- A local authority foster carer with whom the child has lived for 1 year;
- Where a Child Arrangement Order is already in force, a person who has the consent of those in whose favour the Child Arrangement Order was made;
- Where the child is Looked After, a person with the consent of the relevant local authority;
- In any other case, a person who has the consent of all those with Parental Responsibility.

Anyone else who wishes to apply, other than a parent and including the child, must apply to the court for leave to make the application for a Child Arrangement Order.

A Child Arrangement Order has the following advantages:

- a. It gives Parental Responsibility to the carer whilst maintaining the parents' Parental Responsibility;
- b. The child will no longer be Looked After and there need be no social work involvement, therefore, unless this is identified as necessary;
- c. There is no review process;
- d. The child will not be Looked After and so less stigma is attached to the placement;
- e. Any contact is likely to be agreed and if considered necessary by the Court, set out in a [Contact Order](#).

A Child Arrangement Order has the following disadvantages:

- a. It is less secure than Adoption or Special Guardianship in that an application can be made to revoke the Child Arrangement Order. However, the Court making the order can be asked to attach a condition refusing a parent's right to seek revocation without leave of the court;
- b. There is no formal continuing support to the family after the Order is made although in some instances, a Child Arrangement Order Allowance may be payable by the local authority;
- c. There is no professional reviewing of the arrangements after the Order unless a new application to court is made, for example by the parents for contact or revocation. (NB New applications to court may be expensive to defend, and the carers would have to bear the cost if not entitled to assistance with legal costs).

4. Permanence and Local Placement

Where a child is placed with long term carers, it is important that the child has access to the friends, family or community within which they were brought up and which form part of their identity and their long term support network. For these reasons children should be placed in local provision wherever possible.

Any decision to place a child away from his or her community should be based on the particular needs of the child, and considered within the context of a Permanence Plan. Where an alternative family placement is sought in the area of another local authority, the likely availability and cost of suitable local resources to support the placement must be explored. It is also now a requirement for a placing Local Authority to notify the receiving Local Authority when an out of borough placement is made in order to improve local responsiveness to need. In the case of an adoptive or special guardianship placement, support needs will be identified as part of the assessment of need for adoption and SGO support services.

5. Assessing and Planning for Permanence

Assessments of a child's needs in relation to his or her Permanence Plan must:

- a. Focus on outcomes;
- b. Consider stability issues, including the child's and family's needs for long-term support and the child's needs for links, including contact, with his or her parents, siblings, and wider family network.

Social workers must ensure the child's Permanence Plan is clearly linked to previous assessments of the child's needs.

In considering the child's needs, full consultation with family and community networks should be undertaken to establish the child's attachments and supports.

In all cases, the child's own wishes and feelings must be ascertained and taken into account.

By the time of the second [Looked After Review](#), the child must have a Permanence Plan (incorporated into the [Care Plan](#)), to be presented for consideration at the review.

Where the Permanence Plan includes a [Parallel Plan](#), the social worker must ensure that the parents are informed of the reasons why two plans are being made to meet the child's needs and prevent unnecessary delay.

6. Good Practice Guidance

The following practice guidance is not exhaustive It is drawn from research and consultation with young people, parents, carers and practitioners.

6.1 Supporting Reunification with Birth or Extended Family

Research points to:

- The importance of clearly communicating to the family what needs to happen to enable the child to return home, and within what timescales;
- The importance of exploring family ties and long term relationships with family, school and community;
- The use of Family Group Conferences or Family Network Meetings as an effective way of facilitating both the above.

6.2 Identifying the Best Permanence Option

Issues to consider:

- The assessment process must ask how stability for this child will be achieved;
- Long term stability means the sense of a permanent home with the same family or group of people, as part of the same community and culture, and with long-term continuity of relationships and identity;
- Short or medium term stability or continuity will be important for children who are going to stay in care for a brief period before going home and for children who are going to need new permanent arrangements. The quality of a child's attachments and life will be detrimentally affected by uncertainties, separations from what /who is known and changes of school and placement;
- Educational experiences, links with extended family, hobbies and friendships and support to carers, contribute to guarding against disruption and placement breakdown;
- The importance of carefully listening to what children want from the placement, helping the relationship between carer and child to build, making thorough plans around contact with family, providing vigorous support during crisis times and taking a sufficiently flexible attitude to adoption by carers;
- The older a child is, the less likely it is that the child will secure a permanent family through adoption;
- The larger the family group of children, the harder it is to secure a single placement that will meet all the needs of all the children.

6.3 Twin Track or Parallel Planning

Social workers are encouraged to consider working to this model; working towards a child's return home whilst at the same time developing an alternative Permanence Plan, within strictly limited timescales.

Where children's cases are before the court in [Care Proceedings](#), the Court require twin track planning to be reflected in the [Care Plan](#) - see also [Public Law Outline Procedure](#).

6.4 Placement/Contact with Siblings - Issues to Consider

It is important to assess the extent and quality of relationships in a sibling group.

Usually, and especially where there is a pre-existing and meaningful relationship, it will be important to actively seek to maintain sibling relationships within any Permanence Plan, including those where an alternative family placement is sought.

