



**Durham County Council**  
**Children and Young People's**  
**Services**

**Early Permanence**  
**Planning Strategy**  
**2018/20**

## **Contents**

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- 1. Permanence Policy Statement**
- 2. Definitions**
- 3. Principles**
- 4. Delivering Permanence**
- 5. Permanence Outcomes and Twin Track or Parallel Planning**
- 6. Permanence Options**
- 7. Contact with Birth Family Members and Others**
- 8. Permanence Outcomes and Twin Track or Parallel Planning**
- 9. Good Practice Guidance**

### **Legal Framework**

Refer to the Children Act 1989

Guidance and Regulations Volume 2: Care Planning, Placement and Review 2015

## 1. Permanence Policy Statement

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Durham County Council defines “Permanency” as a framework of emotional, physical and legal conditions that give a child/young person a sense of commitment, security, and continuity of care throughout their childhood and beyond.

Permanence planning is based on the philosophy that every child has the right to a permanent, safe, stable and loving home, preferably with his or her own family.

Permanence does not necessarily mean a placement outside of the family and Durham County Council commit to ensuring that all family options have been fully explored before any consideration of a placement outside of the immediate or extended family or network would begin.

The question **"How are the child's permanence needs being met?"** must be at the core of all social work practice with families. This will ensure the needs of the child or young person for a loving, safe, stable home is at the centre of all practitioners thinking and any intervention at all times.

The primary focus of permanency planning is to prevent children drifting within looked after arrangements-and provides an underpinning framework for all social work with children, young people and their families.

Durham County Council, is committed as a corporate parent for looked after children and young people and will work diligently to find permanent, safe homes for children in care that meet their specific needs, in a timely manner. The best possible care involves giving children security, stability and love through their childhood and beyond to ensure the best outcomes as they become adults.

## 2. Definition

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Permanence is the long term plan for the child’s upbringing and provides an underpinning framework for all social work with children and their families from family support through to adoption. It ensures a framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment, identity and belonging.

## 3. Principles

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There are a number of principles that underpin permanency for a child or young person. The objective of planning for permanence is to ensure that children have a secure, stable and loving family to support them through childhood and beyond and to give them a sense of security, continuity, commitment, identity and belonging. It is also important to remember that older children and young people also need to achieve permanence in their lives although they may not wish (for a variety of reasons) to be in a foster home or to be adopted. For example, they may prefer to live in a children’s home where they can also achieve a sense of security and

belonging. Residential Care is a positive option for some young people and should not be viewed as a “last resort”.

Durham County Council will always look to provide high quality support and intervention to children and families to enable children to remain living with their family where it is safe to do so, where this is not possible for the child, the following factors will be considered when planning for the child:

- **Family solutions:** If it is not possible for the child to be cared for by her/his birth parents then options within the extended network of family and friends will be considered as a priority; All families will be given the option of a Family Group Conference;
- **Security:** A feeling of security and being loved as a member of a permanent family or care setting;
- **Stability:** The child expects the placement to continue and be stable;
- **Voice:** The child’s wishes and feelings along with her/his age and understanding must be taken into account in planning for permanence;
- **Identity:** To be consistent with or fully able to support her/his ethnicity, language, religion and culture. Note that due consideration no longer has to be given to a child’s religious persuasion, racial origin and cultural and linguistic background when matching a child with any prospective carers it is about what the carers can offer the child;
- **Life story:** The child accepts her/his birth family and history and her/his parents are encouraged and supported to provide information about themselves and about the child’s birth and early life;
- **Family and friends:** The child is a member of an ‘extended family’ and part of a wider long term network of family and friends. The carers should nurture and promote the child’s ability to build long term friendships and relationships with their peers and other adults;
- **Contact:** The child has positive on-going contact with parent(s), family and friends where appropriate. The purpose of the contact should be clearly defined in the child’s plan and meet the child’s needs;
- **Siblings:** children will be placed together whenever possible unless the individual assessed needs of children indicate that children’s needs will be better met placed separately;
- **Learning:** Stability in educational provision and training; and carers have high aspirations for what they wish the child to achieve;
- **Self-confidence:** Positive engagement in sports, hobbies and interests in order to promote their resilience and build self-confidence;
- **Independence:** The child is assisted and supported into independence when s/he chooses and this is safe and appropriate;

- **Staying Put and Staying Close:** the child feels a sense of belonging to their carers as (s)he moves into adolescence and adulthood; belonging does not end at the age of 18 years;
- **Timeliness:** Decision-making must be within the child's time scales in order to prevent drift and delay;
- **Twin track or parallel planning:** including Fostering to Adopt (F2A), may provide a means to securing permanence at an early stage for some children;
- **Early planning:** A child's permanence plan should be established at the four month review and recorded in the LAR Decisions;
- **Review:** where a child remains looked after in care then care planning should be subject to continuous assessment and review with effective management oversight.

#### 4. Delivering Permanence

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The service will strive to deliver the commitments outlined in this policy by providing the following:

- High quality and timely assessments of a child's needs;
- Any assessment of the child/young person's experience will always refer to the factors outlined in the principles as outlined above. This will help to ensure appropriate planning and the focus of practice to best help the child/young person achieve as strong a sense of permanence as possible;
- Clear plans; with identifiable outcomes, service provision and actions to meet those needs;
- Multi-agency commitment and effective joint working processes to ensure that the services necessary to support children in permanent family placements and /or prevent their breakdown are prioritised and delivered;
- Where there are concerns that a child may not be able to remain with their birth parents without statutory intervention a family group conference will be held at the earliest opportunity to fully explore the options for the child to remain safely within the extended family and friends network;
- Robust case reviewing arrangements for the early identification of the need for permanent arrangements and to prevent drift;
- The opportunity for the voice of the child to be heard and evidenced in the plan and to include their views and feelings;

Depending on the age of the child they will be given some choice re placement options as far as is possible particularly to ensure they can maintain school placements and their friendships. This is referenced within CYPS The Promise to looked after children and care leavers which outlines the commitments to young people by the Council.

