Children’s Services Early Permanence Policy (Concurrency/Fostering for Adoption)

**Version FINAL v1 Approved by Tina Benjamin**

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# About this document

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## Statutory Guidance

See Statutory Guidance for local authorities and adoption agencies:[**‘Early Permanence placements and approval of prospective adopters as foster carers’**](https://dera.ioe.ac.uk/20575/1/Stat_guidance_FFA__8_July_2014.pdf) **Department of Education (July 2014) -***under section 22C(9A) of the Children Act 1989 there is a duty for local authorities ‘to consider placing a looked after child, for whom the local authority is considering adoption, with foster carers who are also approved prospective adopters following consideration in accordance with section 22C(9B) (c)’*

## What are the Benefits of Early Permanence?

Typically, children with adoption plans move to adopters after living with one or more foster families. We know from research that children who have experienced 3 or more moves are considered particularly at risk with respect of future placement stability (See Selwyn et al ‘Beyond the Adoption Order’ 2014) Early permanence enables carers to offer continuity of care, pending and following placement for adoption. This can mean in some instances children placed directly from hospital might not experience any further moves at all.

Under the terms of the Adoption South East Partnership Agreement and Schedule of Responsibilities, prospective adopters linked with a child may be approved as foster carers by the child’s local authority. Fostering approval is temporary, and limited to this specific child only, pending formal placement under adoption regulations or the ending of the fostering placement for any other reason. Placements can also be made under Fostering Regulation 22 or 24, depending on the specific circumstances which will be outlined subsequently.

## Concurrency and FFA

Early permanence is sometimes referenced as concurrency or fostering for adoption. Legally there is no distinction, however concurrency was a term first used in the UK by the Coram Concurrency Project which recruited and approved dual approved (fostering and adoption) for children placed directly from hospital. The term Fostering for Adoption (FFA) is more recent, and includes placements made at a later point in the child’s journey to permanency. FFA carers may be part of the general adoption intake-reflecting the reality that increasing numbers of prospective adopters wish to consider offering FFA, on a case by case basis.

## When to Consider Early Permanence?

Early permanency should always be considered as an option for any child for whom there is likelihood of an adoption outcome, for example if birth parents have had previous children adopted, with limited grounds to suggest that they yet have capacity to successfully parent a child. In some instances a request may come directly from the parents themselves to make arrangements for their children to be adopted.

Early Permanence should therefore be a routine care planning consideration both pre-birth and at Permanency Planning Meetings. Children’s social workers should therefore routinely consult their Permanency Planning Manager for support and guidance in this respect.

## When Not to Consider Early Permanence?

In some instances, the birthparents are first- time parents whose parenting capacity is unknown, or there may have been significant changes since previous children were removed and adopted. In these circumstances the LA and the Court will want to test the capacity of the parents to successfully care for the child. Seeking an early permanency placement at the outset might seem at odds with the right to family life of both the child and the birth parents. There may also be other family members who have been identified as potentially options, who too require assessment and consideration ahead of placing the child with an early permanence carer.

## Reviewing the Need for Early Permenence

Early permanence should be reconsidered if the child’s needs and circumstances change, e.g. if court agrees to separate a child from parents prior to the final hearing, or a foster carer is unable to continue a placement, meaning the child must move, especially where it is likely that adoption will be the final care plan. Whenever early permanence is reviewed, this discussion should be recorded as part of permanency planning on the case record and the child’s IRO should be notified. Where there are ongoing court proceedings it is advisable to keep all the parties informed of the local authority thinking as regards early permanence.

## Making a Referral: the Role of Adoption South East (ASE)

A referral should be made to the Regional Adoption Agency (ASE) by the child’s social worker or the relevant Permanency Planning Manager, with a view to ASE identifying an early permanency placement. ASE will consider the request at its weekly linking meetings, or identify carers immediately e.g. if an emergency request is made following the birth of a child who needs to be discharged imminently from hospital.

