

## Response to Request for Information

Reference      FOI 000849  
Date            03 February 2017

### ***Section 20 Children Act 1989 – Voluntary Accommodation***

**Request:**

**Freedom of Information request: use of section 20 Children Act 1989 voluntary accommodation**

This is a request, made under the Freedom of Information Act 2000, for information held by your local authority. The department holding this information is that which has lead responsibility for dealing with 'looked after' children.

**Please provide the information that your local authority holds regarding the following:-**

**Section A: Overall S20 population**

- a) How many looked after children were in the care of your local authority under section 20 Children Act 1989 as at:-
- (i) 31 March 2014 = 133
  - (ii) 31 March 2015 = 82
  - (iii) 31 March 2016 = 51
  - (iv) 31 October 2016 = 41
- b) Of these, as of each date, how many were unaccompanied asylum seeking children?
- (i) 31 March 2014 = 3
  - (ii) 31 March 2015 = 2
  - (iii) 31 March 2016 = 4
  - (iv) 31 October 2016 = 6
- c) As at 31 October 2016, how many of the unaccompanied asylum seeking children who are looked after under a section 20 Children Act 1989 arrangement have been looked after under section 20 for:-
- (i) less than 1 year = 5
  - (ii) 1 to 2 years = 1
  - (iii) 2- 3 years = 0
  - (iv) longer than 3 years = 0

**Section B: Questions about accommodated children who are NOT unaccompanied asylum seeking children**

**The rest of these questions apply to looked after children in the care of your local authority under a section 20 Children Act 1989 arrangement, who are NOT unaccompanied asylum seeking children.**

1. As at 31 October 2016, of the looked after children in the care of your local authority who are voluntarily accommodated under a section 20 Children Act 1989 agreement, how many were placed in:-
  - (i) unrelated foster care - excluding foster for adoption foster placements = 15
  - (ii) foster for adoption foster placements = 0
  - (iii) friends and family foster care = 2
  - (iv) the care of a parent = 0
  - (v) residential care = 11
  - (vi) Anything else not accounted for by the other categories (Other Placement, NHS / Medical Establishment, Independent Living) = 7
  
2. As at 31 October 2016, of the looked after children in the care of your local authority who were voluntarily accommodated under a section 20 Children Act 1989 arrangement how many were:-
  - (i) under 1 = 0
  - (ii) 1-4 years = 3
  - (iii) 5 -9 years = 2
  - (iv) 10-15 years = 14
  - (v) 16 and over = 16
  
- 3a) As at 31 October 2016, of the looked after children in the care of your local authority who were voluntarily accommodated under a section 20 Children Act 1989 arrangement, how many had become looked children since 1 April 2015? 21
  
- 3b) Of those children, how many were subject to:-
  - (i) care proceedings at the time the arrangement began; 0 or
  - (ii) a pre-proceedings (PLO) process during which parents are entitled to free, independent legal advice at the time the arrangement began; 0 or
  - (iii) no legal process at the time the arrangement began? 20 (1 LA remand)
  
- 4a) How many foster for adoption (s.22C(9A)-(9C) Children Act 1989) placements were initiated by your local authority during each of the following periods:-
  - (i) 25 July 2014 to 31 March 2015; 1
  - (ii) 1 April 2015 to 31 March 2016; 4
  - (ii) 1 April 2016 until 31 October 2016? 3
  
- 4b) In any of these cases did a placement involve more than one child?  
1-sibling group of two
  
- 4c) How many of the children placed in foster for adoption placements initiated by your authority since 25 July 2014 were:
  - (i) newborn to 6 weeks; 0
  - (ii) 6 weeks to 6 months; 3
  - (iii) 6 months to 1year; 3
  - (iv) 1 year to 2 years; and
  - (v) 2 years to 3 years. 1

at the time that they became looked after?

1 placed over 5

- 5a)** How many of the foster for adoption placements initiated by your local authority since 25 July 2014 were for children looked after pursuant to a section 20 Children Act 1989 voluntary accommodation agreement? 1
- 5b)** Of these, how many were subject to:-
- (i) care proceedings at the time that the fostering for adoption placement began; or 1
  - (ii) a pre-proceedings (PLO) process (during which parents are entitled to free, independent legal advice under regulation 5(1)(e) of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013) at the time that the fostering for adoption placement began; or 0
  - (iii) no legal process at the time that the fostering for adoption placement began? 0
- 5c)** In relation to children subject to a foster for adoption placement initiated by your local authority since 25 July 2014 who are looked after pursuant to a section 20 Children Act 1989 voluntary accommodation agreement, how many were aged:
- (i) newborn to 6 weeks; 1
  - (ii) 6 weeks to 6 months; 0
  - (iii) 6 months to 1 year; 0
  - (iv) 1 year to 2 years; 0 and
  - (v) 2 years to 3 years. 0
- at the time that they become looked after?

### **Section C: Short break provision**

- 6a)** As at 31 October 2016 how many children in your local authority area receive short break or respite care provided under section 20 Children Act 1989? 15
- 6b)** Of those, how many are children with special needs/disabilities? 3

### **Section D: Policy/good practice**

- 7.** Please confirm whether your local authority has any of the following:-
- (i) a written policy relating to the use of section 20 voluntary agreements with parents and others with parental responsibility;
  - (ii) written guidance for social workers in the authority about the use of section 20 voluntary agreements with parents and others with parental responsibility;
  - (iii) a template form of written agreement for parents regarding entering into a section 20 Children Act 1989 voluntary arrangement?
- 7a.** Please provide a copy of these documents.  
Please find attached 3 documents. We currently are reviewing the attached policies and are in the process of producing a specific policy in relation to Section 20.

# **Children and Family Support**

## **Children and Young People who are Unable to Live with Their Birth Parents covering:**

- **Family Arrangements (where there is no Local Authority Involvement)**
- **Family Arrangements support under Section 17**
- **Private Fostering Arrangements**
- **Looked After Children placed with Family, Friends and Connected Persons**
- **Immediate (Emergency) Placement with a “Family, Friend or Connected Person” Regulation 24/25 of the Care Planning, Placement and Case Review (England) Regulations**

## **Policy & Procedure**

Approved by – Children and Family Support Management Team

Published – January 2012

Review Date – January 2014

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**A Immediate Placement with Family and Friends (Connected Person) under Regulation 24/25 Flowchart**

## **1.0 INTRODUCTION/LEGISLATIVE FRAMEWORK**

Local Authorities are entrusted with the aim of ensuring that all children are securely attached to carers capable of providing safe and effective care for the duration of their childhood. Attachment provides security which allows the child to develop physically, emotionally and cognitively through a consistent care-giving relationship between adult and child.

Permanence is achieved when a child is legally secured or belongs within the family in which they live and when they are psychologically attached to carers who are committed to meeting their needs to the best of their ability.

For most children, the best prospect of achieving permanency will be living with their birth parents without the need for a legal order.

The child's parents/others with parental responsibility should be empowered in the decision making about where the child lives. The local authority will only seek to interfere with a parent's authority to make decisions about where the child lives when this is necessary to safeguard the welfare of the child or where this is required by statute.

When a child cannot remain with, or return to, their birth parents the preferred option is for the child to live with a member of their family, friends and connected person network – ideally without the need for a legal order.

Where a legal order is required to secure a family, friend or connected person network, this can be achieved through a residence order, special guardianship order, or an adoption order.

Children living with a family, friends or connected person should only be looked after in exceptional circumstances. When the child is looked after this should be seen as a temporary measure until full permanence can be achieved.

Not all family, friend or connected person living arrangements need the support of the local authority. The majority are established independently between the child's parent(s) and the family/friend carer. The local authority would not normally be involved with these arrangements except where it is deemed necessary to safeguard and promote the welfare of the child.

When the local authority is involved in the arrangements for a child living with, or beginning to live with, a family or friend, for instance when a parent accepts that they cannot care for their own child but proposes a family member or friend who could avoid the need for the child to become

looked after but who may need some S17 support from the LA to enable this to happen, this should be based on a thorough assessment of the child and the family or friend. The social worker must be satisfied that this is a real alternative to the child becoming looked after and that it is in the best interests of the child concerned. The nature of the Local Authority's limited role must be made clear in these cases where the child is not becoming Looked After.

Whether or not such arrangements constitute 'private fostering' will also need to be considered by the social worker – this will depend for instance on the length of time the arrangement is likely to be in place and how close a relative to the child is involved. See [Private Fostering Policies and Procedures](#).

Securing the most appropriate outcome for a child is underpinned by care planning and review.

The following legislation underpins this policy and procedure:

- Children Act 1989
- Children and Young Persons Act 2008
- Care Planning Placement and Case Review (England) Regulations 2010
- Fostering Services Regulations 2011
- Fostering Service National Minimum Standards 2011

## **2.0 IN WHAT CIRCUMSTANCES DOES THIS POLICY APPLY?**

This policy applies when children and young people are living, or are likely to be living, with family members or friends in any of the following circumstances:

- Informal arrangements with a relative (See Part A)
- Informal arrangements with friends or other family members which last for a period of less than 28 days (See Part A)
- As a private fostering arrangement (see [Private Fostering Policies and Procedures](#) (See [Part C](#)))
- Under a residence order or special guardianship order, or in arrangements which may lead to an adoption order (See [Section D](#))
- Where a Looked After Child is placed with Family, Friends or a Connected person

**PART A – FAMILY ARRANGEMENTS (WHERE THERE IS NO LOCAL AUTHORITY INVOLVEMENT)**

**1.0 FAMILY ARRANGEMENTS (WHERE THERE IS NO LOCAL AUTHORITY INVOLVEMENT)**

Families can place their child(ren) with close relatives at their own discretion where there is no involvement by the Local Authority.

When families make these arrangements the Local Authority is under no duty to provide financial support. This is a private family arrangement.



## **PART B – FAMILY ARRANGEMENTS SUPPORT UNDER SECTION 17**

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- 1.0 What is Section 17?**
- 2.0 Accessing Informal Arrangements (Section 17)**
- 3.0 Entitlement to support under Section 17 in an informal arrangement**

## **1.0 WHAT IS SECTION 17?**

The Children and Family Support Service have a duty to promote and safeguard the welfare of children and young people in the City. Under Section 17 of the 1989 Children Act it is the duty of the Local Authority:

- a. to safeguard and promote the welfare of children within their area who are in need; and
- b. so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.

## **2.0 ASSESSING VOLUNTARY FAMILY ARRANGEMENTS (SECTION 17)**

The local authority does not have a duty to assess informal family and friends care arrangements, unless it appears that services may be necessary to safeguard or promote the welfare of a child in need or unless the arrangements fall under the private fostering regulations. If either is the case then the Children's Social Care Duty and Assessment team should be contacted and an assessment will be initiated where appropriate.

In assessing the suitability of a child living with a relative or friend or other person connected with the child where the alternative is that the child may become looked after, local authorities will need to consider what support may be required to enable the arrangement to be successful, where informal or by way of a special guardianship or a residence order. Where family members and friends are caring for a child or young person who would otherwise be looked after, or is returning from a care placement, it is essential that proper recognition and effective support are given to ensure the carers are able to safeguard the child and promote his/her welfare, and so achieve their full potential.

In working with children in need the core assessment will assess the wider family and environmental factors. Where we can support families in making their own arrangements for children who might otherwise become looked after then this is to be welcomed, however, in every case the social worker needs to be satisfied that the best interests of the child are secured; where this is not the case then arrangements should be made for the child to become looked after.