- Effective communication pathways to ensure that family, carers and other individuals that the child considers to be an important part of their life are able to express their needs and feelings and are aware of the plans for the child and their role in these plans where appropriate;
- Policies and services that support all children placed within the range of permanence options;
- A Permanence Planning Meeting will consider all plans for permanence prior to the four month review to detail the final care plan. This meeting will be chaired by a Team Manager and attended by all members of the Care Team. It will consider all assessments to agree the formulation of the permanence care plan. (See appendix 3). This is particularly important where there are complex issues e.g. a sibling group and/or where children and young people have complex and challenging needs.

## **5. Permanence Planning must include the following:**

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- A timetable for introducing the child to the placement that ensures that both child and carers have a mutual understanding and commitment to the move;
- If the plan is for a residential placement, the desired aims, objectives and outcomes of the placements must be clarified;
- Plans for Life Story Work and more specific therapeutic work to take place during the planning for the placement before and after the child has moved into placement and throughout the child's childhood if they remain in a permanent or long term placement whether this is residential or a family placement; Life Story work is not a one off event and must be undertaken when it is an appropriate time for the child and information collated by social workers from the commencement of any alternative arrangement (see Life Story Policy)
- Arrangements for contact, if appropriate, that are based on the needs of the child and with the priority of achieving stability and permanence in their lives. (See Contact Policy)

## **6. Permanence Options**

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There are various options to consider in care planning for permanence for a looked after child or young person. Achieving each type of permanence will present different challenges for all parties.

It will depend upon:

- The capacity of the parents/carer to understand and meet the needs of the child;
- The quality of attachment the child experiences with their parent/carer;

- The quality of the intervention and support provided by professionals working with the child and their family;
- The level of cooperation of all involved in the permanence planning.

Consideration needs to be given to the degree of control granted to the caregiver and the degree in which parental responsibility is apportioned or delegated. The options also affect the support and the type of support carers can expect from Durham County Council in the longer term.

6.1 Reunification/Staying at Home

6.2 Placements with Family and Friends Carers

6.3 Early Permanence Placements / Fostering for Adoption

6.4 Special Guardianship (SGO)

6.5 Child Arrangements Orders (LAD)

6.6 Permanence in Foster Care & in Long Term Foster Care

6.7 Long Term Residential Care

6.8 Adoption

The permanence options are provided on the Permanence Options Table. (See Appendix 1.)

The following provides a summary of each permanence option and information about the relevant support, financial support and available legal orders regarding each option.

### **6.1 Reunification/Staying at Home The Children Act 1989 Guidance and Regulations Volume 2: Care Planning and Placement & Care Review (2015)**

- a. Staying at home offers the best chance of stability for children and efforts in working with the parent(s) and family about care arrangements for the child are the first line of approach as long as there is no risk of significant harm to the child(ren);
- b. Where a child cannot remain safely at home and intervention is necessary which means that the child(ren) is received into care then the focus of family work should be on reunification where this is safe to do so;
- c. For reunification to be successful a number of factors are relevant to achieve a safe and appropriate return of children home:

Any plan to rehabilitate the child to the birth parents or other family members will be pursued with some urgency to minimise the length of the separation of child and parents / carers but only where it is safe to do so.

- Thorough multi-agency assessments;
  - Good support identified from extended network of family and/or friends including the use of a **Family Group Conference**;
  - Clear written expectations have been set for the parent(s) to meet before the child could return home and within what timescales;
  - The views of the child/young person are central and social workers must ensure they are involved and spoken to throughout any period of change
  - Problems which led to the admission to care have been addressed;
  - Return to other parent or parent has a new partner who makes a difference;
  - Appropriate support plan is in place and any specialist support has been provided and parents engage with this;
  - There is good preparation of parent(s) and child(ren), including life story work;
  - Good monitoring of the child(ren) before and after return.
  - Appropriate Senior Manager approval to any reunification or placement with parents and family or friends
- d. If a child is subject to care proceedings and the assessment work indicates that reunification should be attempted, then:
- Wherever possible, time within the care proceedings should be used for this;
  - Placement with Parent regulations (see separate **Placements with Parents Policy and Procedure**) should be used to support placement at home with parent(s) if subject to interim or final Care Orders. Any such arrangement must ensure the required written Senior Management approval in accordance with the procedure even where an arrangement is court directed. This approval must be sought prior to the arrangement or if court directed as soon as possible.
  - If, at the final hearing in the care proceedings, it is proposed that the plan for permanency should be for the child(ren) to live with a parent or parents then proportionate use of the court orders available should be used, including use of supervision order or no order where safe and appropriate to do so;
  - Arrangements are in place to provide multi-agency support to the parent(s) and child(ren) through a clear and appropriate support plan;
  - As part of a step down approach the plan and support should be reviewed and chaired by the Team Manager for at least a 3 month period;
  - The **CAFCASS** officer and the **Independent Reviewing Officer** should be kept informed at all key points about planning for the child or any changes / significant events.
- e. It will be necessary to ensure that there is Twin Track or **Parallel Planning** alongside efforts in reunification so that alternatives for care, e.g. possible

solutions provided through the Family Group Conference or alternative placement options are also considered and clear contingency plans are in place ;

- f. For reunification with parents, if there is already a **Care Order**, the plan may involve discharging the Care Order if it is appropriate to do so and consideration of whether a Supervision Order is required.

#### **Support available to enable this permanence option:**

- A clearly written support plan including support from within the family - this is multi-agency support identified through a Child in Need plan;
- Durham County Council has the discretion to provide support on a one-off or regular basis under Section 17 Children Act 1989 - **Children in Need** of support.

Available legal orders to support this permanence option:

- Supervision Order;
- Child Arrangement Orders.

