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Permanence Planning Guidance

**1. Purpose**

Surrey Children Services aims to secure permanence for all children in care in a timely manner that is led by the individual needs of each child, and which affords each child the opportunity to reach their full potential.

Securing permanence is a key consideration for all children from the day they come into care. It also needs to be incorporated into planning for those children on the edge of care to ensure where possible, that children coming into care are placed where they can remain, limiting the need for placement moves.

Permanence can be achieved through many different routes – children and young people returning to live with birth family, placed with friends or relatives, permanent new or existing foster families, adoptive families, carers that have been granted a Child Arrangement Order or Special Guardianship Order or, for a minority of children, residential care.

This guidance sets out the local authority's policy, procedures, and best practice standards regarding permanency planning for looked after children and those on the edge of care, which are to be applied throughout our involvement with each child.

**2. Defining Permanency**

In the context of this policy, Permanence is defined as the "framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment and identity" (Adoption and Permanence Task Force).

Permanency for children has three particular aspects:

* **Legal** - The appropriate legal framework which best provides security and stability for the child or young person. It confers certain rights and decision-making responsibilities in law upon the adult or corporate body in whose care the child is placed. This will vary according to their particular needs and Care plan. For example, staying with birth parents who have Parental Responsibility; Adoption order; or permanent placement with Foster carers under a care order [**Children Act 1989**](http://www.legislation.gov.uk/ukpga/1989/41/contents) Court Orders such as a Child Arrangement Order or Special Guardianship Order;
* **Psychological** – It provides the opportunity for a child to feel attached to an adult who provides a stable, loving and secure relationship;
* **Physical or environmental** – It provides a stable home environment within a familiar community where the child's global needs are met.

**3. Principles Underlying Permanency Planning Routes to Permanency**

Permanency planning for Looked After children and those on the edge of care is based on an awareness of children's need to form and maintain emotional bonds with adults who are able to meet their needs on a long-term and predictable basis throughout their childhood. This provides a basis of stability from which the child can develop physically, emotionally and intellectually.

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.

The assessment process must ask how stability for this child will be achieved.

Children and young people should not remain in the care of the local authority any longer than is necessary for their welfare. Action to discharge from care should be taken at the earliest opportunity consistent with his or her welfare.

Care planning should be undertaken in a timely way to avoid drift or delay, thereby minimising any uncertainty. A plan for permanence must be agreed at the second CLA Review:

***"One of the key functions of the Care Plan is to ensure that each child has a plan for permanence by the time of the second review" (The Children Act 1989 Guidance and Regulations - Volume 2: Care Planning, Placement and Case Review)***

***"The child's need for a permanent home should be addressed and a permanence plan made at the four-month review" (Adoption Statutory Guidance 2013)***

Every effort should be made for children and young people to be brought up within their own birth family.

It is vital that all extended family members are identified and considered even when the parents may have reservations about this. We must work with parents to help them to understand why we must always explore the child's existing family and network first. Parents often have their own reasons for reluctance around this and social workers must be skilled at working with families to ensure that this happens at the earliest possible stage. If parents refuse for extended family to be contacted, then we should be robust in our work to progress this including taking legal advice when cooperation cannot be obtained.

Where it is possible that children and young people cannot be brought up by their birth parents arrangements for them to be cared for on a permanent basis by relatives (or other connected persons) needs to be explored at the earliest opportunity. Whilst it is generally considered that a safe placement with family or friends is preferential to stranger placements, it is important that exploration of these options does not disproportionately delay securing permanence for the child. Therefore, it is necessary to consider this in parallel with other permanency options.

Only young people who are assessed as unable to live in a family situation should be considered for care in a residential setting. This care should focus, where possible, on supporting the young person to reach a point where they can live within a family setting.

Siblings should remain together where possible, recognising that the sibling relationship is likely to be a person's most long-term relationship throughout their life. Detailed individual assessments and careful analysis must underpin any decision to separate siblings.

Permanency planning also needs to recognise the importance of other close ties within the birth family and it is essential that these relationships receive adequate consideration.

The child or young person's wishes and feelings (age appropriate) must be actively sought and taken into consideration at all key points of the permanency planning process.

The child or young person's ethnic, cultural, religious, and language background must be taken into account and plans must be explicit as to how these will be met in any placement. Every effort should be made for the child or young person to be brought up in a family which provides the best match to meet these needs. However, this should not prevent them from being placed with carers from a different background if they can best meet the child/young person's other identified needs and it avoids delay in achieving permanence for the child.

