

**Permanence Guidance**

**1. Introduction**

Birmingham Children's Trust's overarching Permanence Strategy requires us to consider permanence planning from the very first contact with a child or young person and their family. The goal of permanence planning should be to provide a child with a safe, stable environment in which to grow up.

The report 'Making Not Breaking' (The Care Enquiry April 2013) concluded that:

*"... 'Permanence' for children means 'security, stability, love and a strong sense of identity and belonging'. This is not connected to legal status, and one route to permanence is not necessarily better than any other: each option is the right one for some children and young people."*

The Children Act 1989 states:

*"A child is a person, not an object of concern. The ethos of the Act is to listen to the child's wishes and feelings and treat children with respect as individuals. Children with sufficient maturity should be consulted on issues such as placements, review and long-term planning."*(Children Act 1989 Sec 1.2).

The Care Planning and Fostering (Miscellaneous Amendments) (England) Regulations' 2015 provides the following definition:

*"Permanence is the long-term plan for the child's upbringing and provides an underpinning framework for all social work with children and families from family support through to adoption. The objective of planning from permanence is therefore to ensure that 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, identify and belonging"*.

**Permanence, therefore, is a framework of physical, emotional, and legal circumstances that give a child a sense of identity, security, and commitment.**

The aim is to avoid any delay in achieving permanence. From the very beginning of our intervention with a child and its family, social workers will be required to have the skills, knowledge and understanding of the issues impacting on the ability of parents and or primary carers to offer a fixed and long-term relationship.

Longitudinal research shows that children generally thrive best in their own families. When the risk factors they face at home are so overwhelming that it is necessary to remove them, then children will fare much better if their family connections are maintained. This means that consideration must be given to friends, family, and other connected persons in becoming the primary carer while remedial support is provided to parents to reduce the risk factors faced by children and strengthen parents and families to enable safe, permanent care as quickly as possible. If extended family are not a source of safety, then a short-term placement may be necessary in order to enable assessment to be undertaken and support provided. (Centre for Study of Social Policy 2008).

Social workers will need to complete qualitative assessment with clear risk analysis. This will need to tell the story of the child, with evidence and recommendation of the further support needed to promote a child's optimal outcomes through life's journey.

Assessments must be decisive, time limited and goal orientated to avoid children, particularly very young children being left in harmful and negative situations for too long if long term (Ward, H.; Brown, R. and Westlake, D. (2012) Safeguarding Babies and Very Young Children from Abuse and Neglect).

The assessment should demonstrate what the identified placement will offer in the long term for the child and show the commitment and positive relationship between the proposed carer and the child. It should identify how the placement will promote a safe, stable environment, the carer's ability to promote the child's education, health, cultural and religious needs and also, where appropriate, the contact arrangements between the child and their family and social connections within the community.

Adoption, Special Guardianship, and Child Arrangements Order are not simply placement arrangements but also legal arrangements through which Parental Responsibility is transferred either to the new family or shared between the new family and the child's birth parents. They also confirm the relationships between the child and their family. Therefore, the Children's Services will always consider whether adoption, special guardianship or Child Arrangements Order is in the best interest of a child before supporting any such plan for permanency.

The Guidance is issued with reference to:

* The Children Act 1989 and associated Regulation and Guidance;
* Principles Practices in Regulation and Guidance (DHSC);
* Human Rights Act 1998;
* The Adoption Act and Children Act 2002;
* Children Act 2004;
* Children and Families Bill 2013;
* The Care Planning and Fostering (Miscellaneous Amendments) (England) Regulations 2015.

**2. Why is Permanence Planning Needed?**

As social workers working with children and their families there are various issues that will be identified that impact on parental capacity to provide a safe, stable loving family environment.

For some of these families’ parental issues are such that they are unable to make positive change in order to continue to care for their children in the long term; this will require alternative care options for permanence to be assessed. The permanence framework of emotional, physical, and legal conditions gives a child a sense of security, continuity, commitment, and identity.

Permanence planning for a child should be a joint responsibility; the social worker should encourage parents to help plan for the child and reflect on what is needed to support them. This will vary in scope and intensity as circumstances change, any such support must be based on need and not legal status.

Every effort should be made to avoid delay/drift in order to ensure those children's interests are promoted. This will mean that active twin track planning where there is serious doubt about the viability of the child being able to remain with or return to his/her birth family. This will be a key consideration of the child or young person's care planning meetings and first and subsequent Children in Care Reviews.