#### **6.2 Placements with Family and Friends Carers see Family and Friends Procedures and Special Guardianship Procedures**

When a child cannot safely return to their birth parents then every effort must be made to seek a placement with relatives or friends. It is very important to establish at the earliest possible stage of a child coming into care which relatives or friends might be available to care for the child, in order to avoid delays in planning for permanence.

Routes to permanence for children placed with family and friends carers need to be considered at the earliest possible stage to avoid unnecessary moves for a child. The use of Genograms to assist the family identify possible cares must be used as part of any assessment.

A **Family Group Conference** should always take place prior to a child entering care as best practice unless there is an immediate risk of harm to the child/young person.

Children and young people can have increased commitment from family and friends carers in providing stability and have an enhanced opportunity to develop their identity. Good quality assessments of family and friends carers need to be completed in order to assess the quality of the care to be provided as this leads to better outcomes for children.

Placements need to be well supported as family and friends carers may be older, have poorer health and have to manage difficult relationships within the family as a result of caring for the child/young person.

If children are not able to return to their birth families, ideally their placement within the extended family or with friends would be supported by a **Child Arrangements**

**Order** or a **Special Guardianship Order** or through adoption. It would be unusual for children to remain on Care orders when placed safely with relatives and for the carers to remain therefore as formal family and friends foster carers.

Contact within family and friends arrangements can often be more complex and this needs to be addressed in the Care Plan. Often a **Supervision Order** may assist family and friends carers in feeling supported during the first year of a placement, rather than the child remaining on a care order.

**Support available to enable this permanence option:**

- A clear support plan including support from within the extended family network;
- A range of multi-agency support as outlined in the **Family and Friends Policy and Procedure**;
- Durham County Council has the discretion to provide support on a one-off or regular basis under section 17 Children Act 1989 - **Child in Need** support.

**Available legal orders to support this permanence option:**

- Child Arrangements Order;
- Special Guardianship Order;
- Supervision Order;
- Adoption Order.

### **6.3 Early Permanence Placements / Fostering for Adoption**

The Children and Families Act 2014 imposes a **duty** to consider placements with carers who are approved as both adopters and foster carers - see **Fostering to Adoption Procedure**.

Fostering to Adopt placements enable the child to remain in one placement where they can develop strong attachments with primary carers whilst care proceedings are progressing. It is anticipated to reduce placement moves for the child in adoption processes.

Foster to Adopt carers will be specifically recruited assessed and approved for this role. They will require a level of resilience and will be supported throughout this process by the dedicated Fostering/Adoption social worker.

A Fostering to Adopt placement must be considered where consideration is being made for an unborn child or infant to be separated from birth parents and where all assessments have ruled out a return to family members. These cases will primarily be within the Pre Birth Team but may also be within the Families First Teams.

This discussion should take place at the Legal Panels and legal advice sought. Birth parents of the child will need to be informed and IRO and Cafcass consulted.

F2A placements will be appropriate where the local authority believes there will be a high likelihood of a plan of adoption being the final determination. It is not appropriate for all cases.

#### 6.4 Special Guardianship (SGO)

**Special Guardianship** provides an alternative legal status for children, and provides greater security than long term fostering, but without the absolute legal severance from the birth family that stems from an Adoption Order. It is a legal route to permanence for children for whom adoption is not appropriate and in general are remaining within the extended family network of family and friends.

The Special Guardian will have parental responsibility for the child and may exercise this to the exclusion of all others with parental responsibility, apart from another Special Guardian. There are exceptions to the decisions a Special Guardian can make, for instance they cannot change the child's surname or take them out of the country without the permission of the court or the agreement of all of the people with parental responsibility. The birth parents also retain the right to consent or not to adoption by the Special Guardian.

Special Guardians may be supported, including financially, by the local authority and will have the right to request an assessment for support services at any time after the Order is made. See **Special Guardianship Order Procedure** for detailed procedures. The level and extent of support needed should be established by undertaking a formal assessment at the point of the completion of the Schedule 21 court report (see **Special Guardianship Orders Procedure**).

The complexity of these arrangements regarding contact and support needs require close attention to detail to ensure that special guardians are equipped to meet the on-going needs of the children or young person and are well supported to do so.

#### **Support available to enable this permanence option:**

- A clear multi-agency support plan;
- See **Special Guardianship Orders Procedure** for the range of support available, including financial support.

#### **Available legal orders to support this permanence option:**

- Special Guardianship Order;
- Supervision Order; A supervision order may be made by the court if there are concerns regarding ongoing support and services. A robust and clear support plan for an SGO will negate the need for this.
- Section 8 Orders.

## 6.5 Child Arrangements Orders

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

A Child Arrangements Order is a court order regulating arrangements relating to any of the following:

- a. With whom a child is to live, spend time or otherwise have contact; and
- b. When a child is to live, spend time or otherwise have contact with any person.

The 'residence' aspects of a Child Arrangements Order (i.e. with whom a child is to live/when a child is to live with any person) can last until the child reaches 18 years unless discharged earlier by the Court or by the making of a **Care Order**.

The 'contact' aspects of a Child Arrangements Order (with whom and when a child is to spend time with or otherwise have contact with) cease to have effect when the child reaches 16 years, unless the court is satisfied that the circumstances of the case are exceptional.

A person named in the order as a person with whom the child is to live, will have **Parental Responsibility** for the child while the order remains in force. Where a person is named in the order as a person with whom the child is to spend time or otherwise have contact, but is not named in the order as a person with whom the child is to live, the court may provide in the order for that person to have Parental Responsibility for the child while the order remains in force.

Child Arrangements Orders are private law orders, and cannot be made in favour of a local authority. Where a child is the subject of a Care Order, there is a general duty on the local authority to promote contact between the child and the parents. A Contact Order can be made under section 34 of the Children Act 1989 requiring the local authority to allow the child to have contact with a named person.

A court which is considering making, varying or discharging a Child Arrangements Order, including making any directions or conditions which may be attached to such an order, must have regard to the paramountcy principle, the 'no order' principle and the welfare checklist under the Children Act 1989.

