

Early Permanence Guidance

1. Introduction

This guidance outlines a placement of a child with carers who are dually approved, i.e. approved both as prospective adopters and as local authority foster carers.

Early Permanence Placements (EPP) for children are a non-sequential route to adoption. These placements can be used for children where the local authority's plan for permanence is likely to be adoption but where other outcomes such as rehabilitation to birth family are still under consideration.

In such cases, the local authority will place the child with foster carers who are also approved as adopters. The carers may be dually approved as foster carers and adopters from the outset or might be approved prospective adopters who have been temporarily approved as foster carers for a named child under Regulation 25A of the Care Planning, Placement and Case Review (England) Regulations 2010 ("2010 Regulations").

The advantage of this type of placement is that the child will be placed with foster carers who, subject to a Placement Order being made, or parental consent, are expected to go on to become the child's adoptive family. The child therefore benefits from an early placement with their eventual permanent carers. Delay in finding a permanent family for young children who have already experienced neglect early on in their lives may have a profoundly damaging effect on their development.

Early Permanence placement prevents unnecessary placement moves to achieve permanence from the onset in these circumstances where the care plan is likely to be long term care/adoption.

2. Aims of Early Permanence Placements (EPP)

The aim of an Early Permanence Placement is:

To place children who cannot be cared for within their own families with a substitute family on a fostering basis, the family will then adopt the child on the making of the appropriate legal order. These placements can be made at birth or as soon as possible after the child has been removed from the care of their birth family. An EPP placement ensures that children do not endure the potentially damaging moves which can be experienced by babies/children when local authorities follow the traditional sequential route to adoption.

In EPP placements, the emotional uncertainty associated with possible and actual placement moves is held by the adults rather than experienced by the child in placement moves. In other words, the adults take the risks.

Birth parents will have the benefit of knowing that their child or children will not need to move if the decision is made that they cannot return to their care. It is not unusual for birth parents to ask for this at the point of the making of a Placement Order but on many of these occasions this is not possible as the foster carers do not wish to adopt or are not in a position to adopt.

Note: There is also other language used Nationally to describe these types of arrangements and in West Sussex we are adopting strength-based language to refer to these as Early Permanence placements – for example Foster to adopt.

3. Key Messages and Legal Basis for EPP Placements

3.1 Duty to Consider Fostering for Adoption Placement

Under Section 22C (9A and 9B) of the Children Act 1989 [as amended by the Children and Families Act 2014], where the local authority are considering adoption for a child, or is satisfied that the child ought to be placed for adoption but this is not yet authorised (either by consent or by Placement Order, the authority **MUST** consider placing the child with a relative, friend or other Connected Person who is also a local authority foster carer or, where they decide that such a placement is not the most appropriate placement, then they must consider placing the child with a local authority foster carer who has been approved as a prospective adopter.

Where a child is placed in a fostering for adoption / early permanence placement, the relationship which the child has with the person who is a prospective adopter must be considered by the Court alongside other relevant relationships the child has with their relatives or other persons (see **s.9 Children and Social Work Act 2017 amending s.1(f) Adoption and Children Act 2002**).

The carers may be dually approved at the outset or might be approved prospective adopters who have been temporarily approved as foster carers for a named child under regulation 25A of the Care Planning, Placement and Case Review (England) Regulations 2010 (the 2010 regulations).

The statutory guidance, "**Early Permanence Placements and Approval of Prospective Adopters as Foster Carers**" (July 2014) sets out the statutory basis for these placements:

These placements will not be suitable for all children and situations but should be considered in cases where a local authority identifies that adoption is likely to be the most appropriate long-term plan for permanence for the child based on its assessment and available evidence. In these situations, other options are also likely to be under consideration including rehabilitation with family, although this will be thought to be highly unlikely to succeed and adoption is the most likely option.

It is also acknowledged that although the local authority will have considered all possible placements known to them with family members and concluded that these placements are unlikely to be able to care for the child prior to placement, it is possible that a suitable family placement might come forward following placement under Section 22C(9B)(C). In this situation, these family carers will need to be assessed, as it is a continuing duty of the local authority to place the child in the most appropriate placement for that child (Section 22C of the Act).

The Statutory Guidance clearly states that Section 22C (9B)(C) placements may not lead to adoption and this may mean the child returns home or is moved to another permanence arrangement.

Birth parents have a right to a fair process, and this includes the opportunity to seek the support to help them to make the important changes required to enable them to safely parent their child, furthermore children have the right to grow up in their birth families and this should always be the desired outcome.