**3. What Does Permanence Achieve for Children?**

* A safe stable permanent home for a child as soon as possible;
* Parents and / or carers committed to providing a lifelong loving family environment;
* Protects the child or young person developmentally;
* Protects primary attachments, or creates new attachments;
* Preserves cultural and family connection;
* Wishes and feelings of a child are taken into account. The older more mature the child the greater the weight should be given to their wishes;
* When undertaking permanence planning social workers have a duty to promote the child's links with his or her racial, cultural, and religious heritage;
* Promoting placements wherever possible which means the child will be brought up within a similar racial, cultural, and religious environment as his birth family;
* If the permanence option being considered is adoption, the Children and Families Bill 2013 has removed the requirement to give due consideration to ethnicity when identifying a match for a child.

**4. Options for Permanence**

**Staying at Home**

The first stage within permanence planning is work with children in need and their families to support them and their families to support them to stay together. Staying together offers the best chance of stability. Research shows that keeping a family together has a higher success rate than reunification. This option has to be balanced against the risk of harm to the child.

Working with families to equip them with the knowledge and skills to enable them to raise their children in a loving, healthy, and safe environment offers the best chance of stability. Some families may need additional support in order to make this a realistic option, and the Trust is committed to providing such support.

Early Help Services, Family Group Conferences or Family Meetings, Edge of Care, and the effective delivery of the Public Law Outline will play a vital role in supporting families.

Throughout childhood there may be times when a family require support or intervention; however, the Permanence Plan for the child will continue to be to remain at home.

**Staying At Home Supported by the Trust**

There are some families where enquiries have been made, assessments have been carried out, and on occasions children have had short stays with extended family or friends at the request of parents or while enquiries have been ongoing.

One outcome of this activity and the interventions may be that while the child can return home there is a continued need to support the child or children through a child in need or child protection plan.

For some children where care proceedings have been initiated a child may also remain at home under a Supervision Order. This places a child or young person under the supervision of the Local Authority or a Probation Officer, who are required to advise, help, and befriend the child. This means for some children that they will be able to remain in the family home and the allocated social workers will visit regularly.

A Supervision Order may have conditions. For example, that the child should have medical or psychiatric examination or treatment. It may also say that the child should take part in particular activities at specified times. As with all interventions whilst the identified plan is for the child/ran to remain at the family home this will be continually monitored, assessed, and reviewed to ensure that this permanence plan is and continues to be in the best interest of the child or children.

The Order can only be for one year in the first instance, but the Supervisor can apply for this to be extended although it must not be for more than three years in all, and not after the person is 18 years old.

The Order can be stopped if any interested parties apply to the Court and the Court agrees, or if a Care Order is made.

**Returning Home**

For some children returning home will provide the right permanent solution and for these children good preparation and the proper support for them and their family is vital. Research tells us that the longer a child is in care, the less likelihood there is that the child will return home. We also know that the success of any return home will depend upon a variety of issues including:

* The degree of parental problems;
* The level of contact particularly within the first six months of placement;
* Motivation of parents towards changes being made at home;
* Supportive substitute caregivers; and
* The pressure for reunification;

A good quality assessment of all the domains affecting the child's care is central on which to base the decision whether or not a return to the immediate family is the correct next step to permanence for the child.

This means that active work on addressing the issues which lead to the need for separation in the first place must take place with both parents and children. This must be done while the child is in care and that both parents and children must be prepared for any return home because changes will have happened while the child has been away from the family home. Support may need to be intensive and sustained to enable the return home to be successful.

**Permanence Away from Home**

Where the outcome of assessment or enquiries with a child and its family conclude that it is not safe for a child to remain in the family home Birmingham Children's Trust need to consider alternative forms of permanence. This will ensure that the child or young person has a safe and stable placement which provides for their emotional wellbeing, protects them developmentally and supports them into adulthood.

A range of permanence options are available and should be considered. These include **placement with connected persons, long term fostering, Special Guardianship Order, Child Arrangement Order and Adoption**. Once the decision has been reached that a child or young person cannot remain or return to the family home the decision about how permanence will be achieved is not hierarchical and should be based on ensuring that the need for a safe, secure place to live which will enable that child benefit from a sense of permanence are met.

**Placement with Connected Persons**

Where the outcome of assessment or enquiries with a child and their family conclude that it is not safe for a child to remain in the family home, every effort must be made to secure placement with a Connected Person. This should be as part of the plan working towards a return home or - if a return home is clearly assessed as not in the child's best interests it should be considered as the preferred permanence option. It is very important to establish at an early stage via a Family Meeting or Family Group Conference what relatives or friends might be available to care for the child, to improve permanence planning and avoid a child being placed with foster carers unnecessarily.

The child may enter care under Section 20 Children Act 1989 or an Interim Care Order (ICO) under Section 31 Children Act 1989. If the circumstances of the need for placement with the Connected Person is such that it is not possible to fulfil all requirements of the Fostering Services Regulations 2011 in approving the Connected Person as a local authority foster carer **before** placing the child, then Regulation 24(1) of the CPP&CR Regulations 2010 set out arrangements for **Temporary** approval of a Connected Person.