Interim Child Arrangements Orders can be made where a child would otherwise have to be placed with strangers, a placement with family or friends/Connected Persons may be identified as a preferred option and the carers may be encouraged and supported to apply for a Child Arrangements Order where this will be in the best interests of the child.

The holder of a Child Arrangements Order does not have the right to consent to the child's adoption nor to appoint a guardian; in addition, he/she may not change the child's name nor arrange for the child's emigration without the consent of all those with Parental Responsibility or the leave of the court.

Whilst support may continue for as long as the Child Arrangements Order remains in force, the aim will be to make arrangements which are self-sustaining in the long run.

As was the case with Contact and Residence Orders, any person can apply for a Child Arrangements Order. The following can apply for a Child Arrangements Order without needing the leave of the court. In addition, any person who is not automatically entitled to apply for a Child Arrangements Order may seek leave of the court to do so:

- Any parent (whether or not they have Parental Responsibility for the child), guardian or special guardian of the child;
- Any person named, in a Child Arrangements Order that is in force with respect to the child, as a person with whom the child is to live;
- Any party to a marriage (whether or not subsisting) in relation to whom the child is a child of the family - this allows step-parents (including those in a civil partnership) and former step-parents who fulfil this criteria to apply as of right;
- Any person with whom the child has lived for a period of at least three years - this period need not be continuous but must not have begun more than five years before, or ended more than three months before, the making of the application; or
- Any person:
  - Who has the consent of each of the persons named in a Child Arrangements Order as a person with whom the child is to live;
  - In any case where there is an existing order for care in force, has the consent of each person in whose favour the order was made;
  - In any case where the child is in the care of a local authority, who has the consent of that authority;
  - In whose favour a Child Arrangements Order has been made in relation to the 'contact' aspects and who has been awarded Parental Responsibility by the court (i.e. they would be able to apply for a Child Arrangements Order in relation to the 'residence' aspects);
  - In any other case, has the consent of everyone with parental responsibility for the child.
- A local authority foster parent is entitled to apply for a child arrangements order relating to whom the child is to live, and/or when the child is to live any person, if the child has lived with him for a period of at least one year immediately preceding the application;
- A relative of a child is entitled to apply for a child arrangements order relating to whom the child is to live, and/or when the child is to live any person, if the child has lived with the relative for a period of at least one year immediately preceding the application. (A relative is a child's grandparent, brother, sister, uncle or aunt (by full or half blood), or by marriage or civil partnership).

A Child Arrangements Order specifying with whom the child is to live has the following advantages:

- a. It gives Parental Responsibility to the carer whilst maintaining the parents' Parental Responsibility;
- b. The child will no longer be Looked After and there need be no social work involvement, therefore, unless this is identified as necessary;
- c. There is no review process;
- d. The child will not be Looked After and so less stigma is attached to the placement.

A Child Arrangements Order has the following disadvantages:

- a. It is less secure than Adoption or Special Guardianship in that an application can be made to revoke the Order. However, the Court making the order can be asked to attach a condition refusing a parent's right to seek revocation without leave of the court;
- b. Post Order support is available dependant on the needs of the child (see Special Guardianship Policy & Procedure 2018)
- 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. (NB New applications to court may be expensive to defend, and the carers would have to bear the cost if not entitled to assistance with legal costs).

## **6.6 Permanence in Foster Care & Long Term Foster Care**

For those children and young people who remain looked after an important route to permanence is long term foster care or permanent foster care.

This will be where a child who requires a permanent foster placement and a matching and selection process follows a similar process to that of adoption. This will mainly be for children and young people under the age of 13 who require a family to claim them and bring them up as a member of their own family.

For older children, a long term foster placement will be where a short term placement is then deemed suitable to meet the needs of the child until they reach 18 or beyond or they may return to their birth family. This is particularly appropriate for these children who have strong links to their birth family and network and where "permanence" outside of the family is not required in the strongest sense.

Permanence and Long Term foster care has the following advantages as a Permanence Plan:

- The Local Authority retains a role in negotiating issues between the birth family and the child.

- The child / young person and the foster cares are provided with continued support in a family placement that is continually reviewed to ensure that child's needs are met.
- It maintains legal links to the birth family who can still play a part in the child's life and any decision making around a child / young person's care.

Permanence in foster care has the following disadvantages of a Permanence Plan:

- The foster carers do not have parental responsibility for the child.
- Continued social work involvement
- Regular looked after reviews which may be seen as intrusive to the placement in some instances.
- The child / young person remains a looked after child, which may be seen as a stigma in some situations.
- The child / young person is not a legal member of the family. If difficulties arise there may be less willingness to persevere or resolve issues.

Support available to enable this permanence option:

- A clear plan of support should be outlined in the child / young person's care plan. This should be reviewed regularly at Looked After Reviews and Care Team Meetings.
- The foster carer has an allocated supervising social worker from the Fostering Service and will have access to a range of training and support.
- Weekly financial support to meet the costs of caring for the child / young person, including a Professional Fee in accordance with Fostering Skills level.
- For those children and young people placed with Independent Foster Care Placements (IFA) the costs and support to the child / young person's placement are agreed between the IFA and Durham County Council.

Available legal orders to support this permanence option:

- Care Order
- Section 20 with parental agreement to a Care Plan of Long Term Foster Care.

## **6.7 Long Term Residential Care**

For some children and young people living with a foster family does not work and some children's needs cannot be effectively met within a family.

Their behaviour may be too challenging or complex and they may have experienced a number family arrangements including foster placement breakdowns before they are placed within a residential setting.

The focus of residential provision should be to aim to return the child / young person to a family environment but if this is not likely to be successful residential care can be a positive and successful option for a small number of young people.

Residential provision in Durham is of high quality and the outcomes for young people are good. Residential care can provide a therapeutic environment for some young people to enable them to receive the level of intense support they need to address difficult issues and return them to family arrangements.