ASE will send a copy of the Coram Baaf Early Permanence Carer Report, (incorporating a risk assessment) and the Prospective Adopter’s Report (PAR) to the nominated person in the local authority, who may approve the carers under fostering regulation 22C. To be eligible for regulation 22C approval the carer must already be approved as a prospective adopter. Following confirmation of approval under regulation 22C, the placement may go ahead, and then follows the same procedure as any other foster placement for the duration of the fostering period.

## Adoption Leave

Amendments to adoption regulations now permit prospective adopters to commence adoption leave from the date of a FFA placement.

## Use of Regulation 24

If the family had already undergone assessment and been approved to adopt they are eligible for consideration as foster carers under regulation 22. However, if they do not currently have the status of prospective adopters, regulation 22 would not be available to them, meaning that in specific circumstances temporary approval as foster carers may instead be sought under regulation 24.

Regulation 24 allows temporary fostering approval for a proposed carer who has a connection to the child to be fostered. It is therefore sometimes applied when the child has a birth sibling living already in an adoptive family and this family are willing to provide a foster placement. As with regulation 22, this approval is granted by the nominated officer of the child’s local authority, pending re-approval as prospective adopters (at which time it is possible to apply instead for regulation 22C approval.)

## What is the Difference Between Regulations 22 and 24

Regulation 22 is preferable in most cases, as it allows for adopters to receive fostering approval for the whole time required. The key issue being that approval begins and ends with the child’s need to be cared for under fostering regulations. For Regulation 24 placements the approval is strictly time limited to 16 weeks which may not be enough time for the care proceedings to conclude and establish the placement under adoption regulations, which requires seeking the recommendation of the Adoption Panel and then a formal Agency Decision to agree that the match may proceed.

Although it is possible to apply for a single 8 week extension in a Regulation 24 case, a full fostering assessment and approval would be needed if the child needed to remain placed under fostering regulations for longer than 24 weeks, which can often be the case in contested care proceedings. In any Regulation 24 case the Adoption Social Worker would reassess suitability to adopt a further child, and book adoption panel to take place within 16 weeks, in order that the placement could thereafter be managed under Regulation 22.

In most instances the carers will be known to ASE already who will undertake the required assessment. In some regulations 24 cases however, the connected family may be from a different adoption agency, in which case discussion would be needed between the Child’s team, ASE and the other agency to reach agreement as regards which adoption agency would manage the adoption assessment, taking account of issues such as location and the support needs of the family.

## Expectations of Early Permanence Carers

There can be no certainty from the outset of the outcome, and so early permanence carers must be willing to accept uncertainty, and regard their role during the initial stage of the placement as that of foster carers. They must prepare all householders and their extended family accordingly, and they must not present themselves as adoptive parents for the child until such time that the child has been formally matched under adoption regulations. Carers undertaking this role must therefore be carefully assessed to ensure that they have the necessary resilience and support in place. The adoption agency will consider this within their adoption assessment, and this must be reported on within the PAR with a view as regards capacity for providing early permanence. All ASE prospective adopters now attend mandatory FFA training as part of their adoption assessment process.

Most early permanence carers act as foster carers for a brief time given that approval is limited to the period pending conclusion of the court process or provision of written consent from the birth parent to adoption. However, accessing training relevant to the fostering role should be encouraged. Paediatric First Aid is required and this is now managed by ASE. Information on foster carer training can be accessed through the adopter and foster carer secure websites.

## Delegation of Decision Making

Foster carers do not hold parental responsibility, although in practice the local authority delegates decision making where it is practical to do so through a detailed placement agreement. This will highlight when the carer needs to seek consent of the local authority and under what circumstances the LA and the birth parent (who continues to hold PR) must be consulted. If a formal placement planning meeting is possible prior to the placement, the fostering placement agreement should be completed at that time, and introductions planned. If this is not possible, the agreement should be completed within a week of placement.