**4. Routes to Permanency**

Wherever possible, children should be placed in local provision unless it has been clearly identified that such a placement poses a risk to the on-going safety and wellbeing of the child. A decision to place a child further must have been considered within the context of the permanence plan.

The options for permanency are (please see [**Appendix A: Permanency Planning Overview (Flowchart)**](https://www.proceduresonline.com/surrey/cs/files/app2_perm_flow.pdf)):

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4.1 Parallel Planning

As part of Permanence Planning for Children Looked After, parallel plans must be drawn up to ensure that alternative plans have been explored and are available without delay, if the preferred permanent outcome proves unachievable.

Consideration can be given to a range of alternative options at the same time to avoid delay in planning. The type of permanency being sought will be determined by the needs of the child or young person. Parallel Planning options will be considered at the Permanency Planning Meetings.

Where children's cases are before the court in Care Proceedings, the court requires Parallel Planning to be reflected in the Care Plan (see [**Care and Supervision Proceedings, Legal Gateway Meetings and the Public Law Outline Procedure**](https://proceduresonline.com/trixcms2/surreycs/doc-library/#collapse1_5)).

4.2 Returning Home

See [**Placements with Parents Procedure**](https://www.proceduresonline.com/surrey/cs/p_place_with_parents.html).

The first stage within permanence planning is work with families and children in need, to support them staying together. Staying at home offers the best chance of stability. This however has to be balanced against the risk of harm to the child.

Family Group meetings must be explored at the earliest opportunity, firstly to establish how wider family can offer support to prevent situations deteriorating and support families to stay together and secondly to identify whether there are any family members who would be willing to be assessed as Connected Carers in the eventuality that the child is taken into care again (see [**Section 4.3, Placement with Family or Friends/Connected Persons**](#placementwithconnected43)).

If a child has been removed from the care of their parents, every effort needs to be made for the child or young person to be reunified with their birth family. Again, this must be balanced against any possible risk of further harm to the child or young person.

Procedures in place to effectively support families through the Child in Need and Child Protection Plans prior to accommodation should reduce the demand for additional assessments. Where there have been long standing concerns the Pre-Proceedings Framework may be utilised within the Public Law Outline which may identify the need for further assessments.

Where previous children have been removed from a parent or parents, a reassessment of their circumstances may need to be made to ascertain any change or progress.

It is essential as part of any plan for a child to return home, to provide effective monitoring and support through a robust multi-agency network, working in partnership with the parents/carers. This ensures the provision of effective help to parents and the child as well as an early alert to potential breakdown. A referral can be made to the reunification support service to offer intensive support to children subject to reunification plans.

4.3 Placement with Family or Friends/Connected Persons

(See [**Placements with Connected Persons Procedure**](https://www.proceduresonline.com/surrey/cs/p_place_conn_pers.html) for further details).

If the child or young person cannot be returned to their birth parent(s), every effort must be made to secure a placement with a family member or friend (Connected Person) as their carer, provided it is safe to do so.

A Family Group Conference should take place at the earliest opportunity to identify whether anyone in the network may be able to provide secure and stable care based on the child's needs. It is Surrey Children's Services policy that Viability Assessments are carried out jointly by the child's social worker and a social worker from the Family and Friends service. This should establish a view as to whether it is reasonable to pursue a full assessment or whether there are fundamental reasons not to consider that placement as suitable.

It is essential that the Connected Person being assessed is informed of the long-term expectations, including the financial implications of caring for the child or young person.

A Permanent Placement with a Connected Person within the family network has the potential advantage of enabling the child to remain within their own family or network. However, these arrangements can present challenges:

* The parenting concerns that were present for the birth parent(s) may also be apparent in the extended network;
* The connected carer may not be able to restrict involvement from the birth parent(s), which may undermine or destabilise the placement.

An assessment needs to fully explore these issues to ensure that a placement with connected carers will be safe and enduring.

Children placed with connected persons are considered to be 'looked after' by the Local Authority until such time as their carers are granted a Special Guardianship or Child Arrangements Order, (see below for further information).

4.4 Adoption

Adoption transfers Parental Responsibility from the birth parents and others, including the Local Authority, permanently and solely to the adopter.

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.

Adoptive placements can be achieved through the granting of a Placement Order or where the child has been formally relinquished by the birth parent(s). Where children are being relinquished for adoption by their parents, the social worker should seek immediate advice from the Adoption Service. See guidance on relinquishment.