## 6.8 Adoption

See **Adoption Policy and Procedure** for more detailed procedures.

In many cases where a child cannot safely be cared for by their birth parents the permanence plan is that of adoption. Durham Children and Young People's Service is committed to adoption as a legal and emotional permanence option which can be considered for all children.

Research strongly supports adoption as a primary consideration and as a main factor contributing to the stability of children and which promotes good outcomes.

Adoption 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 child of the adopter(s) as if he or she had been born to them and the child takes on the surname of the adoptive parent.

The child's birth certificate is changed following the making of an adoption order 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.

This legal status applies into adulthood and is therefore a lifelong legal commitment, unlike any other legal permanence options.

Adoption has lifelong implications for all involved and a comprehensive adoption support service will be provided in partnership with other agencies. Adopters may be supported, including financially, by the local authority and will have the right to request an assessment for support services at any time after the Order is made. See **Adoption Support Procedures** for detailed procedures.

The expectation is that contact is maintained with siblings placed separately and some form of contact will be maintained with the birth family throughout the child's life depending on the circumstances. Research indicates that openness in adoption is key in adoptive placements and offers continuity when contact is not possible.

The service is committed to preventing delay for children and supports fostering for adoption where appropriate in order to prevent delay for the child. Family finding should begin as soon as adoption is under consideration, subject to the required legal permissions and following the making of a **Placement Order**. For children who may be more difficult to place the Adoption Service will commence looking at all available possibilities to reduce unnecessary delay for the child.

### **Support available to enable this permanence option:**

- A clear adoption support plan;
- See **Adoption Support Procedure** for the range of support available, including financial support.

## Available legal orders to support this permanence option:

- Adoption Order.

## 7. Contact with Birth Family Members and Others

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Contact must always be for the benefit of the child and not the parent or other relatives. Plans for contact must be included in any permanence plan.

Contact may take place with birth parents, siblings and other people who help the child maintain and enhance their identity.

See **Contact Policy and Procedure**.

## 8. Permanence Outcomes and Twin Track or Parallel Planning

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The emphasis on early consideration of permanency plans and avoidance of drift has led to the development of twin track or parallel planning for children, where efforts are made to rehabilitate but the necessary information is gathered ready to put in place an alternative plan e.g. adoption, if this fails. Social workers are expected to work to this model; working towards a child's return home where appropriate, whilst at the same time developing an alternative Permanence Plan, within strictly limited timescales.

Where children's cases are before the court in **Care Proceedings**, the Court require twin track or parallel planning to be reflected in the **Care Plan** - see **Care and Supervision Proceedings and the Public Law Outline (PLO) Procedure**.

See also **Fostering to Adoption Procedure**.

## 9. Good Practice Guidance

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The following practice guidance is not exhaustive.

### 9.1 Supporting reunification with birth or extended family

- The importance of clearly communicating to the family what needs to happen to enable the child to return home, and within what timescales;
- The importance of exploring family ties and long term relationships with family, school and community;
- The use of **Family Group Conferences** as an effective way of facilitating both the above.

### 9.2 Identifying the best permanence option

The permanency planning process, informed by multi-agency contributions, will identify which permanence option is most likely to meet the needs of the individual child, taking account of his/her wishes and feelings.

Issues to consider:

- The assessment process must ask how stability for this child will be achieved;
- Long term stability means the sense of a permanent home with the same family or group of people, as part of the same community and culture, and with long-term continuity of relationships and identity;
- Short or medium term stability or continuity will be important for children who are going to stay in care for a brief period before going home and for children who are going to need new permanent arrangements. The quality of a child's attachments and life will be detrimentally affected by uncertainties, separations from what /who is known and changes of school and placement;
- Educational experiences, links with extended family, hobbies and friendships and support to carers, 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, the less likely it is that the child will secure a permanent family through adoption or permanence in foster care;
- The larger the family group of children, the harder it is to secure a single placement that will meet all the needs of all the children;
- Where a child has had several placement moves, within the family or within any looked after arrangements;
- These detailed considerations in relation to permanency options must be the subject of discussion within the Permanence Planning Meeting Chaired by the Team Manager prior to the final care plan being ratified;
- It is important that the needs of each child are specifically considered and assessed.

### 9.3 Twin Track or Parallel Planning

Social workers are encouraged to consider working to this model; working towards a child's return home whilst at the same time developing an alternative Permanence Plan, within strictly limited timescales.

Where children's cases are before the court in **Care Proceedings**, the Court require twin track planning to be reflected in the **Care Plan** - see also **Care and Supervision Proceedings and the Public Law Outline**.

See also **Fostering to Adoption Procedure**.

## 9.4 Placement/Contact with Siblings - Issues to Consider

Wherever it is in the best interests of each individual child, siblings should be placed together. Being able to live with brothers and sisters where they are also Looked After is an important protective factor for many Looked After children. Positive sibling relationships provide support both in childhood and adulthood and can be particularly valuable during changes in a young person's life, such as leaving care.

A number of factors however, can mitigate against achieving the positive placement of brothers and sisters together – they may have entered care at different times and/or they may have very different needs related to past experiences, current emotional and behavioural development and age, especially where there are significant age differences. There may be practical difficulties in accommodating large sibling groups together. In some circumstances a child may have been abused by a brother or sister. An understanding of family functioning and family history, providing appropriate support to all parties, as well as listening to the wishes and feelings of children, are therefore key to informing these judgements.

There are often some practical steps that can be taken to overcome some of the more logistical reasons for being unable to place sibling groups together. Where siblings placed together in foster care may be separated when one turns 18, consideration should be given to whether **Staying Put** arrangements may be beneficial for all the children involved.

There will, however, always be circumstances in which it is not possible to place siblings together and children should be supported to understand why they cannot live with their siblings. A sibling assessment must be undertaken to inform appropriate decision making which can be explained to children and young people. In these circumstances where it is in the best interests of each individual child, sibling contact should be promoted and maintained.