Issues from research:

- The most enduring relationships people have are likely to be with their siblings;
- The impact on separated siblings of losing vital support, a shared history and continuity affect stability in the placement;
- More successful outcomes occur for children placed together with their siblings. Children should therefore be placed with their siblings unless there are exceptional circumstances, such as dysfunctional interaction that cannot be remedied, incompatible needs or where the lack of appropriate placement would lead to unacceptable drift. The immediate non-availability of a suitable placement should not prevent rigorous home-finding efforts within an agreed time frame, based on balancing the potential for success against the risk of undue delay;
- The importance of identifying strengths and difficulties in sibling relationships in order to make appropriate permanent placement decisions. It is important to ascertain the perceptions and wishes of the child and their family, to assess the shared experience of siblings and the children's individual permanence needs. This involves thorough consideration of issues of gender, race, disability, identity and attachment;
- The importance of including regular contact between siblings within the Permanence Plan wherever possible, if they cannot be placed together.

6.5 Direct Contact with Birth Family Members and Others

Contact must always be for the benefit of the child, not the parents or other relatives.

It may serve one or all of the following functions:

- To maintain a child's identity and link to their birth family. Consolidating the new with the old;
- To provide reassurance for the child;
- To provide an ongoing source of information for the child;
- To give the child continuing permission to live with the fostering/adoptive/alternative family;
- To minimise the sense of loss;
- To assist with the process of tracing;
- To give the carers a secure sense of the right to parent. This will make the parenting task easier.

Direct contact will generally work best if all parties accept/agree to:

- i. The plan for permanence;
- ii. The parental role of the permanent carers;
- iii. The benefit of contact;

Direct contact is not likely to be successful in situations where a parent:

- Disagrees with the plan for permanence;
- Does not accept the parental role of the permanent carer and their own reduced role with the child;
- Has proved to be unreliable in their commitment to contact in the past;
- Does not have a significant attachment with the child.

The wishes of the child to join a new family without direct contact must be considered and given considerable weight at any age.

If direct contact is a part of the Permanence Plan, a formal agreement setting out how contact will take place, who with, where and how frequently must be negotiated before placement, and reviewed regularly throughout the child's life.

6.6 Indirect Contact with Birth Family Members and Others

We do not all share the same sense of family - it means different things to different people. It helps when children are helped to understand to whom they are related, especially if they have complicated family trees including half-brothers or sisters living in different places. Identity is built on solid information.

Wherever possible, indirect contact between the child and his or her new family with people from the past should be facilitated;

- a. To leave open channels of communication in case more contact is in the child's interests in the future;
- b. To provide information (preferably two-way) to help the child maintain and / or enhance their identity and to provide the birth relative with some comfort in knowing of the child's progress.

Indirect contact must be negotiated prior to placement, and all parties should be asked to enter into an agreement with one another about the form and frequency that the contact will take. Renegotiations of the contact should only take place if the child's needs warrant it.

All parties to the agreement will need to accept that as the child becomes older and is informed more fully about the arrangements for indirect contact, the child will have a view regarding its continuation. No contact arrangements can be promised to remain unaltered during the child's childhood. Those involved need to accept that contact may cease if it is no longer in the child's interests. Alternatively, an older child may need to change to direct contact.

6.7 Clearly Communicating the Permanence Plan

- Communicating a Permanence Plan effectively involves setting it out clearly and concisely as part of the Care Plan, in a way that acts as a useful reference to all involved during the Review process;
- Good quality Care Plans set out clear, concise statements about intended outcomes;
- Make timescales clear.

6.8 Legal Routes to Permanence

For younger children unable to be returned home where adoption is the plan, a Care Order and [Placement Order](#) are likely to be necessary unless parents are clearly relinquishing the child and are in agreement with the plan and the placement choice.

For children for whom adoption is not appropriate, each case will need to be considered on its merits. The decision between Special Guardianship Order, Child Arrangement Order and Long Term Fostering under a Care Order will depend on the individual needs of the child set alongside the advantages and disadvantages of each legal route.

Appendix 1: Identifying Permanence Options

| Child Arrangement/Special Guardianship Orders | Adoption | Long Term Fostering |
|---|--|---|
| <p>Child needs the security of a legally defined placement with alternative carers, but does not require a lifelong commitment involving a change of identity</p> | <p>Child's primary need is to belong to a family who will make a lifelong commitment</p> | <p>Primary need is for a stable, loving family environment whilst there is still a significant level of continued involvement with the birth family</p> |
| <p>Child's relation, foster or other carer needs to exercise day to day parental responsibility and is prepared to do so as a lifelong commitment</p> | <p>Child's birth parents are not able or not willing to share parental responsibility in order to meet their child's needs, even though there may be contact</p> | <p>Child has a clear sense of identity with the birth family, whilst needing to be looked after away from home</p> |
| <p>There is no need for continuing monitoring and review by the Local Authority, although support services may still need to be arranged</p> | <p>Child needs an opportunity to develop a new sense of identity whilst being supported to maintain or develop a healthy understanding of their past</p> | <p>There is need for continuing oversight and monitoring of the child's developmental progress</p> |
| <p>Child has a strong attachment to the alternative carers and legally defined permanence is assessed as a positive contribution to their sense of belonging and security</p> | <p>Child expresses a wish to be adopted</p> | <p>Birth parents are able and willing to exercise a degree of parental responsibility</p> |