### **3.0 ENTITLEMENT TO SUPPORT UNDER SECTION 17 IN AN INFORMAL ARRANGEMENT**

Section 17 support/funding should be used predominantly to prevent a child or young person coming into the Looked After system. It may therefore be used in the following way:

- Purchase of equipment (bed, bedding to enable relative/friend to care for the child
- Payment for food/electricity pending benefits payment
- Parenting support
- Funding a summer scheme placement to support a family at a particular time of pressure.
- Payment to support day care provision for a short period to reduce pressure on the family.

Any requests for Section 17 payments will be dealt in accordance with the [Section 17 Protocol](#).

When parents/families are supported under Section 17 then this is a voluntary arrangement and would be managed via a Child in Need Plan.

## **PART C – PRIVATE FOSTERING ARRANGEMENTS**

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- 1.0 What is Private Fostering?**
- 2.0 Notifications to the Local Authority**
- 3.0 Financial Support**

## **1.0 WHAT IS PRIVATE FOSTERING?**

Private Fostering is when a child under the age of 16 (under 18 if disabled is cared for by someone who is not their parent or a 'close relative'). This is a private arrangement made between a parent and a carer, for 28 days or more. Close relatives are defined as step-parents, grandparents, brothers, sisters, uncles or aunts (whether of full blood, half blood or marriage/affinity).

## **2.0 NOTIFICATIONS TO THE LOCAL AUTHORITY**

Where a child is to be placed with Private Foster Carers, the local authority must be notified not less than 6 weeks or more than 13 weeks before an arrangement begins. This notification must be made to Duty & Assessment who will then make the trigger on CareFirst to notify the private fostering social worker.

Where no prior notification of a placement is given, private foster carers must notify the local authority no more than 48 hours after the arrangement begins.

Please see [Private Fostering Policies and Procedures](#) for more information.

## **3.0 FINANCIAL SUPPORT**

In Private Fostering arrangements the Local Authority is not under any duty to provide financial support although payments under Section 17 may be considered in line with normal child in need processes.

**PART D – LOOKED AFTER CHILDREN PLACED WITH FAMILY AND FRIENDS (CONNECTED PERSONS)**

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## **1.0 OPTIONS FOR PERMANENCE WHEN CONSIDERING PLACING A LAC WITH FAMILY AND FRIENDS (CONNECTED PERSON) CARE**

### **1.1 Permanent Placement with Family and Friends (Connected Person)**

For children unable to return home to the care of their parents the most desirable option is a permanent placement with family or friends.

It is important to establish at an early stage whether or not family members and friends might be available to care for the child, in order to avoid the kind of delays that can happen during Court proceedings when this work has not been done.

Family Group Conference approaches may be used to empower families in decision making for their children.

Where living with family and friends is in the child's best interests, all options for achieving this without the child remaining looked after should be explored.

When a legal order is required to secure a family or friends placement, this may be achieved through adoption, Special Guardianship Order, Residence Order or Care Order. Wherever appropriate the family and friends carers should be encouraged and supported to apply for a Residence Order or Special Guardianship Order. A plan to seek a Care Order and place with family or friends should only occur where this is clearly in the best interests of the child. The permanency plan should include regular reviews to consider the appropriateness of other options that will enable the Care Order to be discharged.

Where a child needs to remain looked after by the local authority, the family member or friend will need to be approved as a Family & Friends Foster (Connected Person) Carer for the specific (named) child.

In all circumstances, except adoption, the child's birth parents retain parental responsibility. The extent to which the birth parents can exercise their parental responsibility will vary with the type of legal order in force.

Where the child is no longer looked after and there is no legal order in force, the carer and child's parents are financially responsible for the child. Appropriate Benefits and Tax Credits in respect of the child may be claimed. Where an adoption, special guardianship or residence order is in force and financial support is assessed as necessary to enable and/or maintain the placement, an adoption, special guardianship or residence order allowance may be paid. The amount of the allowance paid is means-tested. Please see [Ongoing Financial Support to Secure](#)

[Permanence for Looked After Children in Permanent Placement Policy and Procedure.](#)

Where the child is looked after, usually the subject of a Care Order, the carer will be a Family & Friends Foster Carer and will be paid the age-appropriate fostering allowances for the child.

## **1.2 Permanent Fostering for a LAC**

Permanent fostering with unrelated foster carers should only be considered where the above options of a return to birth parents, placement with family and friends and adoption have been assessed as inappropriate or have been tried without success.

Permanent fostering can offer stability through the provision of a supportive relationship and attachment into adulthood for a child. At the same time it allows attachments to parents and the child's wider family to continue. It has proved to be particularly useful for older children who retain strong links to their families and do not want or need the formality of adoption.

Please see [Permanence Policy](#).

## **1.3 Special Guardianship**

Special Guardianship aims to provide permanence for children for whom adoption is not appropriate. It is intended to be used where the relationship between child and carer would benefit from greater legal security, but when adoption is not suitable. It addresses the needs of a significant group of children, mainly older, who need a sense of stability and security but who do not wish to make 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.

Special Guardianship does not end the legal relationship between the child and his/her birth parents. The birth parents remain the child's parents and continue to have shared parental responsibility for the child.

Please see [Permanence Policy](#).

## **1.4 Residence Order**

A Residence Order may be used to increase the degree of legal permanence in a placement. It is intended for where parents feel they have a continued role to play in relation to the child, but cannot provide day to day care.



Please see [Permanence Policy](#).

## **1.5 Adoption**

If a return home or a family and friends placement cannot be achieved, adoption should be considered for all children under 10 years of age. Children aged 10 years and over may also benefit from adoption if this is in their best interests and consistent with their wishes.

Research strongly supports adoption as a primary consideration and as a main factor contributing to the stability of children, especially if under four years old, who cannot be rehabilitated to their birth parents or extended family.

Adoption offers children a legally permanent new family to which they will belong all their lives.

Please see [Permanence Policy](#).

## **2.0 WHAT IS A FAMILY AND FRIENDS (CONNECTED PERSON) CARER?**

A family and friends (connected person) carer means a relative, friend or other person with a prior connection with somebody else's child who could be caring for that child full time. An individual who is a "connected person" to a looked after child may also be termed a family and friends carer. A child who is cared for by a family and friends (connected person) carer may or may not be looked after by the local authority. (See Section A for information on family arrangements where there is no local authority involvement).

At the point where a child or young person can no longer remain with their parents, the family should consider and explore if there are any close family members or friends that the child can be placed with ([see Section A](#) – Family Arrangements where there is no Local Authority involvement). If this is not possible then a decision will be made, if appropriate, to accommodate the child. A Family Group Conference may be a helpful way of engaging with parents and wider family and friends around the best way to meet the needs of the child concerned (see Section 9.0).

## **3.0 DECISION TO ACCOMMODATE**

For a step-by-step guide on the process that must be followed when a child becomes looked after and is placed in a placement by Children's Services please [see planned and unplanned placements policy and procedure](#) (un-planned in this policy refers to immediate placement).

Before any child can be looked after, an Initial Assessment and/ or Core Assessment must be completed. Agreement must be sought from the

Head/Deputy Head of Service, before the child becomes looked after or as soon as possible. Unless the child is subject to a court order or Police Protection, parents must sign a Section 20 Agreement.

#### **4.0 ROLE OF FAMILY GROUP CONFERENCES IN PLACEMENTS WITH FAMILY AND FRIENDS (CONNECTED PERSONS) CARERS**

When difficulties arise, families may need support to help them to identify resources available to them with the potential to enable children to remain within the extended family. Family Group conferences (FGC) should be considered as an effective method of engaging the support of the wider family and friends at an early stage of concerns about a child who may not be able to live with their parents.

FGC should be seen as a valuable tool to engage families in planning as soon as it is thought possible a child may become looked after.

Please see [Family Group Conferences](#) Policy and Procedure.

#### **5.0 ASSESSMENT PROCESS FOR PLACING A LAC WITH FAMILY AND FRIENDS (CONNECTED PERSON)**

##### **5.1 Immediate (Emergency) placement**

An immediate placement can only be agreed for a LAC (under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010) when the proposed carer is relative, a friend or a Connected Person with whom the child has a pre-existing relationship. **This is only to be used in exceptional circumstances.**

Please see Part E Immediate (Emergency) Placement with a “Family and Friends or Connected Person” Regulation 24/25 Policy and Procedure.

##### **5.2 Planned Process**

An assessment, to determine whether prospective family and friend (connected person) carer for a child can potentially meet the needs of a child are:-

- Where more than one individual or couple put themselves forward to care for a child this assessment is to be used in helping the family and the department to ascertain which potential carer might meet the child's needs. FGC could assist with this see [Section 4.0](#)
- Where an individual or couple put themselves forward as prospective carers for a child, and because of information already known about them, the local authority has serious reservations about their capacity to meet the needs of the child.

- Where an individual or couple put themselves forward as prospective carers and nothing is known about them, when a viability assessment will indicate if a full assessment is required.
- The Department has been directed by the court to assess the potential of identified relatives or friends.
- The Care Plan indicates a return to the family or family have come forward.

The assessment process for a family and friends carer will be in the form of a viability assessment.

This assessment is an initial “screening” to establish whether those putting themselves forward to care for a child have the potential to meet the child’s needs, and whether they should go forward for a full assessment as a Wolverhampton Foster Carer.

A viability assessment is necessarily brief but should show clear evidence of why we consider the prospective carers should, or should not, go forward for further assessment.

The assessment is designed to identify any major issues which would exclude the prospective family & friend (connected person) carers from being approved as foster carers, or to other types of family, friends and connected person carers, and ensuring that if anyone goes forward for a full assessment, there is a reasonable possibility of their being approved following due process.

As an initial screening tool the viability assessment can only be indicative of someone’s suitability.

### **5.3 PROCESS TO BE FOLLOWED**

1. The child’s Social Worker and the Fostering Team Manager will decide whether a viability assessment should be undertaken.
2. The Fostering Team will complete the viability assessment, but they may refer to the Social Worker for consultation/advice if the situation is complex.
3. The viability assessment is to be completed within approximately 14 working days from referral.
4. The Fostering Team will complete the viability assessment and in most cases would be undertaken in one visit, and should include an interview with both prospective family & friend (connected person) carers for (if a couple) and sight of the property in which they plan to care for the child if at all possible (this may be contraindicated if the carers live out of the country).

Factual information about the carers will include:

- Names, address, dates of birth
- Language, ethnicity, religion
- LA checks, police checks, health information/health checks, CRB applications
- Accommodation space and available sleeping/bedroom accommodation
- Other members of the prospective carer's household – LA and local police checks
- Relationship of carer to child and to child's parents
- Availability of carers through work and other caring responsibilities
- Attitude and understanding of the role and requirement to follow care plan, contact arrangements, safeguarding
- Child's views of prospective placement
- Child's parents' views of prospective placement.
- Motivation to care for the child.

The child's social worker and their manager will ratify the recommendations of the viability assessment and will make the decision as to whether the prospective carer should then proceed to assessment.

If the viability assessment recommends that the prospective Family and Friend (Connected Person) carer should not proceed, this must be clearly evidenced and the information contained in the report confirmed with the prospective carer.

If the outcome of the viability assessment supports the proposal from the relative or friend to care for the child, the child's Care Plan also supports this, and the child is to have a planned move to carers, a referral is to be made immediately to the fostering team in which the child lives for assessment of the carers to be completed and taken to Fostering Panel within 16 weeks.

Regulation 26 of the Care Planning Placements 2010 prescribes how an assessment of Family and Friends (Connected Persons) must be conducted and requires the fostering service to obtain the information specified in schedule 3 of the regulations, interview at least two personal references and prepare written reports of those interviews. Please see [Approval of Foster Carers](#) Policy and Procedure for approval process.