4. Notifications

Where a decision is made to place a child in an EPP arrangement the local authority must:

- Notify the prospective adopter in writing;
- Explain the decision to the child in an appropriate manner, having regard to the child's age and understanding; and
- Explain to the birth parents (which includes fathers without Parental Responsibility) or guardian the legal implications.

On those occasions where the child is voluntarily accommodated under Section 20 of the Children Act, the notification should remind the birth parents of their right to remove the child from the local authority's care and should provide advice on access to legal advice and appropriate advisory bodies. At this point, the local authority may wish to consider commencing care proceedings.

The parents should be informed that the local authority cannot pre-judge the outcome of Care Proceedings and only the court can authorise placement for adoption if the parents do not consent to their child being placed for adoption.

The placement will only become agreed as an adoption placement when;

- A final Care Plan for adoption is approved by the court;
- A Placement Order is made; and
- The local authority approves the match between the foster carers and the child in their capacity as prospective adopters at Adoption Panel.

It is difficult to place timescales on the potential length of an Early Permanence Placement however it is hoped that court proceedings conclude within 26 weeks where final decisions are made regarding care planning. An average Early Permanence Placement is around 8 months.

5. EPP as a Placement Option for Families

All prospective adopters should be provided with high quality information regarding EPP placements including the risks and potential benefits of these types of placements and sequential routes to adoption from the very beginning. It is expected that all prospective adopters considering EPP will attend training around becoming Early Permanence Carers. They should feel they have choice and options and should only pursue EPP if they feel they have the support and understanding in order to manage the associated risks such as a child returning to birth family rather than being adopted by them.

The expectations of the fostering phase of the placement will need to be clearly understood by the family and it is the role of the Adoption Team and placing local authority Fostering Team to ensure this is the case. Careful thought will need to be given to the ongoing contact / family time arrangements for the child and birth family.

The minimum expectation should be that the carers transport the baby/child to every contact / family time session to reduce the amount of time that the baby is out of their care and to ensure the baby is not being transported by different people. In addition they will be expected to provide written updates on the child's progress, development and daily routine in the form of a diary for birth parents.

However, experience from good practice tells us that the optimum level of contact between prospective adopters and birth parents during the fostering phase of the placement would just involve the short handover period before and after contact / family time sessions.

Agreements will need to be reached regarding the management of the child's review meetings as confidentiality is a significant issue and data breaches will need to be avoided. In addition, children's social workers will need to pay careful attention to how their local recording and information systems pulls through carer's addresses onto reports and forms, this has also caused data breaches and should be avoided by looking at using measures such as address confidential on the systems used.

EPP placements vary in terms of the risks that are associated with each placement, it is impossible to accurately quantify the level of risk present within any given placement, but we know that some placements have a higher level of perceived risk and we are working to support families who are able to manage increasing levels of perceived risk within our EPP placements.

6. Temporary Approval as Foster Carers of Approved Prospective Adopters

Approved prospective adopters can be given temporary approval as foster carers under regulation 25A of the Care Planning, Placement and Case Review (England) Regulations 2010. This temporary foster carer approval process can be carried out at the same time as the adopter approval process.

This temporary approval can be given for a **named** Child Looked After, where the local authority considers that this is in the child's best interests. Temporary approval will need to be agreed by the local authority that has responsibility for a child.

Before giving such approval, the responsible authority must:

- Assess the suitability of that person to care for the child as a foster carer; and
- Consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the proposed arrangements will safeguard and promote the child's welfare and meet the child's needs as set out in the Care Plan.

The temporary approval period expires when:

- The placement is terminated by the local authority;
- The approval as a prospective adopter is terminated;
- The prospective adopter is approved as a foster carer;
- The prospective adopter gives 28 days' written notice that they no longer wish to be temporarily approved as a foster parent in relation to the child; or
- The child is placed for adoption with the prospective adopter in accordance with the Adoption and Children Act 2002.

Review / Contacts / References	
Document title:	Early Permanence Guidance
Date approved:	4 May 2020
Approving body:	Policy and Practice Steering Group
Last review date:	9 April 2020

Revision history:	
Next review date:	May 2022
Related internal policies, procedures, guidance:	Working with Birth Parents and Relinquished babies
Document owner:	Deputy Director
Lead contact: Author:	Adrian Dyka, Service Lead Marisa de Jager (Policy and Practice Lead)