Adoption has the following potential advantages as a permanence plan:

* The adoptive carers exclusively hold parental responsibility;
* The child or young person is no longer looked after;
* There can be no future legal challenge to overturn the Adoption Order;
* 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. However, this will be subject to any Contact Order if made by the court at the time of the Adoption Order or later;
* The child is a permanent family member;
* Adoptive parents have the right to request an assessment for support services at any time after the order is made.
* The breakdown rate for adoptive placements is lower than for other placements and when they do break down contact is normally maintained meaning that the child remains part of that family.

Adoption has the following potential disadvantages as a permanence plan:

* It involves permanent legal separation from the birth family;
* There is no review process;
* Ongoing contact with the birth family is at the discretion of the adoptive parents unless there is a Contact Order in place.

Family finding should begin as soon as adoption is under consideration. Whilst a child cannot be formally placed for adoption until a Placement Order is made, potential adoptive families can be considered prior to this under fostering for adoption regulations (see below),

4.5 Fostering to Adopt/Concurrency/ Temporary Approval as Foster Carers of Approved Prospective Adopters

The Children and Families Act 2014 imposes a duty on the Local Authority to consider placements with carers who are approved as both adopters and foster carers. The advantage of this being that, if the court decides that adoption is the appropriate plan and makes a Placement Order, the child does not have to move to another family, achieving permanence sooner for that child, (see Concurrency/Fostering to Adopt (Including approved adopters being temporarily approved as foster carers) section).  This has major advantages in terms of attachments and security for the child/ren.

4.6 Permanent Fostering

A permanent fostering arrangement can be with a family member or friend (connected person) who has been approved as a foster carer for a specific child, or with an in-house or independent fostering agency carer.

This option has proved to be particularly successful for older children who have retained strong links to their birth families, and where the foster carers wish for the continued involvement of the Local Authority.

Permanent fostering has the following potential advantages as a permanence plan:

* The local authority shares parental responsibility where there is a Care Order and in all circumstances will have a key role in negotiating contact and other issues;
* The Local Authority can share some of the day-to-day decision-making with foster carers, where appropriate, using Delegated Authority;
* The Care Planning and Fostering Regulations 2015 allow for less frequent social work input and for greater decision making to be given to the foster carer where the child is to remain long term and the foster carer is assessed as being capable of acting in the parental capacity;
* There is continuing social worker support to the child and the foster family, and the placement is regularly reviewed to ensure that the child's needs continue to be met;
* It maintains legal links to the birth family which can still play a part in the decision making for the child.

Permanent Fostering has the following potential disadvantages as a permanence plan:

* Lack of full Parental responsibility for the foster carers;
* Continuing social work involvement and regular Looked After Children Reviews may be regarded as destabilising to the placement, where they are not welcomed by the child;
* The local authority is under a duty to continue to consider whether reunification to the birth parents is possible/ achievable, this can create a feeling of instability for the child. The parents are able to apply to the court at any stage for the revocation of the care order.
* Possible stigma attached to the child or young person due to being in care;
* The child is not a legal member of the family: This may hinder their view of belonging and if difficulties arise, some carers may be less willing to persevere and seek solutions;
* Post care and/or post 18 the carers have no legal responsibility or legal ongoing relationship towards the young person.

4.7 Special Guardianship

See [**Application for Special Guardianship Orders Procedure**](https://www.proceduresonline.com/surrey/cs/p_app_spec_guard.html).

A Special Guardianship Order should be considered for children who require permanent stability and security, but not the absolute legal break with their birth family that is associated with adoption. It can also provide an alternative for achieving permanence in families where adoption, for cultural or religious reasons, is not an option.

A Special Guardianship Order has the following potential advantages as a permanence plan:

* The carers have majority Parental Responsibility and authority to make day to day decisions;
* The arrangement has added legal security as leave of the court is required to apply to discharge the Order, and will only be granted if a change of circumstances can be established;
* Maintains legal links to the birth family;
* The child or young person will no longer be in the care of the Local Authority and therefore ongoing regular local authority involvement may cease unless this is identified as necessary, in which case an assessment of the need for support must be made by the relevant Local Authority.