## **6.0 FULL ASSESSMENT PROCESS AS A WOLVERHAMPTON CITY COUNCIL FOSTER CARER**

The assessment process for assessing a Family and Friend (Connected Person) as a temporary foster carer will be the Form C assessment (incorporating the 3 parts; schedule 4, viability and the form f assessment) see Appendix B for more information

The full assessment process will then be undertaken and taken to the Fostering Panel for approval.

Once the Family and Friends (Connected Persons) carer has been approved by the Fostering Panel the child will be placed and a supervising social worker allocated. Financial support in terms of the age related fostering allowance will also be payable in line with the Fostering Recruitment and Retention Policy and Procedure.

#### **7.0 SOCIAL WORK VISITS TO LAC PLACED WITH FAMILY AND FRIENDS (CONNECTED PERSONS)**

The child should be visited within one week of the start of the child's first placement. Thereafter, the child must be visited at intervals of not more than six weeks for the first year of any placement this is to secure the welfare of the child in placement and in line with normal visiting requirements for LAC in foster care.

Visits during subsequent years must also take place at intervals of not more than six weeks unless the placement has been formally agreed as a permanent placement which is intended to last until the child is 18; in those circumstances, the intervals between visits in the second and subsequent years of placement must not be longer than three months.

However, the frequency of visits should be determined by the circumstances of the case and the authority must arrange a visit whenever reasonably requested by a child or foster carer regardless of the status of the placement.

#### **8.0 SUPERVISING SOCIAL WORKER VISITS TO FAMILY AND FRIENDS (CONNECTED PERSON)**

Research shows that when Foster Carers are properly supported placements for the child are more stable and the number of unplanned endings are fewer. The Fostering Supervising social worker provides support to approved foster carers by regular supervision meetings. Please see Fostering Supervision and Support Policy and Procedure ([Section 6.0](#)). Fostering support Workers also provide additional support and visiting if needed. This is found to be especially valuable for carers when they are new to fostering and is also welcomed by those carers who may have a particularly challenging placement.

Foster Carers can also join the National Fostering Network which provides a variety of services to foster carers. (Contact details:- The Fostering Network, 87, Blackfriars road, London SE1. 8HA Tel: 020 7620 6433).

Amongst other services, the National Fostering Network offers legal expenses insurance to foster carers and their children (aged under 18): access to free legal advice (24 hour helpline): a free stress counselling service and a medical advice helpline (24hours).

## **9.0 INVOLVEMENT OF CHILD AND CARERS IN CARE PLANNING**

In all cases, full consultation with all family and community support networks must be considered as a possible method of engaging those who know the child best, or who the child is most attached to, in considering the child's long term needs.

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

Harnessing family and community support networks in this may be particularly effective, for example, for children from black and minority ethnic groups and for disabled children.

## **10.0 ACCOMMODATION**

Family and Friends (Connected Persons) carers may need support with accommodation, as their homes may not be of sufficient capacity to suddenly take on the care of a child or possibly a sibling group of children. Consideration of support and appropriateness of accommodation will be identified and offered throughout the assessment process.

## **11.0 SUPPORT GROUPS**

There is a requirement under Regulations and National Minimum Standards that requires fostering services to provide foster carers including family and friends carers with such training, advice, information and support (including support outside office hours), as appears necessary in the interests of children placed with them (standards 20 and 21).

Wolverhampton offers the following supportive services:

### **11.1 Pre -Approval Training**

Pre-approval training is a requirement for all carers; This is offered through the 'Skills to Foster' which is adapted to meet the needs of prospective family and friends carers. Wolverhampton also offers carers an opportunity to obtain information by holding information session, At this session, prospective foster carers are given information packs, which are built upon in the initial visits .Once a decision has been made to proceed to the assessment further information regarding the fostering task is given as part of their assessment.

## **11.2 Post approval training and support**

All approved family and friends Foster carers are required to meet the Children's Workforce Development Council [CWDC] Training, Support and Development Standards. These standards set out the framework of development for carers over the first 2 years of approval and for Continuing Professional Development through an annual review of their personal Development Plan to ensure they undertake any development training identified. This might comprise of both mandatory, optional and refresher modules.

Additionally. Family and Friends (Connected Person) carers are subject to:

- A written foster care agreement, between Wolverhampton city council and the carer. An allocated supervising Social worker who visits every 6weeks to assist with their training and development needs, to monitor the placement and to provide practical day- to - day advice on caring issues, or behaviour management, or difficult situations in the placement.
- A foster carer Handbook summarising policies, procedures, and practical information relevant to the fostering task is also available.
- Information on the Wolverhampton payment scheme
- A lockable cabinet and a recording folder to maintain records and documents pertaining to the children placed
- Wolverhampton's Foster Care Association provides a monthly newsletter (Fostering News) which goes out to all foster carers. The department also pays the annual subscription fee to Fostering Network, which is the national representative body for fostering.
- A Safe Caring policy, which is intended to safeguard both the looked after child and the foster carer.
- Access to fostering duty social worker 5days each week to help in resolving matters in the absence of their social worker
- Access to Placement Care Support to support children in placements
- Access to Practice Managers to help resolve more complex matters or in the absence of their supervising worker

- Wolverhampton in partnership with the Foster Care Association also provides 24/7 help line support service Wolverhampton City via the departmental evening and weekend Out of Hours Service, compliments the Service provided by the fostering team.
- Support group is held monthly by supervising social workers, further to this there is a partnership arrangement with the FCA for the provision of a range of other support systems.
- Foster carers in Wolverhampton also have access to the Staff Counselling Service.

### **11.3 Break from Caring**

Wolverhampton recognises that additional support through the provision of short breaks/respite care to promote stable and secure placements is an effective way of supporting foster placements. It is also recognised that many "Looked After Children" demonstrate a range of behaviours that can threaten the stability of, or lead to the disruption of placements, therefore all carers caring for children over the age of 3 years will be entitled to 7 nights respite arrangement each year. However there might be times when it is not appropriate for children to receive respite care. (Please see Fostering Service Respite policy and procedures).

### **11.4 Reviews of Foster Carers**

Foster carers are reviewed on an Annual basis by Independent Review Officers. Social workers and children are given the opportunity to have an input into this process. The review must consider whether the foster carer and their household continue to be suitable.

The fostering panel receives a written report from the first review and makes recommendations which are sent to the decision maker. Written confirmation of the discussion and decision of the fostering panel is forwarded to the carer (see fostering service policy and procedures support to foster carers)

This will involve the carer meeting with the independent reviewing officer. The reviewing officer will discuss the activity of a foster carer to ensure the carer continues to be suitable to act as a foster carer, and the household is a suitable premises.

The reviewing officer will seek the views of the foster carer, the foster child (subject to the child's age and understanding) the child's social worker, the Supervising Social Worker, the Workforce Development Officer and any other relevant and appropriate personnel.



The review is also an opportunity for the carer to review the service and support given to them.

A foster home review may be more frequent if, for example, the foster carer has moved home or there is some significant change in their household.

**PART E – IMMEDIATE (EMERGENCY) PLACEMENT WITH A “FAMILY AND FRIENDS (CONNECTED PERSON)” REGULATION 24/25**

**Index**

- 1.0 In what circumstances can an immediate (emergency) placement with a Family and Friends (Connected Person) be made?**
  - 1.1 Decision to Accommodate**
- 2.0 Legal Framework**
- 3.0 Placing a child or young person**
- 4.0 The Assessment of a Family and Friends (Connected Person) Carer under Regulation 24/25**
- 5.0 Social work visits to children looked after placed with Family and Friends (Connected Person) under Regulation 24**
- 6.0 Supervising Social Worker visits to the temporary Foster Carer**
- 7.0 Involvement of Child and Carers in Care Planning**
- 8.0 Full assessment process as a Wolverhampton City Council Foster Carer**
- 9.0 Action following placement under Regulation 24**
- 10.0 Extension of temporary approval period**
- 11.0 Financial Situation**
- 12.0 Process Flowchart**

## **1.0 IN WHAT CIRCUMSTANCES CAN AN IMMEDIATE (EMERGENCY) PLACEMENT WITH A “FAMILY AND FRIENDS (CONNECTED PERSON) BE MADE?**

There will be circumstances when the most appropriate placement for a looked after child is with a family and friend (connected person) and the need for such a placement is urgent, but it is not possible to fulfill all the requirements of the 2011 Regulations in approving the person as a local authority foster carer to allow an immediate placement (see Part D).

The circumstances in which a placement can be made in these circumstances are set out in section 3.0.

### **1.1 Decision to Accommodate**

See section Part D Decision to Accommodate.

## **2.0 LEGAL FRAMEWORK**

Children Looked After may only be placed with a relative, friend or connected person if they have been approved as foster carers under the Fostering Services (England) Regulations 2011, or have been temporarily approved as foster carers under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010. These Regulations, together with the Fostering National Minimum Standards 2011 (FNMS 2011), set out the requirements in relation to the assessment, approval, support and supervision of all foster carers, including those who are family members, friends or other connected persons.

Regulation 24 replaces Regulation 38 of the Fostering Services Regulations 2002, and has extended the temporary approval period for family and friends /connected person placements upto 16 weeks. This time period has been set to allow sufficient time for the full foster care approval process to be undertaken and S30 of the Fostering National Minimum Standard (FNMS 2011) requires that the assessment must be completed in this period.

## **3.0 PLACING A CHILD OR YOUNG PERSON**

It is preferable that placements should be planned as early as possible.

Provisions relating to temporary approval (Regulation 24) are intended to be used exceptionally and in circumstances which could not easily have been foreseen, when it is not possible to undertake a full foster carer assessment prior to placement.

The assessment requirements before the child may be placed with a family and friends /connected person foster carer under temporary approval are the minimum requirements for assessing the relative, friend or connected person's suitability within what may be a short time frame. Every effort must be made to maximise the level and quality of information available to support the decision as to whether the person should be temporarily approved.

The assessment will take place in the form of a Schedule 4 assessment BAAF Form C (Part A).

Approval for an immediate placement can be given only where the Head/Deputy Head of Service is satisfied that:

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.

The placement must be the most appropriate placement for the child, notwithstanding that the connected person is not approved as a local authority foster parent, and it is necessary for the child to be placed with the connected person before the connected person's suitability to be a local authority foster parent has been assessed in accordance with the 2011 Regulations.

The completed approval form signed by the Head/Deputy Head of Service must be sent to the child's social worker, the supervising social worker and the fostering administration (who will set up the service agreement for payments).

When the Emergency Duty Team places a child, it may not be possible to undertake the Schedule 4 assessment due to the emergency situation and timescales. However, they must complete an Initial Assessment and as a minimum the relationship between the child and the carer must be assessed and ensure it is suitable for the child.

The Schedule 4 assessment must be started the following day and completed within 5 working days.

Approval must be sought from a senior manager on duty in the case of the Emergency Duty Team or Head/Deputy Head of Service – LAC when accommodating under these arrangements.