If it is likely that brothers and sisters who are not able to be placed together at the start of a care episode will remain Looked After for the medium to long term, arrangements should be made as part of each child's Care Plan which will enable brothers and sisters to live together, taking into account the other factors.

Where the plan is for adoption, in order to reduce delay, an early decision should be taken as to whether it is in the best interests of each child to be placed together or separately, and the impact on each child of that decision. The decision should be based on a balanced assessment of the individual needs of each child in the group, and the likely or possible consequences of each option on each child. Factors that may need to be considered will include: the nature of the sibling group (do the siblings know each other/ how are they related); whether the children have formed an attachment; the health needs of each child; and each child's view (noting that a child's views and perceptions will change over time).

## 9.5 Direct contact with birth family members and others

Contact must always be for the benefit of the child, not the parents or other relatives.

## See **Contact Policy**

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 the 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 work best if all parties accept/agree to:

- i. The plan for permanence;
- ii. The parental role of the permanent carers;
- iii. The benefit of contact;
- iv. The adoptive parents being present.

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.

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.

### **9.6 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. Identity is 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 for 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. Those involved need to accept that contact may cease if it is no longer in the child's interests. Alternatively, an older child may need to change to direct contact.

### 9.7 Clearly communicating the Permanence Plan

- Developing an age appropriate way to communicate the plan to the child which includes words and pictures, photos, video, profiles of foster carers and family books;
- 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;
- Make timescales clear.

### 9.8 Legal routes to permanence

For younger children unable to be returned home where adoption is the plan, a **Care Order** and **Placement Order** are likely to be necessary unless parents are clearly relinquishing the child and are in agreement with the plan.

For children for whom adoption is not appropriate, each case will need to be considered on its merits. The decision between Special Guardianship Order, Child Arrangements Order and Permanence through fostering or Long Term Fostering under a Care Order will depend on the individual needs of the child set alongside the advantages and disadvantages of each legal route. Timely legal advice must be sought to explore the options for that child and all plans ratified at a Looked After Review Chaired by the child's Independent Reviewing Officer.

## Appendix 1

### PERMANENCE OPTIONS FOR CHILDREN OF DIFFERENT AGES

The table below may be of use to understand permanence planning for different ages of children and young people when relatives are and are not available.

This should be used as a **GUIDE ONLY** to support your judgement, decision and gathering.

AGE UNDER 7 YEARS		AGE 7 – 10 YEARS		AGE 11 YEARS+	
No kinship care arrangements available	Kinship care arrangements are available	No kinship care arrangements available	Kinship care arrangements are available	No kinship care arrangements available	Kinship care arrangements are available
	Family Group Conference must be arranged in these situations		Family Group Conference must be arranged in these situations		Family Group Conference must be arranged in these situations
<b>Permanency Plan includes Twin Track or Parallel Planning until it is clear that return to birth family is not possible</b>					
Adoption  Long Term Fostering (needs Head of Service approval if child is under five)	Formal Approved Kinship Foster Care <ul style="list-style-type: none"> <li>Special Guardianship Order</li> <li>Child Arrangements Order</li> <li>Care Order – possibility of mover to SGO/RO</li> </ul> Where the child is 0 – 3 years, if at the end of the legal process if carer is not able to consider SGO/RO then the adoption route must be followed.	Adoption  Long Term Fostering  Special Guardianship (with existing foster carer)	Formal Approved Kinship Foster Care <ul style="list-style-type: none"> <li>Care Order – possibility of move to SGO./RO</li> <li>Special Guardianship Order</li> <li>Child Arrangements Order</li> </ul>	Long Term Fostering  Special Guardianship (with existing foster carer)	Formal Approved Kinship Foster Care <ul style="list-style-type: none"> <li>Special Guardianship Order</li> <li>Child Arrangements Order</li> <li>Care Order – possibility of mover to SGO/RO</li> </ul>

## Appendix 2

	PRIVATE FOSTERING	KINSHIP CARE (informal)	KINSHIP CARE (formal foster care)	UNRELATED FOSTER CARE (and residential care)	CHILD ARRANGEMENTS ORDER	SPECIAL GUARDIANSHIP ORDER (SGO)	ADOPTION
Route into the caring arrangements	<p>This is a private arrangement whereby the child is being cared for, for 28 days or more (or the intention is that the arrangement will last for 28 days or more), by anyone who does not have parental responsibility, and who is not a close relative.</p> <p>Close relative means grandparent, brother, sister, uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a step parent.</p> <p>This child is not a looked after child.</p>	<p>The relative has chosen to take on the care of the child and this is an arrangement between the parent(s) and the extended family or friend. The Family member or friend does not have parental responsibility, and the arrangement was not made by the local authority.</p> <p>The child is not a looked after child</p> <p>Relative may perceive the parents to be unable to care for the child</p> <p>Or the parents may be dead or otherwise not available (e.g. in prison)</p> <p>Or there may be an agreement between relatives due to difficult family circumstances.</p>	<p>The child has been placed with the relative or friend by the local authority, because the person who had been caring for the child was deemed not to be providing suitable care.</p> <p>The child is a looked after child and so the local authority must approve the relative or friend as a local authority foster carer.</p> <p>The child may be accommodated voluntarily with the agreement of the parents or may be subject to a Care Order, Interim Care Order or Emergency Protection Order</p>	<p>The child is a looked after child being accommodated by the local authority under Section 20 Children's Act 1989 or because the child is subject to a care order; but has been placed with a foster carer by the local authority.</p> <p>Alternatively the local authority may choose to place a child into residential care where this is considered to meet the child's assessed needs.</p>	<p>(a) The child may be at risk of becoming 'looked after' and a friend or relative applies for an order, or</p> <p>(b) The child may have been 'looked after' and their foster carer or other relative/friend applies for an order</p> <p>(c) In some circumstances, application can be made without the support of the parents or the local authority. Relatives may apply for an order after the child has lived with them for one year or given leave of the court to apply for SGO.</p> <p>Or there can be benign reasons, e.g. after parent' death and in line with a prior agreement with the birth parents and the carer.</p>	<p>Looked after children; the LA may decide that the child should be placed for adoption. They can only do so with the consent of the birth parent or by making an application for a placement order made by a court.</p> <p>A foster carer can apply for an adoption order after one year of caring for the child.</p> <p>Other informal carers could apply for an adoption order if the child has lived with them for a period of 3 years or with leave of the court.</p>	
Contact	Private arrangement with birth parent or person with PR	Private arrangement with birth parents or person with PR	As set out in the care plan with details of frequency and supervision clarified.  We have a duty to promote contact with the child's family.		Private agreement  Or as defined by the court or discretion of the person with PR.	Agreed as part of SGO or at discretion of the SG with PR. May be subject to a Section 8 Contact Order	As agreed as part of the adoption order.  Legally at the discretion of the adopter.