A Special Guardianship Order has the following potential disadvantages as a permanence plan:

* May not bring the sense of belonging an Adoption Order may provide;
* As the child or young person is not a legal member of the family it may hinder their sense of belonging and, if difficulties arise, some special guardians may be less willing to persevere and seek resolution;
* Although there are restrictions on making an application to discharge the order, such an application is possible, and therefore the child, young person or carers may not feel totally secure;
* Does not provide the guaranteed levels of allowances as in the case of permanent fostering;
* The order lasts until the child reaches 18. After that time, there is no formal legal connection between the Special Guardian and the child.

4.8 Child Arrangement Orders

Child Arrangements Orders were introduced in April 2014 by the Children and Families Act 2014 (which amended Section 8 Children Act 1989). They replace Contact Orders and Residence Orders.

Applications for child arrangements orders are usually between private individuals under Section 8 Children Act 1989, which are therefore private law matters. Where someone seeks an order in respect of a child who is in the care of the local authority it will be considered a public law matter.

These orders decide who the child is to live with and/or who the child will spend time with and can be granted to more than one person whether they live together or not. If a Child Arrangements Order states that the child will live with a person, that person will have parental responsibility for that child until the order ceases. Contact with a child can either be direct e.g. fact to face meetings, or indirect e.g. by letter or exchange of cards.

Some orders will make very specific arrangements for the child; other orders will be more open with detailed arrangements to be made between the parties by agreement. Child Arrangements Orders are not only made in respect of parents; there can also be orders for arrangements between siblings, and wider family members. Sometimes the order will give directions that contact is to be supervised by a third person, or that contact is to take place in a specific location.

A Child Arrangement Order which specifies with whom the child is to live, has the following potential advantages as a permanence plan:

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

A Child Arrangements Order has the following potential disadvantages as a permanence plan:

* It is less secure than Adoption or Special Guardianship in that an application can be made to revoke the 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;
* There is no formal continuing support to the family after the Order is made although in some instances, Child Arrangements Order Allowances may be payable by the local authority (discretionary);
* 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 (**N.B.** 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).

**5. Achieving a Permanence Plan**

When seeking to secure permanence for a child, the child's Social Worker needs to consider all options alongside pursuing the necessary legal process to secure that outcome. In order to support the social worker in doing this they are required to attend an initial Permanency Planning Meeting within 4 weeks of the child becomes looked after or care proceedings commencing. This meeting discusses the permanence plan for each individual child, each plan will then be reviewed monthly for children aged 5 and under and at least every 3 months for 6–16 year-olds until a formal care plan has been agreed by the court or in the case of children subject to Section 20 accommodation, by the Assistant Director.

The Permanency Planning Meeting will monitor the progress of the plan, including the use of Family Group Conferences and provide advice when the plan needs to be amended. It will challenge delay, escalating this when appropriate. The case specific planning and actions will be discussed at the Permanency Planning Meetings

There is a statutory requirement that the Permanency Plan for the child is defined by the second 'Looked After Children's' review. At this stage it is likely that this will be a parallel plan and all ‘tracks’ of the plan should be being progressed so that there is no delay in implementing these once a final decision is made.

There are regular time slots for Permanency Planning Meetings, usually held fortnightly. These are chaired by Service Managers from the Court Proceedings or Looked After Team. An LCS referral form needs to be completed which identifies the child's needs in the first instance. It also needs to include a chronology of the child's history. The Permanency Planning Meeting will consider:

* The Care Plan - timescales for achieving this (including court timetable if applicable), whether an adoption decision is needed from the Agency Decision Maker and the process for this;
* Progress with the triple track planning:
* Placement with siblings, if applicable;
* The child's needs and what is required of potential carers;
* Contact;
* Considerations for family finding – location, religion, ethnicity etc.
* Progress with life story work, gathering information for life story books and later life letter drafted and kept as an ongoing document to be updated regularly. The record of the meeting will be recorded in the LCS case notes as a Management Oversight;
* Minutes of the permanence planning meetings will be added to LCS by business support and approved by the Permanency Planning Manager.

The first PPM should include the social worker and their team manager The PPM's will monitor the progress of life story work for the child and the preparation work being undertaken with the child. Depending on the care plan for the child, the PPM determines the frequency of review meetings.

Guidance on the process for achieving any of the permanency options within this policy are given in detail within their own individual sections (see hyperlinks). Therefore they are only summarised briefly below:

**Returning Home** – Does not require a legal order but can include a Supervision Order which enables the Local Authority to provide a level of support and monitoring which the family must engage with, as ordered by the court. May include a family plan following an FGC or family network meeting, may include edge of care/rehabilitation work and consideration should always include a multi-agency plan e.g. a CIN plan.