#### **4.0 THE ASSESSMENT OF FAMILY AND FRIENDS (CONNECTED PERSON) CARERS UNDER REGULATION 24/25**

Schedule Four of the Care Planning, Placement and Review (England) Regulations 2010 sets out the areas which must be addressed in the

assessment of prospective Family, Friends or Connected Person Carers (in an emergency) as follows (this assessment is the responsibility of the child's social worker):

In respect of the connected person -

- a) the nature and quality of any existing relationship with the child, their capacity to care for children and in particular in relation to the child to-
  - i. provide for the child's physical needs and appropriate medical and dental care,
  - ii. protect the child adequately from harm or danger including from any person who presents a risk of harm to the child,
  - iii. ensure that the accommodation and home environment is suitable with regard to the age and developmental stage of the child,
  - iv. promote the child's learning and development, and
  - v. provide a stable family environment which will promote secure attachments for the child including promoting positive contact with the parents and other connected persons, unless to do this is not consistent with the duty to safeguard and promote the child's welfare,
- b. their state of health including their physical, emotional and mental health and medical history including any current or past issues of domestic violence, substance misuse or mental health problems,
- c. their family relationships and the composition of their household, including particulars of-
  - i. the identity of all other members of the household, including their age and the nature of their relationship with the connected person and with each other, including any sexual relationship,
  - ii. any relationship with any person who is a parent of the child,

- iii. any relationship between the child and other members of the household
  - iv. other adults not being members of the household who are likely to have regular contact with the child and
  - v. any current or previous domestic violence between members of the household, including the connected person,
- d. their family history, including-
- i. particulars of their childhood and upbringing including the strengths and difficulties of their parents or other persons who cared for them,
  - ii. their relationships with their parents and siblings, and their relationships with each other,
  - iii. their educational achievement and any specific learning difficulty or disability,
  - iv. a chronology of significant life events, and
  - v. particulars of other relatives and their relationships with the child and the connected person,
- e. particulars of any criminal offences of which they have been convicted or in respect of which they have been cautioned,
- f. their past and present employment and other sources of income, and
- g. the nature of the neighbourhood in which their home is situated and resources available in the community to support the child and the connected person.

The following must also take place:

**The carers should be provided with information and support about the assessment and the potential placement.**

That carers should be asked about whether they know and understand about the child's background and behaviour and to be provided with information about this.

The assessment should recognise the likely length of placement and the family's ability to continue to meet the child's needs (where appropriate) on a long term basis.

The schedule 4 assessment will take place in the form BAAF Form C.

#### **5.0 SOCIAL WORK VISITS TO CHILDREN LOOKED AFTER PLACED WITH FAMILY AND FRIENDS (CONNECTED PERSONS) UNDER REGULATION 24**

Where a child is placed with Connected Person carers on the basis of temporary approval under Regulation 24 the Care Planning, Placement and Case Review Regulations require that the social worker must visit the child at least once a week until the first **Looked After Review**. Thereafter the regulation requires that visits are made at intervals of not more than 4 weeks until the Carer is fully approved as a foster carer.

These frequencies reflect the greater vulnerability of the child who has been placed with a carer before the assessment of that person's suitability to care for the child has been completed. These visits will be undertaken by the child's social worker and allow an opportunity to assess how the relationship between the child and the carer is developing and identifying at an early stage where there may be concerns about the child's welfare.

#### **6.0 SUPERVISING SOCIAL WORKER VISITS TO THE TEMPORARY FOSTER CARER**

The Supervising Social Worker must visit the temporary foster carer no less than 4 weeks and no more than 3 months from the point of placement until the carer is approved.

#### **7.0 INVOLVEMENT OF CHILD AND CARERS IN CARE PLANNING**

Please see [Part D Section 12.0](#).

#### **8.0 FULL ASSESSMENT PROCESS AS A WOLVERHAMPTON CITY COUNCIL FOSTER CARER**

Please see [Part D Section 6.0](#).

## **9.0 ACTION FOLLOWING PLACEMENT UNDER REGULATION 24**

Where a child is placed under regulation 24 the placement can only last up to 16 weeks unless prior to the expiry of the 16 weeks the carers are approved as foster carers.

Where not already involved the Fostering Service must be notified in all cases when a child is placed under regulation 24. Notification must be made within 48 hours of the child's placement by sending the completed schedule 4 assessment to the Team Manager in the Fostering Service.

On receipt of notification the Fostering Team will allocate the case to a worker to undertake a full foster care assessment of the connected person using the Form C assessment Tool. On allocation the Family and Friends Worker must initiate all standard foster carer assessment checks and references (enhanced CRB checks of all over 18 in household, health assessment, referee visits, statutory and good practice checks).

The allocated worker is responsible for completing the assessment and presenting this to Foster Panel. The child's social worker should also attend panel. The assessment must be presented to panel within 16 weeks of placement before the temporary approval expires. This is a short timescale for a full foster care assessment, assessments must therefore be started promptly, including statutory and CRB checks, and prioritised to ensure time scales are met.

The completed foster care assessment must be available for the Fostering Panel to consider the carers approval within sixteen weeks of the child being placed. To ensure that timescales are met, a Fostering Panel slot must be booked by the family & friends social worker at the point of allocation of the assessment.

The Fostering Panel recommends and the Agency Decision Maker decides that the carers are approved as Family and Friends (Connected Person) carers. Approval given by the Agency Decision Maker is full approval.

If the Agency Decision Maker does not agree approval, the child's social worker and the line manager must be notified immediately.

In the event that the Agency Decision Maker is not satisfied that the applicants are suitable to be approved as foster carers then this will be notified to the applicants within 5 working days.

The applicants have the right to representation as set out in the Regulations S28(5) within 28 days or apply to the Secretary of State for an Independent Review (through the IRM). The child will remain placed until the outcome of the Review decision.



From the point of the placement it is the responsibility of the child's social worker to ensure the carer's record is created on CareFirst. The age related fostering allowance will also be paid see Section 12.0 for the procedure that must be followed.

Fostering allowances will cease when the child leaves. Where the child remains in placement beyond 16 weeks the carers must be approved unless an extension of temporary approval is granted (see section 10.0).

Every child placed with temporarily approved Family and Friends Carers under Regulation 24 is a Child Looked After and is subject to the same planning and reviewing process as all looked after children. They must have an up-to-date Care Plan and all Child Looked After paperwork must be completed.

It is essential that throughout the period of temporary approval the child's social worker and assessing Family and Friends Social Worker assess and monitor that the placement remains the most suitable means to safeguard and promote the child's welfare. Any concerns regarding the suitability of the carer, or the arrangements, during the assessment period should be discussed immediately with the respective Team Managers. Where a placement is assessed as no longer being the most suitable to safeguard and promote the child's welfare, a placement may be terminated before completion of the assessment process.

## **10.0 EXTENSION OF TEMPORARY APPROVAL PERIOD**

In exceptional circumstances the temporary approval of a family, friends or connected person may be extended beyond 16 weeks (approved by a Head/Deputy Head of Service). These circumstances are either where the approval process has taken longer than anticipated (e.g. suitability issues, health etc) or where the connected person has not been approved following the assessment process and seeks a review of the decision through the Independent Reviewing Mechanism (IRM) or Foster Panel.

Where the approval process has taken longer than anticipated and the temporary approval is likely to expire before the full assessment process is completed the temporary approval may be extended for a further eight weeks via the Fostering Panel process or Head of Service.

Where the connected person has not been approved and is seeking a review of the decision through the IRM the temporary approval will continue until the outcome of the review is known. Again extension of temporary approval in these circumstances must be agreed by the Agency Decision Maker. The suitability of the child to stay in the placement must also be considered.

The Agency Decision Maker can approve the extension of temporary approval and the Agency Decision Maker can decide that the temporary approval is extended for a further period of up to 8 weeks. Further approval must be sought via the BAAF Form C approval sheet and filed on the foster carers file for audit purposes. A further Panel slot must be booked for presentation of the completed assessment within this 8 week period.

It is the responsibility of the Family and Friends Social Worker to complete and present the full fostering assessment to Fostering Panel within the 8 week period for Panels' consideration and the Agency Decision Makers decision. The Family and Friends social worker and the child's social worker should attend panel.

Where an extension of temporary approval is required and is being sought the assessing Family and Friends Social Worker must keep the child's social worker fully informed.

When the time periods expire and if the connected person has not been approved via the Fostering Panel process and the carer's temporary approval will expire. The child's social worker must arrange an alternative placement and the child must be removed from the placement with the connected person.

It is the responsibility of the Family and Friends Social Worker to keep the child's social worker informed about the process of the carer's assessment for full approval as a local authority foster carer to ensure that appropriate plans can be made for the child.

## **11.0 FINANCIAL SITUATION**

Once a Connected Person is approved as a temporary foster carer (Emergency Provision agreed by Head of Service) they will be entitled to the age related fostering allowance.

The fostering administrator will then register the carer on the fostering register and will complete a request for a setting up grant. A service request will then be authorised by the fostering team manager for payments to commence

## **12.0 PROCESS FLOWCHART**

See [appendix A](#).

## **PART F - CONTACTS AND COMPLAINTS**

### **Index**

**1.0 Contact**

**2.0 Complaints**

**2.1 Informal**

**2.2 Formal Complaint**

## **1.0 CONTACT**

The Local Authority has a duty to promote contact for all children in need, and to endeavour to promote contact between a looked after child and his or her family unless it is not practicable or consistent with the child's welfare. Fostering service staff must help to promote, support and encourage children to maintain positive and constructive contact with their parents and wider family, friends and others who are important to them. The placement plan must clearly set out what delegated authority Family and Friends carers have to make day to day decisions about contact arrangements.

Please see Contact Policy and Procedure.

## **2.0 COMPLAINTS**

There is an established departmental complaint procedure which can be used by any foster carers, children or anyone acting on their behalf.

The Complaints Procedure has two stages, informal and formal.

### **2.1 Informal**

These complaints are usually dealt with by the Managers of the Service concerned, usually within 10 days of receiving the complaint.

### **2.2 Formal Complaint**

If the complaint is serious, or if the complainant is not satisfied by the action taken at the informal stage, the complainant can be registered as a formal complaint.

An Investigating Officer, who is not directly involved in providing the service, will be appointed. The complaint should be acknowledged within seven days and should be investigated within 28 days. If we are unable to do this we will advise the complainant and agree a timetable for a full response.

If the complainant is dissatisfied with the outcome, they have 28 days to ask the Complaints Reviewing Officer for the Department's response to be reviewed. An Independent Review Panel will be held within 28 days of that request. The Panel will consist of three people, one of whom will be 'independent' of the Local Authority. This person will Chair the Panel. The complainant will be sent the recommendations of the Panel within 24 hours of a decision being made.

## **OFSTED**

Ofsted is the governing body responsible for the inspection of the Fostering Services

They can be contacted on:

Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

**PART G – LEGAL OPTIONS FOR SECURING PERMANENCE FOR LOOKED  
AFTER CHILDREN**

**Index**

- 1.0 Legal option for securing permanence with Family and Friends  
(Connected Person) Care**
  - 1.1 Special Guardianship Order**
  - 1.2 Residence Order**
  - 1.3 Care Order**

## **1.0 LEGAL OPTIONS FOR SECURING PERMANENCE WITH FAMILY AND FRIENDS (CONNECTED PERSON) CARE**

### **1.1 Special Guardianship Order**

A Special Guardianship Order gives the Special Guardian(s) Parental Responsibility for the child and the legal entitlement to the final say in most decisions about the child's upbringing. The exception is that the parents have to be consulted and their consent given to the child's change of name, adoption, placement abroad for 3 months or more, the sterilization of a child and circumcision of a male child.

A birth parent has no automatic entitlement to apply to discharge the Special Guardianship Order, they have to obtain leave of the Court to apply and show that their circumstances have changed significantly since the Special Guardianship Order was made.

A special guardianship Support Plan will set out the agreed support, including financial support (if any), for the child and family. The plan will be reviewed at least annually and revised, if necessary, to meet the child and families changing needs.

A Special Guardianship Order has the following advantages:

- a) The carers have Parental Responsibility and clear authority to make decisions on day to day issues about 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 Order was made.
- c) It maintains legal links to the birth family
- d) 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.

A Special Guardianship Order has the following disadvantages:

- 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.