## Contact

Parental contact is typically frequent for early permanence placements, given the need to assess parenting capacity of birth parents still wishing to care of their child. Any prospective adopter considering early permanence therefore needs to understand the role of a foster carer in supporting the child to stay in touch with their birth family. Whilst the local authority will retain responsibility for managing the contact arrangements, including supervision, generally foster carers provide transport to contact and manage a handover with support as needed form the Contact Supervisor. The details should be determined by the child’s needs.

## Information Sharing

Following Coram Baaf practice note 59, parents must be told what information is to be shared with the carers. While some parents may consent to the sharing of information, others may object; however, parental consent to the sharing of information with prospective carers is not a requirement. A record should be kept of the information that has been shared with Fostering for Adoption carers

## Visits to the Child

Visits to the childwill be subject to statutory visits by the case holder. Looked after child reviews also continue at the usual frequency, and the carers must provide access to the child accordingly.

## Case Records

Case recordsmust be entered into the appropriate (fostering) case record in LCS once the carers have been set up as Surrey foster carers. An overview case note should also be entered into the relevant adoption case record referencing the fact that the carers are currently providing an early permanence placement and that case records are available in the Surrey fostering file. Where the adoption worker is from the Woking ASE spoke, the worker will have direct access to fostering records. However, adoption workers from different ASE spokes or another adoption agency will not have access to LCS, so will an arrangement with the Surrey Fostering Service, to send case notes via secure means for uploading to LCS.

## Support and Supervision

As foster carers, the early permanence carers will receive monthly supervision from a supervising social worker. This will be the carer’s adoption worker with whom they will have an existing relationship, unless otherwise agreed that a member of the fostering team will undertake this role. A copy of the SCC fostering handbook should be made available to the approved early permanence carers.

Carers should be provided with membership of an appropriate support agency-by arrangement between ASE and the fostering agency, in order that they can access independent support and advice in the event of an allegation. The Allegations and Standards of Care Policy (of the local authority where the carers and the child are living) will apply in the event that any allegations or standards of care issues rise during the placement.

## Payment

A fostering allowance- (at skills level one) is paid for the duration of the fostering period. From April 2015, adoption leave including access to adoption pay has been able to be claimed from the time that the child is first placed, and employment rights are protected as with other adoption placements.

## Recording by the FFA Carers

The F2A carers are expected to complete a daily log-which will be provided by the adoption social worker and must be made available to the child’s social worker. F2A carers are encouraged to attend relevant fostering training about this offered by the fostering service.

## Proceding with an Adoption Plan

Assuming that the final local authority plan is confirmed as adoption, the local authority must confirm through a matching meeting and assessment that it is in the child’s best interest to proceed to matching with the early permanence carers under adoption regulations. Formal matching requires that there is either parental or agreement form the court to placing for adoption. Only then can the local authority propose it’s preferred match to the Adoption Panel-as with any other adoption case. After the match has been ratified, the child is considered placed under adoption regulations with the now prospective adopters.

Fostering payments should be stopped, and the fostering registration on LCS ended by the allocated worker. If the child leaves the early permanence placement without being matched the early permanence carer’s fostering approval will end on the day the placement ends. The fostering agency should, as a matter of good practice, write to the carers to advise that approval has ended making arrangements to reclaim any overpayments of the fostering allowance as necessary.

In the unlikely event that an EP arrangement continues over 12 months the EP carers will be subject to an annual review of their approval under Fostering Regulations.

## Flow Chart

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**Child’s pathway**

**Adult pathway**

Placement order made/ birth parents consent for adoption is obtained.

Consideration of F2A for child expected to become looked after/ already subject of proceedings and adoption outcome possible

Placement under adoption regulations-end of EP placement

Adoption panel considers the match, and this is ratified by the Adoption Agency Decision Maker.

Temporary approval under fostering regulations

Reg 22/24 report and Risk assessment

Adoption Service identifies possible placement, discussion with carers

Attend the EP training

2 stage adoption assessment process, additional information about EP is provided throughout. Approved to adopt.

Applicants seek information about adoption and register interest