	PRIVATE FOSTERING	KINSHIP CARE (informal)	KINSHIP CARE (formal foster care)	UNRELATED FOSTER CARE (and residential care)	CHILD ARRANGEMENTS ORDER	SPECIAL GUARDIANSHIP ORDER (SGO)	ADOPTION
Parental Responsibility (PR)	Remains with birth parents	Remains with birth parents but the person who cares for the child may do what is reasonable to safeguard or promote the child's welfare and has delegated responsibility unless alternative legal orders are in place e.g. Special Guardianship, Adoption or Child Arrangement Orders.	Remains with birth parents if the child is accommodated under Section 20 CA, or if the child is subject to a care order or emergency protection order, the local authority shares parental responsibility and determines the extent to which it make to delegated to others.		Shared by parents and holder of Child Arrangements Order.	PR shared with parents and anyone else with parental responsibility for the child. The special guardian may exercise parental responsibility to the exclusions of all others with PR, a part from another special guardian. Limitations include taking child out of the country or changing the child's name.	Transfer to adopters and legal relationship with birth parents and siblings is severed.
Approved Basis	The arrangement is assessed by LA, but the carer is not 'approved' as a local authority foster carer. The arrangement may be prohibited if assessed by the local authority as unsuitable.	None	Approved as local authority foster carers in accordance with Fostering Services Regulations. (If the child is looked after, carers must be approved as foster carers even if close relative).  This includes temporary approval if the child needs to be placed in an immediate or urgent circumstance		Appointed by court following application	Appointed by court following application from the applicant. LA must investigate the matter and prepare a report for the court dealing with the suitability of the applicant to be a special guardian.	Adoption agency assesses and approves prospective adopters, court makes placement order regarding specific child following ADM approval If the child is not a Looked After child then notice of intention to adopt must be given to the LA who then carry out an assessment
Duration	Subject to discretion of person with PR and readiness of private foster carer	Subject to discretion of person with PR	So long as placement remains in line with the child's care plan as determined by LA or the making of an alternative order (unless Section 20 when parents have the right to move the child from care).		Age 18	Age 18 unless varied or discharged by the court before the child reaches 18 years	Permanent lifelong relationship which severs any legal ties with the birth parents and family

	PRIVATE FOSTERING	KINSHIP CARE (informal)	KINSHIP CARE (formal foster care)	UNRELATED FOSTER CARE (and residential care)	CHILD ARRANGEMENTS ORDER	SPECIAL GUARDIANSHIP ORDER (SGO)	ADOPTION
Placement Supervision	It is not a placement, but there are statutory visits to the child by social worker (minimum 6 weekly in first year then 12 weekly)	None	Statutory visits to the child by social worker and supervision of foster carers by supervising social worker.		None	None	When a child is placed for adoption by the LA, the placement is supervised and there are statutory reviews. Once the adoption order is made, none  Post adoption support will be provided if necessary but after 3 years will become the responsibility of the place of residence which may not be the LA who placed the child.
Support Services	Provision of advice and support as determined necessary by the LA, which may assess the child as a child in need, with a child in need plan, and provide services/support for child/family under Section 17 Children Act 1989	No entitlement but the LA may assess the child as a child in need, with a child in need plan, and provide services/support for child/family under Section 17 Children Act 1989.	Support to meet the child's needs including health plan and personal education plan (PEP);  Training and practical support to foster carers in accordance with the Fostering Services Regulations. National Minimum Standards and Children's Workforce Development Council standards.  Young persons may be entitled to leaving care support services,  Statutory social work.  Placement support to meet the child's identified need.		No entitlement  (But LA has discretion to provide services/support for child/family under Section 17 Children Act 1989)	If child was looked after prior to making the SGO. LA must assess for need with special guardianship support service.  Young person may be entitled to leaving care support services if was a looked after child prior to making of the SGO.	Entitlement to assessment for adoption support services, which may be provided at discretion of LA in accordance with Regulations and National Minimum Standards.  Three year rule applies where for first three years, it is the placing authority who is applicable and after first three years it is the local authority in which the child resides.
Review of Placement	It is not a placement, but the LA may do formal reviews in addition to on-going assessment during visits.	None	Statutory reviews of the child's care plan (minimum 6 monthly) and annual reviews of local authority foster carers' approval.		None	None	See above