## 1.2 Residence Order

A Residence Order gives the holder of the Order Parental Responsibility and determines that the child is to live with that person. Birth parents retain Parental Responsibility and must be consulted about all major decisions in relation to the child's care and upbringing. Also, a Residence Order can be flexible enough to accommodate various shared care arrangements.

Financial assistance may be given, provided this is requested prior to the Order being made. The assistance may be in the form of a one-off payment, occasional payments or a weekly Residence Order Allowance. The amount of Residence Order Allowance paid is means tested and reviewed annually.

The granting of a Residence Order automatically discharges a Care Order. A Residence Order continues until the child is 16 years, unless revoked earlier. A parent or the child may apply for revocation of the Order at any time.

A Residence Order has the following advantages:

- a) It gives Parental Responsibility to the carer whilst maintaining the parents' parental responsibility.
- b) There need be no social worker involvement, unless this is identified as necessary.
- c) There is no review process.
- d) There is less stigma attached to the placement of the child.
- e) Any contact is likely to be agreed or if considered necessary by the Court set out in a Contact Order.

A Residence Order has the following disadvantages:

- a) It is less secure than adoption 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.
- b) There is no formal continuing support to the family after the Order although in some circumstances, a Residence Order Allowance may be payable.
- 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.



### 1.3 Care Order

The LA does not hold parental responsibility for a child accommodated by under Section 20 and so a Care Order should be considered whenever a child is unable to live with parents or others with parental responsibility in the longer term (this may not be appropriate for older young people).

A Care Order should only be considered where there is an assessed need for the Local Authority to share Parental Responsibility for the child. Other legal orders for securing permanency, i.e. an Adoption Order, Special Guardianship Order or Residence Order, will have been assessed as inappropriate or unachievable at the particular time of the Care Order application. Alternative legal options should be reconsidered at each statutory child care review. Ending a child's looked after status should remain a key objective and benefits for the child include normalisation and being less intrusive.

A Care Order does not end the legal relationship between the child and his/her birth parents and the parents will then have shared parental responsibility for the child.

A Care Order gives the Local Authority Parental Responsibility for the child and the legal entitlement to the final say in most decisions about the child's upbringing. However, the Local Authority has a duty to work in partnership with the birth parents and to consult with them regarding all issues in relation to the child's care and upbringing., The Local Authority also has a duty to promote contact between the child and his/her birth family, unless this is not in the child's best interests.

A Care Order continues until the child is 18 years, unless discharged earlier. A parent, the child or the Local Authority can apply for the discharge of the Care Order at any time after it has been in force for six months.

A Care Order has the following advantages:

- a) The Local Authority shares Parental Responsibility with the child's birth parents.
- b) It maintains legal links to the birth family who can play a part in decision making for the child.
- c) There is continuing social work support to the child, carer and birth family, which is regularly reviewed to ensure that the child's needs are met.

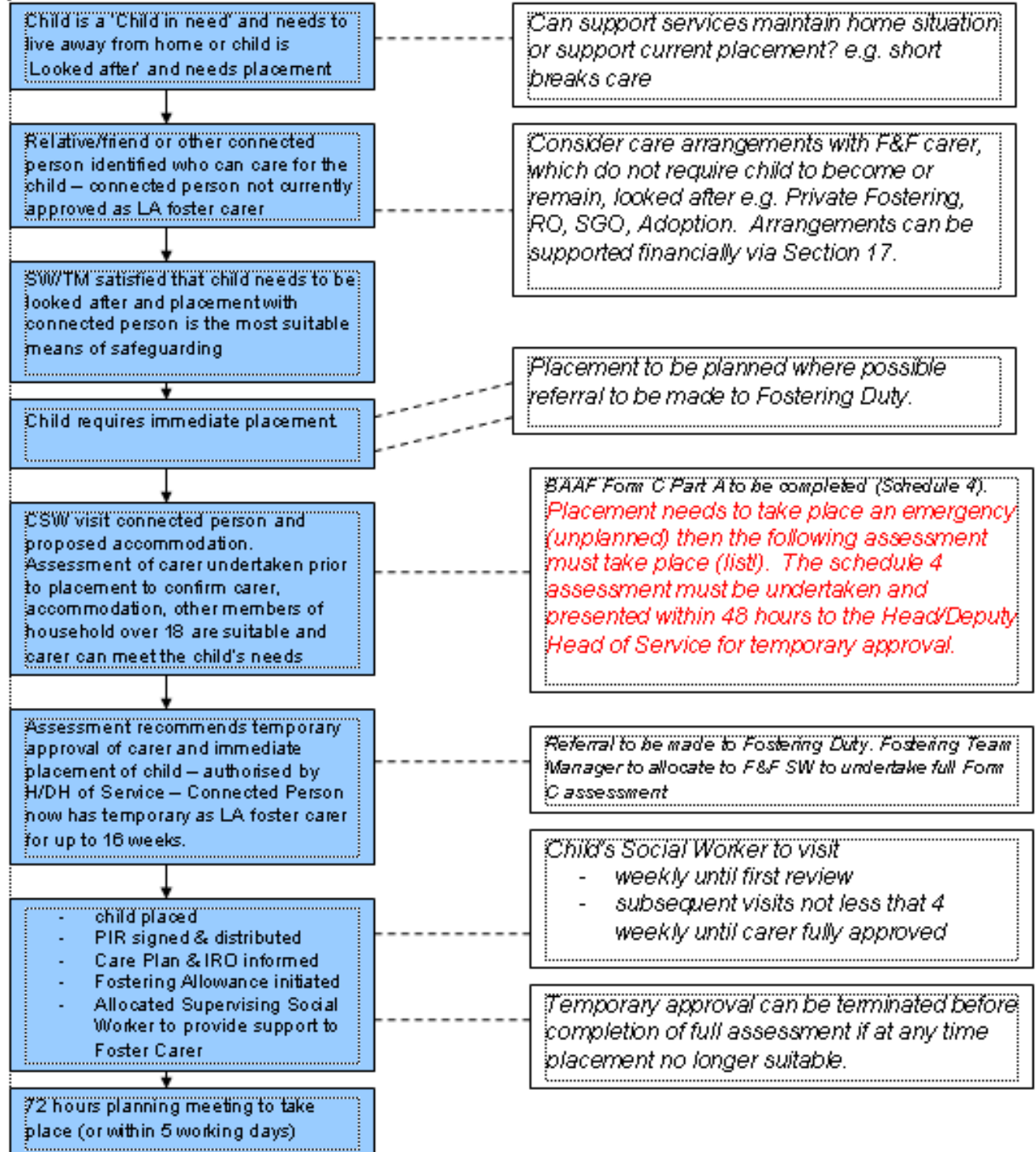
A Care Order has the following disadvantages:

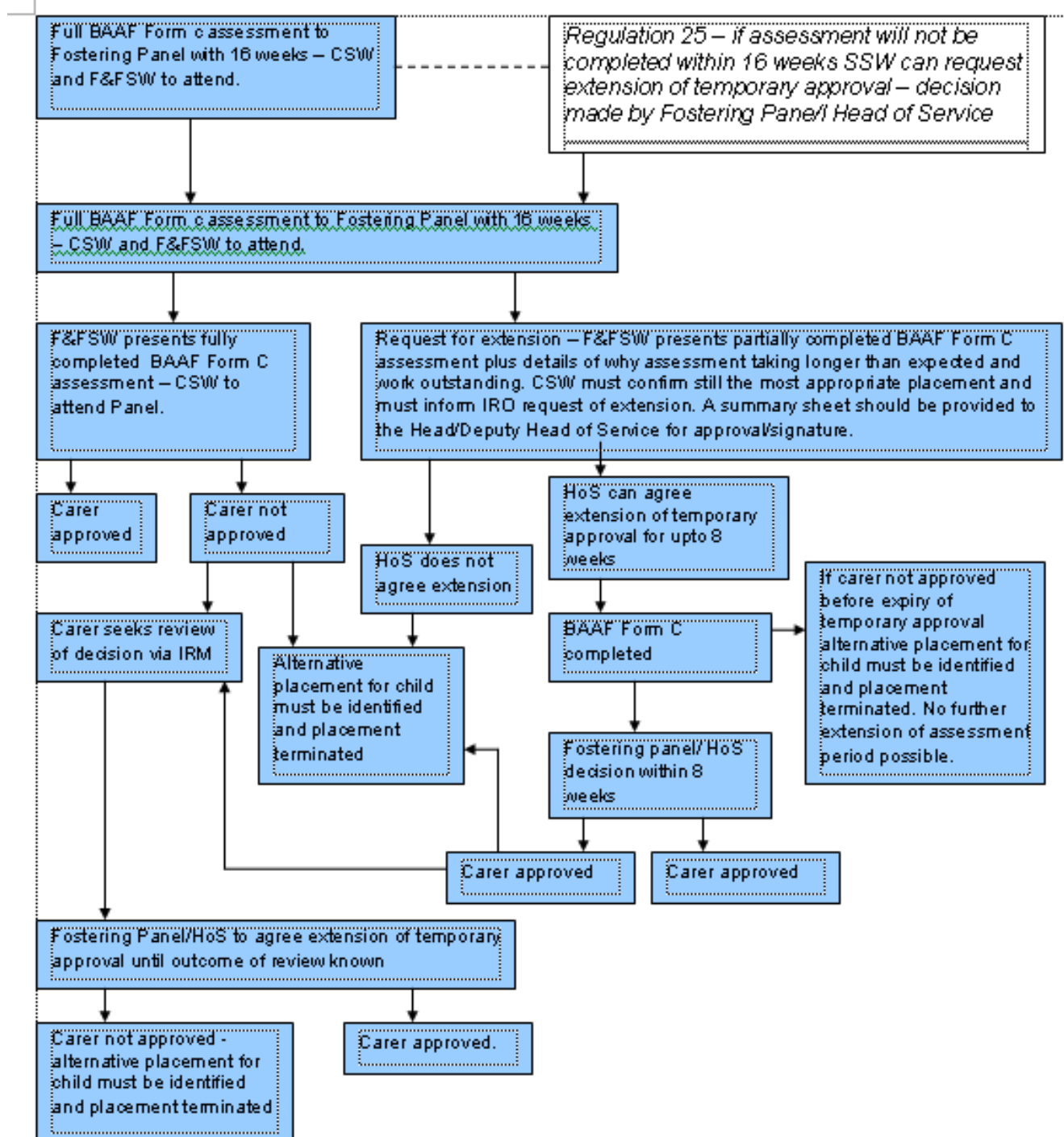
- a) The child is looked after – this can be intrusive involvement as the social worker has to visit regularly, as child has to have annual medical and will be subject to 6 monthly reviews.
- b) Continuing social work involvement.
- c) Stigma attached to the child due to being looked after.
- d) Carers (unless the child is placed with parents) do not have parental responsibility.
- e) The child is not a legal member of the carer's family - if difficulties arise there may be less willingness to persevere and seek resolution.
- f) Application to discharge the Care Order may be made at any time - this may be regarded as destabilising to the placement.
- g) The Order ends at age 18 years.

## Appendix A

### Immediate Placement (Emergency) with a Family, Friends or Connected Person Regulation 24/25 Flowchart

*Regulation 24 – 'temporary approval' of a connected person as a Local Authority Foster Carer to enable immediate placement of a Looked After Child*





# **Children, Young People and Families**

## **Permanence for Looked After Children**

### **Policy & Procedure**

**PURPOSE:**

The Purpose of this Policy is to ensure that where there is no realistic prospect of birth parents providing safe and effective parenting, that an alternative way of achieving permanence is agreed. Permanence must ensure that Looked After Children are securely attached to carers who are capable of providing safe and effective care for the duration of their childhood and preferably beyond whilst meeting the child or young persons needs taking into account their wishes and circumstances.