A Connected Person to a child in care is a relative, friend or other person who has a connection with them. 'Relative' means a grandparent, brother, sister, uncle, or aunt (either of full blood or half blood or by marriage or civil partnership) or step-parent. A Connected Person could also be somebody with a professional relationship with the child, such as a child minder.

**Long Term Foster Care**

The Care Planning and Fostering (Miscellaneous Amendments) (England) Regulations 2015 provide a definition of a long-term foster placement which is:

* The child's plan for permanence is foster care;
* The foster carer has agreed to look after the child until they cease to be in care; and
* The child's responsible authority has confirmed the arrangement to the foster carer, the child, and their birth parents.

Long term foster care is generally appropriate for older children and young people. This option of permanence is particularly useful for older children who have retained strong links to their birth families and do not want or need the formality of adoption.

Long term fostering has continued advantages as a permanence plan as it can enable continued support to the child and foster family in placement which is regularly reviewed to ensure that the child's needs are been met.

Often for older children and for long term foster carers the application of an Order whether Special Guardianship or Child Arrangements Order can give a sense of legal permanence and gives the young person a further sense of belonging. It reiterates the commitment from the carer to the child it also provides further a shared parental responsibility.

**Residential Care**

For almost all children the best place for them to grow up is within a family structure. However, for a very few children and young people their very high level of needs will mean that a residential setting will best meet their complex needs. Such settings must be able to demonstrate sound pedagogy underpinning their practice, have staff that are trained, supervised, and supported well and that additional specialist support is available for staff and the children in their care. Even if a child or young person cannot remain in a family setting, maintaining the child's links with their wider community ~ their extended family, their school and leisure links ~ will be important in enabling the child to retain and build positively on their place within their home community.

**Special Guardianship Orders**

When the child or young person needs to live permanently away from their parents and the carer would like to make major decisions on behalf of the child, similar to those with an Adoption Order, but everyone agrees that links with their birth parents should continue, then a Special Guardianship Order can be applied for. This will restrict the birth parent’s rights and provide a sense of permanence but will not permanently end the relationship.

**Child Arrangements Order**

The granting of a Child Arrangement Order to someone automatically gives the carer parental responsibility for the child they are looking after. Parental Responsibility obtained as a result of a Child Arrangements Order will continue until the order ceases. As with a Special Guardianship Order the rights of birth parents are not removed but they are limited as to how they exercise these.

A Child Arrangements Order lasts until the child is 16 or 18 if the circumstances of the case are exceptional and the court has ordered that it continue for longer.

A Child Arrangements Order prevents:

* Changing the registered name of the child;
* Removing the child from the UK (for more than 1 month);
* Consenting to the child's adoption without the agreement of everyone with Parental Responsibility.

However, as with a Special Guardianship Order, a Child Arrangements Order will provide a sense of permanence and removes the child from the care of the local authority. Financial assistance may be given to those in whose favour a Child Arrangements Order has been made, in the form of a set up grant; exceptionally a weekly allowance may be made.

**Adoption**

When the assessment has concluded that children cannot be returned to their birth or extended family, research strongly supports adoption as a permanence consideration as a main factor to stability of children, especially very young children. This does not mean that Adoption should not be actively considered for older children; however, it does mean that the search for adoptive parents needs to be pro-active and resolute where adoption is considered to be the right route to permanence for an older child.

An Adoption Order transfers Parental Responsibility for the child from birth parents and others who had Parental Responsibility, including the Local Authority, permanently and solely to the Adopter(s).

An Adoption Order is irrevocable, and no future legal challenge is possible; the child is a permanent family member into adulthood.

**Adoption should be the plan when nothing else will do.**

**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 Arrangements 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: Permanence Options Checklist of Considerations**

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| **Child Arrangements Orders/Special Guardianship** | **Adoption** | **Long Term Fostering** |
| Child needs the security of a legally defined placement with alternative carers but does not require a lifelong commitment involving a change of identity. | Child's primary need is to belong to a family who will make a lifelong commitment. | Primary need is for a stable, loving family environment whilst there is still a significant level of continued involvement with the birth family. |
| 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. | 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. | Child has a clear sense of identity with the birth family, whilst needing to be looked after away from home. |
| There is no need for continuing monitoring and review by the Local Authority, although support services may still need to be arranged. | Child needs an opportunity to develop a new sense of identity whilst being supported to maintain or develop a healthy understanding of their past. | There is need for continuing oversight and monitoring of the child's developmental progress. |
| 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. | Child expresses a wish to be adopted. | Birth parents are able and willing to exercise a degree of parental responsibility. |