**Placement with Family or Friends/Connected Persons** (see [**Placements with Connected Persons Procedure**](https://www.proceduresonline.com/surrey/cs/p_place_conn_pers.html)) – There are a number of legal options for family and friends carers- the court can grant a special guardianship order or care arrangements order at the final hearing of care proceedings or as part of a subsequent private law application.

see [**Application for Special Guardianship Orders Procedure**](https://www.proceduresonline.com/surrey/cs/p_app_spec_guard.html))

In other cases, the child will be made subject to a Care Order or those with Parental Responsibility will have signed their consent to accommodation. The carers will have been assessed as Family and Friends (Connected Persons) Foster Carers, which will have been presented to the fostering panel. This panel will match and ratify foster placements with the recommendations being endorsed by the fostering Agency Decision Maker.

**Adoption** – The child will be subject to a Placement Order (and an underlying Care Order) and will be placed with Prospective Adopters who are applying to adopt the child once they are legally able to. This match will have been presented to the Adoption Panel and will have been endorsed by the Agency Decision Maker prior to the placement being made.

**Early permanence/Foster to Adopt/Concurrency/Temporary Approval as Foster Carers of Approved Prospective Adopters**–In order to minimise the number of placement moves that a child has to manage placement with approved adopters under reg25a (fostering for adoption) should be considered for all children where it is thought that adoption could become the plan for the child. Permanency, however, is only achieved once a Placement Order has been made and the placement has been presented to the adoption Panel and endorsed by the Agency Decision Maker.

**Permanent Fostering** – The child will be subject to a Care Order or those with Parental Responsibility will have signed their consent to accommodation (Section 20). The carers will have expressed a wish to care for the child permanently and the Permanency Planning Review Meetings will have identified that the carer/s have the capacity to meet the needs of the child long-term. A 'Looked After Children's review will have recommended that the placement should be made permanent. The foster carers this will have subsequently been presented to the Fostering Panel for ratification and this endorsed by the Fostering Agency Decision Maker.

The process for permanent matching for IFA foster carers is the same as for in house carers once any funding has been approved by the Assistant Director and agreed the through the Gateway team. The same paperwork is completed by the child's social worker jointly with the IFA fostering social worker and this is submitted to Surrey's fostering panel co-ordinator. If necessary, it will be the IFA's responsibility to assess the foster carers and refer them to their own Fostering Panel to revise their terms of approval to Permanent/Long Term Fostering. The following information should be requested by the Children's social worker from the IFA.

* Up to date carer's review (within last 3 months);
* Review to address understanding of difference between short term and long term care;
* Why carers want to become long-term carers for these children;
* Evidence of relationship with children in placement, managing behaviour;
* Ability to manage children into adulthood;
* Short report from independent fostering agency manager that they agree with the recommendation;
* Confirmation that all checks are up to date, including a new medical update in relation to long term care;
* Matching report for each child;

The panel coordinator should ensure that the foster carers are invited to panel.

Whilst presenting to panel is not a statutory requirement, it is considered good practice and should be undertaken for all children under 16 years unless there are specific reasons as to why this is not appropriate for the child, in which case this should be carefully recorded on the child’s record. For some 16/17 year-olds it may be appropriate and beneficial for them also to be permanently matched at panel to their carers and this should be considered on a case-by-case basis.

**Permanency Tracking meetings**

Permanency Tracking/ Review meetings are held every three months in the LAC service and oversee the plan when the child is looked after in the longer term. These meetings can provide a forum to offer advice and monitor and challenge drift and delay. Timescales are monitored against government guidance. Some children under the age of 5 years may be reviewed at 6 weeks, dependent on their particular circumstances, and if there is unlikely to be any significant updating information within 4 weeks. Children aged 17 years and those subject to a full pathway plan will be discussed at an initial permanency planning meeting only. When a child’s placement has been formally agreed as permanent then they are no longer subject to reviews at the permanency tracker meetings.

See Adoption and [**Fostering Panel**](https://www.proceduresonline.com/surrey/cs/p_fost_panel.html) for the process for presenting cases and the reports and documents required.

**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. They also make timescales clear.

Those with Parental Responsibility, and children of sufficient age and understanding, should be fully aware of the Care Plan and of the permanency options being considered at each stage of the process.

**Appendices**

[**Appendix A: Permanency Planning Overview (Flowchart)**](https://www.proceduresonline.com/surrey/cs/files/app2_perm_flow.pdf)

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