Approved by – Children, Young People & Families Management  
Team (18.11.13)

Published – 19.11.13

Review Date – October 2015

<b>REVIEW LOG</b>			
Date	Version	Amendments	Approved by & Date
Oct 2011	1.0	New policy introduced	Children & Families Management Team
Oct 2013	1.1	2.0 (amended) 3.2 (amended) 5.1 – Permanence Planning Meetings (added) 6.0 – New section on ratifying permanence plans for Adoption & Long Term Fostering 8.0 - added	Children, Young People & Families Management Team (31.10.13)
Nov 2013	1.2	5.1 – Permanence Planning Meetings – member of the Adoption/Fostering Team (added) depending on the plan to attend.	Agreed by email on 18.11.13.

<b>CONSULTATION</b>
<p>The following people have been consulted on this policy:</p> <ul style="list-style-type: none"> <li>- Fostering Team Manager</li> <li>- Adoption Team Manager</li> <li>- Children and Family Support Management Team</li> </ul>

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## **1.0 DEFINING PERMANENCE**

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

Local Authorities are entrusted with the aim of ensuring that all children are securely attached to carers capable of providing safe and effective care for the duration of their childhood. Attachment provides security which allows the child to develop physically, emotionally and cognitively through a consistent care-giving relationship between adult and child.

Permanence is achieved when a child is legally secured or belongs within the family in which they live and when they are psychologically attached to carers who are committed to meeting their needs to the best of their ability.

It is best for children, where possible, to be brought up by their own birth parents. However, when there is no realistic prospect of birth parents providing safe and adequately effective parenting, alternative ways of achieving permanence have to be considered. In the first instance every possibility of the child living within their extended family or friends network should be fully explored. Only when it is established that family and friends are not available or not willing or able to provide care should permanence with unrelated carers be considered.

There are a range of options that can achieve permanence. The planning process will identify which option is most likely to meet the needs of the individual child, taking into account their wishes and circumstances. Permanency planning will agree the desired outcome and set out the tasks, with timescales, to achieve this.

The range of permanent placement options for looked after children include, placement with family or friends, adoption, permanent fostering and residential care and may be secured via a range of legal orders including Adoption order, Special Guardianship Order, Residence Order and Care Order.

Securing the most appropriate outcome for a child is underpinned by care planning and review.

## **2.0 KEY PRINCIPLES IN PERMANENCE PLANNING**

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

The question "how are the child's permanence needs being met" must be at the core of everything we do.

Where it is clear that families and children are unable to live together, planning must be swift and clear to identify permanent alternative settings.

Wherever possible, care should be provided locally unless clearly identified as inappropriate.

Contact with the family and extended family should be facilitated and built on (unless clearly identified as inappropriate).

The professionals involved should work in partnership with parents/families.

The wishes and feelings of the child should be taken into account. The older and more mature the child, the greater the weight should be given to his or her wishes. Even where circumstances mean that a child's key wish (e.g. to return home) cannot be met, those wishes still need to be listened to, respected and taken account of in working with the child (who may need help to understand why their wish cannot be fulfilled) and in planning alternative arrangements..

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:

- Promoting placements wherever possible which mean the child will be brought up within the same racial, cultural and religious environment as his birth family.
- Where this is not possible, ensuring a placement is identified which can promote links for the child with his or her race, culture and religion.

Practice promoting race equality according to the child's assessed needs must therefore be evidenced within the Permanence Plan.

### **3.0 OPTIONS FOR PERMANENCE**

The Options for Permanence are:

- 3.1 Return home to birth parents
- 3.2 Permanent placement with Family or Friends
- 3.3 Adoption
- 3.4 Permanent Fostering
- 3.5 Residential Care
- 3.6 Special guardianship
- 3.7 Residence Order

#### **3.1 Return home to birth parents**

Whenever possible a plan of living permanently with birth parents should be the plan of choice. The Local Authority has a duty to rehabilitate children to the care of their parents unless it is clear that the parents are not able to meet the child's needs and are unlikely to be able to do so in a timescale relevant to the child.

Whenever possible a child should return home without a legal order. If a legal order is needed this should ordinarily be a Supervision Order and only in exceptional circumstances should there be a plan to seek a Care Order and place the child with parents. When a Care Order is necessary the permanency plan should include applying for discharge of the Care Order at the earliest appropriate time. In all cases discharge of the Care Order is to be considered when the child has lived at home with his/her parents for a period of six months or more.

The child's parents retain Parental Responsibility at all times and only where there is a Care Order is Parental Responsibility shared with the Local Authority.

Financial responsibility for the care of the child lies primarily with the birth parents, who are eligible to claim appropriate Benefits and Tax Credits in respect of the child. Young people aged 16 – 18 years living with parents under a Care Order will be paid a Personal Allowance when parents are no longer able to claim Benefits in respect of them, unless the young person is in full time employment. The young person may also be eligible for other payments, under the Children (Leaving Care) Act 2000, if in full-time education or training. If additional financial assistance is needed to support the placement of a child placed with parents this may be awarded under Section 23, Children Act 1989 if there is a Care Order or Section 17 if the child is no longer looked after.

The child and family will also be eligible for non-financial support to maintain the placement. The child on a Care Order is still looked after and will have an allocated Social Worker and be subject to statutory reviews. If the child is not

looked after, help and support may be offered on a Child In Need basis and as part of a Child In Need Plan.

### **3.2 Permanent Placement with Family or Friends**

We have a responsibility to support parents wherever possible in finding their solutions to their challenges in securing the welfare of their children. It is not uncommon for parents to include in this asking friends or relatives to care for their children for shorter or longer periods of time. This is a parent's prerogative and not one that requires the approval of the Local Authority although some such arrangements may need to be reported to us in line with the Private Fostering Regulations – See Private Fostering Policies and Procedures.

In some cases, we may work with a family where we are able to offer some limited support under S17 for such arrangements. However, we always need to ask ourselves whether the nature of our involvement does not indicate a greater responsibility for the Local Authority than can be met under S17. The key factor is whether or not our assessment indicates that a particular child needs to have Looked After status in order to better secure his or her well-being. Thus a parent may be unable to care for their own child but they have a close relative who is able and willing to do so but needs some immediate financial support which may be provided from S17 while on the other hand, we are concerned for the welfare of a child whose parent suggests relatives as an alternative to the child becoming looked after – we may explore this alternative, but our concerns may lead us to believe that S20 or Care Order status is more appropriate even if the child goes to live with the relatives identified.

Legal advice should be sought to establish the status of a child or young persons placement.

We need to find the least intrusive option but one that also meets assessed need and ensures that as a Local Authority we are accepting of responsibilities that properly fall to us.

For children unable to return home to the care of their parents the most desirable option is a permanent placement with family or friends.

It is important to establish at an early stage whether or not family members and friends might be available to care for the child, in order to avoid the kind of delays that can happen during Court proceedings when this work has not been done.

Family Group Conferencing should be considered as a means to empower families in decision making for their children.

Where living with family and friends is in the child's best interests, options for achieving this without the child remaining looked after should be explored.

When a legal order is required to secure a family or friends placement, this may be achieved through adoption, Special Guardianship Order, Residence Order or Care Order. Wherever appropriate the family and friends carers should be encouraged and supported to apply for a Residence Order or Special Guardianship Order. The permanency plan should include regular reviews to consider the appropriateness of other options that will enable the Care Order to be discharged.

Where a child is looked after by the local authority, any family member (however closely related) or friend will need to be assessed as a Family & Friends Foster Carer for the specific (named) child.

In all circumstances, except adoption, the child's birth parents retain parental responsibility. The extent to which the birth parents can exercise their parental responsibility will vary with the type of legal arrangement in place..

Where the child is no longer looked after and there is no legal order in force, the carer and child's parents are financially responsible for the child. Appropriate Benefits and Tax Credits in respect of the child may be claimed. Where an adoption, special guardianship or residence order is in force and financial support is assessed as necessary to enable and/or maintain the placement, an adoption, special guardianship or residence order allowance may be paid. The amount of the allowance paid is means-tested.

Where the child is looked after, the carer will be a Family & Friends (Connected Person) Carer and will be paid the full age-appropriate fostering allowances for the child.

### **3.3 Adoption**

If a return home or a family and friends placement cannot be achieved, adoption should be considered for all children under 10 years of age. Children aged 10 years and over may also benefit from adoption if this is in their best interests and consistent with their wishes.

Research strongly supports adoption as a primary consideration and as a main factor contributing to the stability of children, especially if under four years old, who cannot be rehabilitated to their birth parents or extended family.

Adoption offers children a legally permanent new family to which they will belong all their lives.

An Adoption Order 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 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.

An Adoption Order is irrevocable.

As part of the Care Plan of adoption, an adoption Support Plan will be agreed. This will include an assessment of whether or not any financial support is to be given and the amount of this if applicable.

Adoption has the following advantages as a permanence plan:

- a) The child is no longer looked after
- b) Parental Responsibility is held solely by the carers
- c) No future legal challenge is normally possible
- d) Decisions about continuing contact will be made by the new parents (on the child's behalf) who are most in touch with the child's needs.
- e) The child is a permanent family member into adulthood.
- f) There is no review process.

Adoption has the following disadvantages as a permanence plan:

- a) It involves a complete and permanent legal separation from the birth family origin

### **3.4 Permanent Fostering**

Permanent fostering with unrelated foster carers should only be considered where the above options of a return to birth parents, placement with family and friends and adoption have been assessed as inappropriate or have been tried without success.

Permanent fostering can offer stability through the provision of a supportive relationship and adult attachment for a child throughout the remainder of their childhood. At the same time it allows attachments to parents and the child's wider family to continue. It has proved to be particularly useful for older children who retain strong links to their families and do not want or need the formality of adoption.

The child's parents retain parental responsibility and only where there is a Care Order is parental responsibility shared with the local authority. The local authority has a duty to work in partnership with the child's parents regarding the arrangements for the child's care and upbringing.

The local authority is financially responsible for the child's care. All foster carers are paid the age-related fostering allowances for the child and a Recruitment and Retention fee apart from foster carer's approved under family and friends criteria, who only receive an age related allowance.

Permanent 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 continuing direct contact.
- b) There is continuing social worker support to the child and foster family in a placement which is regularly reviewed to ensure that the child's needs are met.

Permanent fostering has the following disadvantages as a permanence plan:

- a) Lack of Parental Responsibility for the carers.
- b) Continuing social work involvement.
- c) Regular reviews, which are statutorily required to ask if rehabilitation to the parent is to be considered. This may be regarded as destabilising to the placement.
- d) Stigma attached to the child because of being in the Looked After system.
- e) The child is not a legal member of the family. If difficulties arise there may be less willingness to preserve and seek resolution.

### **3.5 Residential Care**

Residential care, whilst not a permanent placement, may:

- provide a period of stability to enable permanence planning
- be suitable for children with exceptional health and/or educational needs
- be a permanent placement for older teenagers for whom independent living is the plan.

For a small number of children residential care will be the placement option that best meets their needs. They include teenagers in crisis following a breakdown in family relationships and some children with exceptional needs arising from severe disabilities, often with challenging behaviours.

Group living and multiple carers may detract from, rather than promote, attachments. For this reason, residential care is not a satisfactory placement for children under the age of 13.

Birth parents retain parental responsibility for the child and only where there is a Care Order in force is parental responsibility shared with the local authority. Irrespective of the child's legal status, the local authority has a duty to work in partnership with the child's parents and to consult with them regarding the care, upbringing and plan for the child.

The Local Authority financially supports children in residential care, parents are not required (at present) to contribute towards the cost.