	PRIVATE FOSTERING	KINSHIP CARE (informal)	KINSHIP CARE (formal foster care)	UNRELATED FOSTER CARE (and residential care)	CHILD ARRANGEMENTS ORDER	SPECIAL GUARDIANSHIP ORDER (SGO)	ADOPTION
Financial support - entitlement	<p>Can claim child benefit and any other universally available benefits for children if not being paid to the parent.</p> <p>Financial responsibility to maintain the child remains with holders of PR</p>	<p>Can claim child benefit and any other universally available benefits for children if not being paid to the parent.</p> <p>Financial responsibility to maintain the child remains with holders of PR.</p> <p>Guardian's Allowance payable if both parents have died, or the only surviving parent cannot be found or serving 2 years or more prison sentence</p>	<p>Child benefit or other universally available for children is not payable.</p> <p>Weekly allowance to meet the costs of caring for the child. This should meet at least the national minimum rate set by the Department for Education.</p>		<p>Can claim child benefit and any other universally available benefits for children if not being paid to the parent.</p>	<p>Can claim child benefit and any other universally available benefits for children if not being paid to the parent.</p>	<p>Can claim child benefit and any other universally available benefits for children if not being paid to the parent.</p> <p>Entitlement to assessment for financial support (part of adoption support) if child looked after prior to order.</p> <p>Some children will be eligible for an adoption allowance which is means tested and subject to approval by the ADM. Any allowances are reviewed after a 2 year period</p>
Financial Support – discretionary	<p>LA discretion to make one-off or regular payments under Section 17 Children Action 1989</p>	<p>LA discretion to make one-off or regular payments under Section 17 Children Action 1989</p>	<p>Fees are payable under the payment for skills model.</p>		<p>LA has discretion to pay child arrangements order allowance – usually if child was previously fostered by the carers, or exceptionally if making Child Arrangements Order prevents child becoming looked after. Any allowance reviewed annually at a minimum</p>	<p>Entitled to an assessment for financial support under the Special Guardianship Regulations 2005 if child looked after prior to order and meets the criteria in the regulations. Subject to assessment as above and for former foster carers can include an element of remuneration, Discretionary regular or one off payments. Any allowances reviewed annually at a minimum.</p>	<p>Subject to assessment, one off payments or regular adoption allowance may be paid.</p>

	<b>PRIVATE FOSTERING</b>	<b>KINSHIP CARE (informal)</b>	<b>KINSHIP CARE (formal foster care)</b>	<b>UNRELATED FOSTER CARE (and residential care)</b>	<b>CHILD ARRANGEMENTS ORDER</b>	<b>SPECIAL GUARDIANSHIP ORDER (SGO)</b>	<b>ADOPTION</b>
<b>Financial support - entitlement</b>	<p>Can claim child benefit and any other universally available benefits for children if not being paid to the parent.</p> <p>Financial responsibility to maintain the child remains with holders of PR</p>	<p>Can claim child benefit and any other universally available benefits for children if not being paid to the parent.</p> <p>Financial responsibility to maintain the child remains with holders of PR.</p> <p>Guardian's Allowance payable if both parents have died, or the only surviving parent cannot be found or serving 2 years or more prison sentence</p>	<p>Child benefit or other universally available for children is not payable.</p> <p>Weekly allowance to meet the costs of caring for the child. This should meet at least the national minimum rate set by the Department for Education.</p>		<p>Can claim child benefit and any other universally available benefits for children if not being paid to the parent.</p>	<p>Can claim child benefit and any other universally available benefits for children if not being paid to the parent.</p>	<p>Can claim child benefit and any other universally available benefits for children if not being paid to the parent.</p> <p>Entitlement to assessment for financial support (part of adoption support) if child looked after prior to order.</p> <p>Some children will be eligible for an adoption allowance which is means tested and subject to approval by the ADM. Any allowances are reviewed after a 2 year period</p>
<b>Financial Support – discretionary</b>	<p>LA discretion to make one-off or regular payments under Section 17 Children Action 1989</p>	<p>LA discretion to make one-off or regular payments under Section 17 Children Action 1989</p>	<p>Fees are payable under the payment for skills model.</p>	<p>LA has discretion to pay child arrangements order allowance – usually if child was previously fostered by the carers, or exceptionally if making Child Arrangements Order prevents child becoming looked after. Any allowance reviewed annually at a minimum</p>	<p>Entitled to an assessment for financial support under the Special Guardianship Regulations 2005 if child looked after prior to order and meets the criteria in the regulations.</p> <p>Subject to assessment as above and for former foster carers can include an element of remuneration,</p> <p>Discretionary regular or one off payments.</p> <p>Any allowances reviewed annually at a minimum.</p>	<p>Subject to assessment, one off payments or regular adoption allowance may be paid.</p>	

**Early Permanence Strategy  
Permanence Planning Meeting  
Guidance Notes**

The purpose of the Permanence Planning Meeting (PPM) is to ensure a clear work plan is agreed for any child where a plan of permanence outside of the family is being considered.

The meeting is to ensure that children's needs are fully explored and appropriate decisions reached to optimise their placement options. Where any specialist assessments have been commissioned, in relation to children or their parents as part of any care proceedings this will be considered as part of the meeting to inform the Care Plan.

The meeting will be chaired by the Team Manager and will be minuted and shared with parties as outlined in the agenda. Any decisions must be recorded on the child's electronic case record by the Team Manager.

The notes will become part of the submission to the ADM where a Care Plan of Adoption is to be considered.

These minutes may be required as part of the evidence bundle in Care Proceedings. It is particularly important for those children who may be deemed more difficult to place that these meetings are properly arranged and where evidence of decision making in formulating the final plan. These will be :

- Sibling groups
- Children with more complex needs
- Children who have experienced significant abuse and neglect and who may have additional needs, developmental delay and attachment issues
- Children who have experienced a number of placement moves both within the family network and in foster care
- Children who have a disability

## **AGENDA**

- Name of child(ren)
- DOB
- Legal status
- Placement details
- Social worker
- Team
- Legal advisor – minutes
- Guardian ad Litem (if applicable) – for minutes
- IRO – for minutes
- Full Circle/Child Psychologist

### **Purpose of the meeting**

- To agree the work plan, to obtain the views of the child/ren identifying any assessments that are required and agree timescales
- To ensure a genogram has been undertaken and all family and friends have been explored
- The meeting will discuss the individual needs of the child(ren), sibling relationships, placement considerations and contact plans
- The meeting will specify contact plans for all children including where they are living in separate arrangements
- To finalise a Care Plan of Permanence either permanence in foster care, residential care or adoption and to outline reasons
- Further Review date