### **3.6 Special Guardianship**

Special Guardianship aims to provide permanence for children for whom adoption is not appropriate. It is intended to be used where the relationship between child and carer would benefit from greater legal security, but when adoption is not suitable. It addresses the needs of a significant group of children, mainly older, who need a sense of stability and security but who do not wish to make 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.

Special Guardianship does not end the legal relationship between the child and his/her birth parents. The birth parents remain the child's parents and continue to have parental responsibility for the child.

### **3.7 Residence Order**

A Residence Order may be used to increase the degree of legal permanence in a placement. It is intended for where parents feel they have a continued role to play in relation to the child, but cannot provide day to day care.



## **4.0 LEGAL OPTIONS FOR SECURING PERMANENCE**

Of the permanence options, legal permanence is only provided by the child's return home to birth parents or adoption. However, a Special Guardianship Order or Residence Order may be used to increase the degree of legal permanence in a placement with family or friends or a permanent fostering placement, where this would be in the child's best interest.

### **4.1 Adoption Order**

An Adoption Order provides legal permanence for the child. It 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's birth certificate is replaced by an adoption certificate naming the adoptive parent(s) as the child's parent(s) and the child is permanently part of the adoptive family. An Adoption Order cannot be revoked.

An adoption Support Plan will set out the agreed support, including financial support (if any), for the adoptive family. The plan will be reviewed at least annually and revised, if necessary, to meet the family's changing needs.

### **4.2 Special Guardianship Order**

A Special Guardianship Order gives the Special Guardian(s) Parental Responsibility for the child and the legal entitlement to the final say in most decisions about the child's upbringing. The exception is that the parents have to be consulted and their consent given to the child's change of name, adoption, placement abroad for 3 months or more, the sterilization of a child and circumcision of a male child.

A birth parent has no automatic entitlement to apply to discharge the Special Guardianship Order, they have to obtain leave of the Court to apply and show that their circumstances have changed significantly since the Special Guardianship Order was made.

A special guardianship Support Plan will set out the agreed support, including financial support (if any), for the child and family. The plan will be reviewed at least annually and revised, if necessary, to meet the child and families changing needs.

A Special Guardianship Order has the following advantages:

- a) The carers have Parental Responsibility and clear authority to make decisions on day to day issues about 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 Order was made.
- c) It maintains legal links to the birth family

- d) 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.

A Special Guardianship Order has the following disadvantages:

- 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.

### **4.3 Residence Order**

A Residence Order gives the holder of the Order Parental Responsibility and determines that the child is to live with that person. Birth parents retain Parental Responsibility and must be consulted about all major decisions in relation to the child's care and upbringing. Also, a Residence Order can be flexible enough to accommodate various shared care arrangements.

Financial assistance may be given, provided this is requested prior to the Order being made. The assistance may be in the form of a one-off payment, occasional payments or a weekly Residence Order Allowance. The amount of Residence Order Allowance paid is means tested and reviewed annually.

The granting of a Residence Order automatically discharges a Care Order. A Residence Order continues until the child is 16 years, unless revoked earlier. A parent or the child may apply for revocation of the Order at any time.

A Residence Order has the following advantages:

- a) It gives Parental Responsibility to the carer whilst maintaining the parents' parental responsibility.
- b) There need be no social worker involvement, unless this is identified as necessary.
- c) There is no review process.
- d) There is less stigma attached to the placement of the child.
- e) Any contact is likely to be agreed or if considered necessary by the Court set out in a Contact Order.

A Residence Order has the following disadvantages:

- a) It is less secure than adoption 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.
- b) There is no formal continuing support to the family after the Order although in some circumstances, a Residence Order Allowance may be payable.
- 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.

#### **4.4 Care Order**

A child accommodated by the Local Authority under Section 20 and the authority does not have parental responsibility then a Care Order should be considered (this may not be appropriate for older young people).

A Care Order should only be considered where there is an assessed need for the Local Authority to share Parental Responsibility for the child. Other legal orders for securing permanency, i.e. an Adoption Order, Special Guardianship Order or Residence Order, will have been assessed as inappropriate or unachievable at the particular time of the Care Order application. Alternative legal options should be reconsidered at each statutory child care review. Ending a child's looked after status should remain a key objective and benefits for the child include normalization and being less intrusive.

A Care Order does not end the legal relationship between the child and his/her birth parents and the parents continue to have parental responsibility for the child.

A Care Order gives the Local Authority Parental Responsibility for the child and the legal entitlement to the final say in most decisions about the child's upbringing. However, the Local Authority has a duty to work in partnership with the birth parents and to consult with them regarding all issues in relation to the child's care and upbringing., The Local Authority also has a duty to promote contact between the child and his/her birth family, unless this is not in the child's best interests.

A Care Order continues until the child is 18 years, unless discharged earlier. A parent, the child or the Local Authority can apply for the discharge of the Care Order at any time after it has been in force for six months.

A Care Order has the following advantages:

- a) The Local Authority shares Parental Responsibility with the child's birth parents.
- b) It maintains legal links to the birth family who can play a part in decision making for the child.

- c) There is continuing social work support to the child, carer and birth family, which is regularly reviewed to ensure that the child's needs are met.

A Care Order has the following disadvantages:

- a) The child is looked after – this can be intrusive involvement as the social worker has to visit regularly, as child has to have annual medical and will be subject to 6 monthly reviews.
- b) Continuing social work involvement.
- c) Stigma attached to the child due to being looked after.
- d) Carers (unless the child is placed with parents) do not have parental responsibility.
- e) The child is not a legal member of the carer's family - if difficulties arise there may be less willingness to persevere and seek resolution.
- f) Application to discharge the Care Order may be made at any time - this may be regarded as destabilising to the placement.
- g) The Order ends at age 16 years.

## **5.0 ASSESSING AND PLANNING FOR PERMANENCE**

Social workers who undertake assessments of a child's needs in relation to his or her Permanence Plan must:

- a) Be outcome focused and
- b) Include consideration of 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.

Appendix A, (page 21) presents a brief, research-based checklist of considerations about Adoption, Special Guardianship/Residence Orders and Permanent Fostering.

In all cases, full consultation with all family and community support networks must be considered as a possible method of engaging those who know the child best, or who the child is most attached to, in considering the child's long term needs.

It may be appropriate to hold a Family Group Conference where the child (if appropriate), and family members can be involved in the decision-making process.

Harnessing family and community support networks in this way may be particularly effective, for example, for children from black and minority ethnic groups and for disabled children.

In all cases, the child's own wishes and feelings must be ascertained where possible 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), which must be presented for consideration at the review.

Where the Permanence Plan includes a Contingency Plan, the Social Worker must ensure that the parents are informed of the reasons why two plans (rehabilitation and alternative permanence) are being made to meet the child's needs and prevent unnecessary delay.

There are a number of contingency planning models, including 'Concurrent Planning' and 'Parallel' or 'Twin Track' Planning (see B, page 29 for descriptions of these). Social Workers are advised to use the Parallel/Twin Track model.

## 5.1 Permanence Planning Meetings

### 5.1.1 What is the aim of a Permanence Planning Meeting?

The aim of a Permanence Planning Meeting is to consider and agree the effective route to securing permanence for the child or young person . This must include a Contingency Plan.

Early Permanency Planning is essential for all looked after children and young people to avoid drift and to ensure they have the opportunity to reach their full potential from a safe and secure base:

- a) In this context, the use of the term 'permanence' is wide, and acknowledges that permanence can be achieved through different routes – with children and young people returning back to live with their birth family, reconstituted birth families, placed with family and friends (connected persons), long term, new or existing foster families, adoptive families, carers who have been granted a Residence or Special Guardianship Order or long term residential care.

It is the responsibility of the child's Social Worker to organise the meeting.

### 5.1.2 Who attends and chairs a Permanence Planning Meeting?

The following must attend:

- The child's Social Worker
  - A member of the adoption/fostering Team (dependent on the plan)
  - Child or young person's parents
  - Any significant others
  - Where appropriate the child's Guardian should be invited as an observer. Importantly they are not part of the decision making process.
  - Where appropriate the current carers should also be invited. If it is not possible for them to attend, it is essential their feedback is provided to the chair through a brief written report.
- } This might be in writing, drawing, audio or video recording or verbally presented by someone on their behalf.

A Team/Practice Manager is responsible for chairing the meeting.

### 5.1.3 When should a Permanence Planning Meeting take place?

A Permanence Planning Meeting should take place prior to the second review. This is so that the Permanence Plan can be endorsed at the second review.

### 5.1.4 Minutes of Permanence Planning Meetings

Minutes of the meeting will be taken. The child's social worker is responsible for ensuring the agreed outcomes are documented in

the child's care plan.

## **6.0 RATIFYING PERMANENCE PLANS FOR ADOPTION AND LONG TERM FOSTERING**

Where a plan for permanence has been ratified at a child or young person's second review and the plan is for adoption and long term fostering it should follow the processes outlined below.

### **6.1 Long Term Fostering Permanency Decisions**

Decision for Permanence Plans where it is Long Term Fostering will be heard once a month.

All relevant paperwork must be sent to the Panel Administrator at least 10 working days prior to date the decision will be made. Dates are available from the Panel Administrator.

The paperwork will then be quality checked by the Professional Advisor over a 4 day period and offer advice to the social worker and decision maker on the recommendations of the plan. The paperwork submitted must be fully completed to ensure the Agency Decision Maker can make a final informed decision.

Once the decision has been made by the Agency Decision Maker they will confirm this by memo to the Professional Advisor. The Professional Advisor will inform the Social Worker of the outcome verbally. This will be followed up by written confirmation to the allocated Social Worker, their respective Managers and the Fostering Team Manager.

A record of the approval for permanency will be sent to the Fostering Panel to acknowledge the plan for the child or young person and endorse any future link and match to long term foster carers.

For linking and matching processes see Foster Panel Policies and Procedures (currently under review).

### **6.2 Adoption Permanency Decisions**

Decision for Permanence Plans where it is adoption will be heard twice a month.

All relevant paperwork must be sent to the Panel Administrator at least 10 working days prior to date the decision will be made. Dates are available from the Panel Administrator.

The paperwork will then be quality checked by the Professional Advisor over a 4 day period and offer advice to the social worker and decision maker on the recommendations of the plan. The paperwork submitted must be fully completed to ensure the Agency Decision Maker can make a final informed decision.

Once the decision has been made by the Agency Decision Maker they will confirm this by memo to the Professional Advisor. The Professional Advisor will inform the Social Worker of the outcome verbally. This will be followed up by written confirmation to the allocated Social Worker, their respective Managers and the Adoption Team Manager.

A record of the approval for permanency will be sent to the Adoption Panel to acknowledge the plan for the child or young person and endorse any future link and match to prospective adoptive parents.

For linking and matching processes see Adoption Panel Policies and Procedures (currently under review).

## **7.0 GOOD PRACTICE GUIDANCE**

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

### **7.1 Supporting rehabilitation to birth or extended family**

Research points to:

- The importance of clearly communicating to the family what needs to happen so that the child can return home, and within what timescales.
- The importance of exploring family ties and long term relationships with family, school and community, especially in the light of changing workers.
- The use of Family Group Conferences as an effective way of facilitating both the above.

### **7.2 Identifying the best permanence option**

Research points to:

- The importance of considering within the assessment process “how will stability for this child be achieved?” Refer to Appendix A (Page 21).



- This means considering long term stability in 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 may also be an important issue both for children who are going to stay in the Looked After system for a brief period before going home and for children who are going to need new permanent arrangements. Making every effort to reduce changes of placement, school, separations from friends and family, to minimise the number of uncertainties or unwelcome surprises a child has to contend with, may make a huge difference to the quality of the child's life.
- The importance of giving attention to issues such as educational experiences links with extended family, hobbies and friendships - all of which 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 then the less likely it is that the child will secure a permanent family through adoption.
- The larger the family group of children then the harder it is to secure a single placement that will meet all the needs of all the children.

### **7.3 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 preexisting 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.

Research points to:

- 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 affects stability in the placement.
- More successful outcomes occur for children placed together with their siblings. Children should therefore be placed with their siblings, unless the assessed and identified needs of the child are different 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 and identity.
- The importance of including regular contact between siblings within the Permanence Plan wherever possible, if they cannot be placed together.

#### **7.4 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. 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 adoptive family.
- To minimise any sense of loss.
- To assist with the process of tracing.
- To give the adopters a secure sense of the right to parent. This will make the parenting task easier.

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

- The plan for permanence
- The parental role of the permanent carers
- 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 minimal role with the child.
- Has proved to be unreliable in their commitment to contact in the past.

- Has not got a significant attachment with the child. Post placement contact should not be used as a means of creating an attachment where it did not previously exist.

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.

## **7.5 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. Again, it is about identity 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 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 of 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. Indeed, the child's need for indirect contact will be re-evaluated from time to time by those holding parental responsibility. Those involved need to accept that contact may cease if it is no longer in the child's interests. Alternately an older child may need to change to direct contact.

The Adoption Service offers a non-identifying post box system to assist adopted children to maintain contact with birth relatives and others.

## **7.6 Guarding against drift**

Research points to:

- Unintended negative consequences of a 'sequential' approach, even where it emphasises the primacy of family reunification as a permanence option. Children who cannot return home often linger in foster care for many years, experiencing multiple moves before exploration of other permanence options begin.
- The prevention of such damaging delay occurring through 'Twin Tracking/Parallel (or Contingency) Planning' and 'Concurrent Planning'. For more detail, please refer to Appendix B below.

## **7.7 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. Although 'a sense of permanence' can in itself be stated as an outcome, it can also be presented as a means to achieving particular developmental outcomes.
- Make timescales clear. These are about "having regard to the child's age and circumstances, achieving a balance between a framework for an action plan to provide a sense of stability for the child and flexibility to allow for adequate changes in the parent's or birth family's circumstances" (Family Rights Group 1998).

## **7.8 Applications by foster carers for permanent fostering, Special Guardianship, a Residence Order or Adoption of a child in their care.**

In some situations, foster carers form a close attachment to a fostered child and when adoption or permanent fostering becomes the plan for that child, ask to be considered as adoptive parents or permanent foster carers. This should always be considered carefully. Research indicates that such placements for permanence can promote the security of a child and encourage the development of a healthy attachment to the foster carers' family.

Each case should be considered individually, bearing in mind the following factors.

- The assessment of the child's needs and the foster carers' ability to meet those needs via adoption or permanent fostering.
- The availability of other adopters or permanent carers for the child, particularly for healthy young children under 3.
- The length of placement, quality of the attachment and risks to the child's emotional well being of disrupting the attachment.
- The contact plans for the child. Any risk to the child from the parents having current placement knowledge of the foster carer.
- The foster carer's intentions regarding continuing as temporary carers for other placements and the likely impact of this on the child needing permanence.

The child's social worker has a role in ensuring that the placement will meet the long-term needs of the child. The foster carers' social worker has a role to ensure the foster carers have considered the impact on themselves and their family of a decision to commit long term to a particular child.

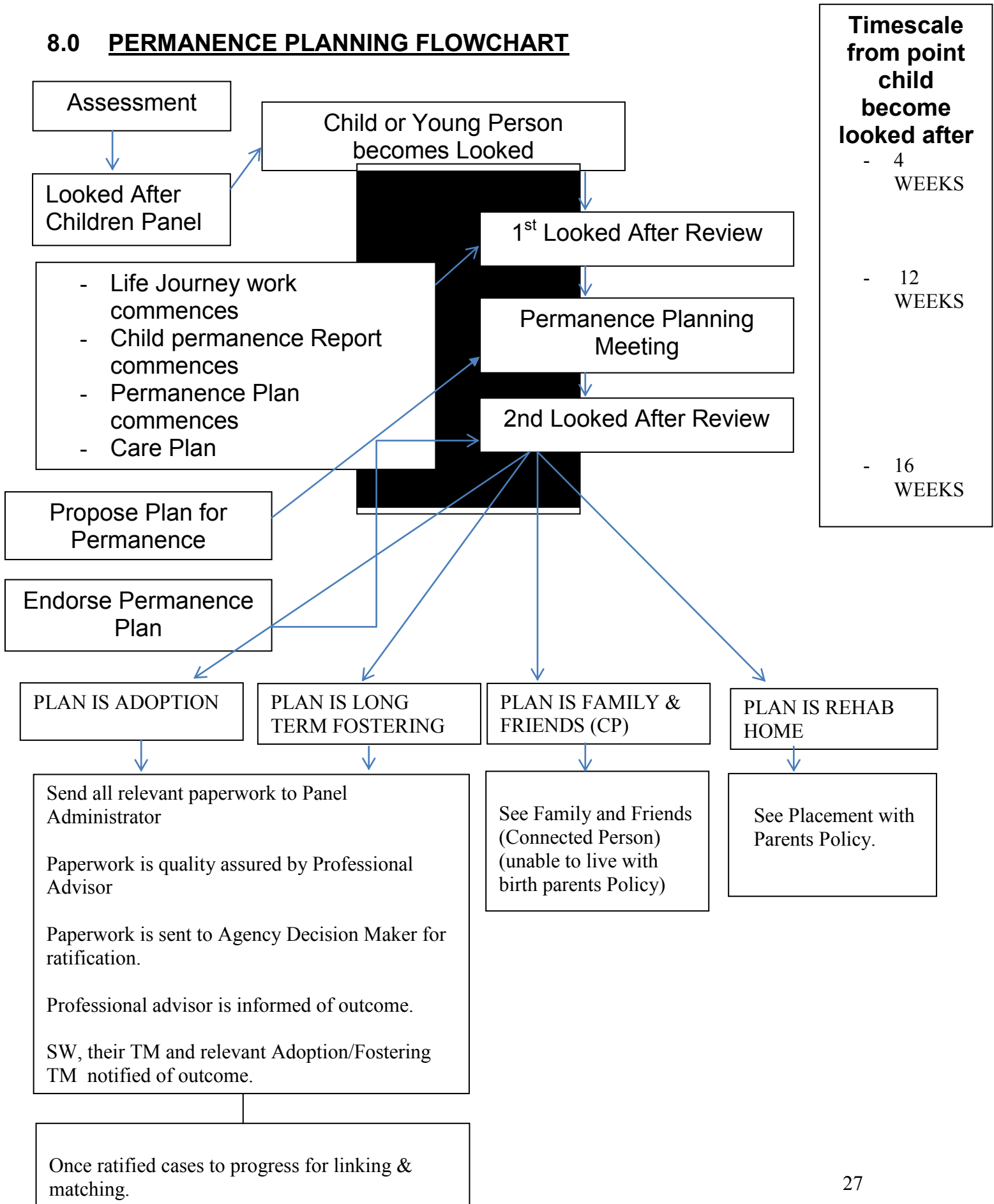
Often the elements that would normally be considered to make a good match may only be partly present, e.g. the carers may be older than ideal. However the positive advantages of maintaining an existing relationship of quality, the perceived durability of this relationship, the benefits of maintaining existing networks of support are all factors that need to be considered and a balance of risks and rewards considered against the uncertainty of seeking to find an elusive "other" placement that may never materialise.

Where the proposed match seems likely to meet the needs of the child applications from foster carers to be recognised as permanent carers for a child should be positively welcomed. The financial implications of such placements, particularly those involving other agency carers, require a clear analysis of risks and benefits along with prior agreement from the relevant budget holder to secure long term funding.

In all cases where the foster carer is considering a long-term commitment to the child the potential of this to be secured through the making of a Special Guardianship Order or Residence Order must be thoroughly explored.



## 8.0 PERMANENCE PLANNING FLOWCHART



## **APPENDIX A: Permanence Options Checklist of Considerations**

<b>Special Guardianship/ Residence Orders</b>	<b>Adoption</b>	<b>Permanent Fostering</b>
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



## **APPENDIX B: Contingency Planning**

These options below are not available where a first Primary Care Plan is Adoption.

### **Concurrent planning**

In this model children are placed with foster/adoptive carers who can support attempts at rehabilitation or adopt the child if rehabilitation fails. The potential benefits of this model are that it is anticipated that children will experience fewer moves and be placed with the permanent family more quickly. Because children do not linger in temporary foster care with multiple moves, problems of attachment and trust will be minimised.

In the UK at present there are only a small number of research projects currently following this model. Each has rigorous selection processes in terms of the prospects of successful rehabilitation (very low) and age of child (very young).

The key elements of this model include the following:

- Making a culturally respectful assessment including family strengths and why the child is being looked after, what needs to change and what services does the family need to support these changes.
- Setting firm timescales during which both reunification and permanence options are pursued.
- Full and open sharing of information to all parties, to include the impact of foster care on children, time scales and the reason for these, birth parents' rights and responsibilities, the support available, the permanence options and the consequences of not following through the agreed plan.
- Promoting structured and frequent contact in an environment which promotes the development of supportive relationships.
- Placing the child with foster/adoptive parents or birth relatives where they will stay permanently if plans for reunification are unsuccessful.
- Identifying and involving immediate and extended family at an early stage.
- Using Family Group Conferences as a means of involving families in planning for the child's future.
- Providing ongoing support to permanent parents through and after adoption.

The opportunities for implementing this model are limited to families where children are in placements where they can remain if they are unable to return home. Very careful consideration needs always to be given to the capacity of the family to cope with loss,

stress and uncertainty. Placements are normally limited to those children where there is a high percentage chance that they will not return home. However many of the key elements of this model are a valuable consideration when developing a plan.

### **Parallel or Twin Track Planning**

Social Workers are encouraged to consider working to this model; working towards reunification whilst at the same time developing an alternative Permanence Plan, within strictly limited timescales. Where children are presented before the Court in Care proceedings, the Court require parallel or twin track planning to be reflected in the Care Plan. The key difference with Contingency Planning is that the child remains in temporary foster care until the Court makes the decision whether or not to endorse the primary Care Plan. If the primary Care Plan breaks down before the final Court hearing, delay is avoided in presenting an alternative permanent option for the child to the Court.

### **Contingency Planning**

In both the concurrent planning and twin track models, a Contingency Plan is developed in parallel with intensive work with the biological family towards rehabilitation. The Contingency Plan could include the following:

- Family and Friends (Connected Person) placement, with or without a Special Guardianship, Residence, Adoption or Care Order.
- Adoption outside the family.
- Permanent fostering.
- Plan to remain long-term in residential placement (only for children aged 13 and over).

**Wolverhampton Social Services**

**Looked After Children – Section 20 accommodation**

Placement Agreement

Name of Child .....

Date of Birth .....

Parent with parental responsibility I /We agree to our Son/Daughter .....  
Being accommodated by Wolverhampton Social  
Services.

Parental Agreement to medical I/We agree to Wolverhampton Children's  
treatment Services arranging the following medical  
treatment including dental treatment for  
..... while he/she remains  
looked after.

Signature of Parent .....

Emergency medical treatment including anaesthetics YES/NO

Regular medical examinations required by law YES/NO

Routine medical treatment including immunisations YES/NO

The issues of consent to medical treatment has been explained to me YES/NO

Signature of parent .....