



Durham County Council

**Children and Young People's
Services**

**Early Permanence
Planning Strategy
2021/22**

Revised January 2021

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1. Definition

The Children Act 1989 states that 'permanence is the long term plan for the child's upbringing...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'.

2. Permanence Policy Statement

Durham County Council (DCC) 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. The objective of planning for permanence is to ensure that this is achieved for every looked after child at the earliest opportunity.

Permanence planning is based on the philosophy that every child and young person need somewhere stable and safe they can call home. Where they can develop nurturing, lasting relationships and have a sense of belonging.

Early and effective permanency planning is crucial in preventing children becoming looked after and for children in care "drifting" indefinitely in the care system. The purpose of early permanence planning is to give each child or young person a greater sense of security and opportunity of a family life. The assessment needs to

take into account the child's needs, history and current situation to determine how best to meet those needs in the future. Permanency planning should include the child or young person and relevant others in the decision making.

Planning for permanency is often understood solely in terms of adoption or long-term foster placements. Children and young people have different needs and come from diverse and complex families and permanency can be achieved for them through a number of different routes. The permanency planning process will identify which option best meets the needs of the individual child. Regardless of the form that permanence arrangements take, children and families may need support to maintain that arrangement and to help achieve positive outcomes, and to protect their health and wellbeing.

For most children and young people remaining or returning home to birth parents will be the preferred option. It is the duty of the local authority to make all reasonable efforts to children return to live with their family whenever possible. The local authority's first consideration, therefore, must be to support the family to enable the child to be cared for safely and appropriately. DCC are committed to ensuring that all family options have been fully explored before considering a placement outside of the family.

3. Planning for Permanence

Every plan for permanency should revolve around the child's needs, and that means listening to their wishes and feelings too. We have a duty to make sure that children and young people not only understand what's going on but are fully involved in the decisions that will have such a fundamental impact on their lives.

The emphasis on early consideration of permanency plans and avoidance of drift has led to the development of twin track 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 towards a child's return home where appropriate, whilst at the same time developing an alternative permanence plan, within strictly limited timescales.

Referrals to Fostering Panel/ Special Guardianship panel and Adoption Agency Decision Maker should be progressed at the earliest opportunity.

There are various areas to consider in care planning for permanence for a looked after child or young person, these are listed below:

Early permanence planning meetings

The ability to secure permanence for any child or young person will require robust planning and monitoring to ensure assessments are completed at the earliest opportunity to inform the final care plan.

Early Permanency Planning Meetings take's place prior to the first looked after review, this will consider the most effective route to securing permanency for a child

or young person. It will also consider what assessment, intervention and direct work that will need to be undertaken. A further permanency planning meeting will take place prior to the final plan being formulated.

When a plan for permanence involves placing the child for adoption, the permanence child in care (CiC) team will be consulted at the initial stages of formulating the permanence plan. Where the plan will consider a plan of fostering for adoption, the adoption team will be invited to the early permanency planning meeting.

As part of permanency planning meeting, family time and links with extended family, friends and other connected adults should be considered

Family Group Conference/ Network meetings

A **family group conference** (FGC) or family network meeting gives family and friends the opportunity to get together to agree a safety plan for a child or young person. By working in partnership and encouraging ownership of decision making, families and young people become more enabled and willing to draw upon their own resources.

Involving family at the earliest opportunity encourages a sense of responsibility and involvement in decision making around the plan for the child or young person. Participation is fundamental to enable families to be actively involved all aspects of identifying their worries and setting their goals.

The first step to identifying the family support network is the completion of a genogram, this should be completed at the initial visit following the referral. This will support the identification of family and friends to be part of the family network. A family network meeting should take place within 15 days from the initial referral. There will be agreement around the frequency of family network meeting or referral for an FGC. This will provide the opportunity to fully explore the options for the child to remain safely within the extended family and friends' network.

For older young people a network meeting can help facilitate a wider network of support for the young person move towards a return home or independent living.

Pre-birth planning

Young babies are particularly vulnerable and early assessment, intervention and support work carried out during the antenatal period can help minimise any potential risk of harm. The **pre-birth** procedure sets out how to respond to concerns for unborn babies, with an emphasis on clear and regular communication between professionals working with the mother, the father and the family.

All professionals have a role in identifying and assessing families in need of additional support or where there are safeguarding concerns. In the vast majority of situations during a pregnancy, there will be no safeguarding concerns.

However, in some cases it will be clear that a co-ordinated response by agencies will be required to ensure that the appropriate support is in place during the pregnancy to best protect the baby before and following birth.

Pre-birth referrals should be progressed at the earliest opportunity (from 12 weeks gestation), this allows for an in-depth pre-birth assessment and intervention. The assessment will be completed by 28 weeks and finalised at 29 weeks of pregnancy, at which point consideration should be given to the most appropriate next steps. An early permanence planning meeting should take place at a multi-agency planning meeting.

Where there is a plan of removal at birth consideration should be given around the capacity of the mother giving consent prior and just after birth. Parents should be included in discussions around proposed plans of care for their baby at the earliest opportunity. Statements and care plans should be shared with the parent's solicitors at least 7 weeks prior to the expected date of delivery.

Child/ Young Person Participation

Every plan for permanency should revolve around the child or young person's needs, and that means listening to their wishes and feelings too. We have a duty to make sure that children and young people not only understand what's going on but are fully involved in the decisions that will have such a fundamental impact on their lives.

DCC are committed to ensuring a child or young person has the opportunity for an **advocate** an **independent visitor**. Case recordings should evidence the discussion with the child or young person around the role of an advocate/ independent visitor. This will be further discussed within the child/ young persons looked after review.

Pre-Proceedings/ Care Proceedings

When there has been a decision that a child or young person cannot remain in the care of their parents or those with parental responsibility, a legal planning meeting should be convened to consider the appropriateness to enter into Public Law Outline (PLO) or Care Proceedings. The strategic manager will be required to give agreement for all entries into care proceedings.

Pre proceedings process is not purely about assessment where the local authority is thinking about making an application to the court. It presents an opportunity to work closely with families identify the worries together and coproduce a plan that support changes. Application for care proceedings should only happen when it is proportionate and the last resort

The **Legal Protocol** sets out clear expectations for lawyers and staff with children's social care, to ensure they are clear about each other's role and there is a clear framework for legal advice to be sought and received.

The Case Management Review Protocol sets out the expectations and scrutiny of cases within pre-proceedings and care proceedings. The progress of plans will be regularly reviewed at locality team legal clinic's and strategic case management review panel.

Role of the Independent Reviewing Officer

The statutory duties of the Independent Reviewing Officer (IRO) as set out within the **IRO Handbook and Care Planning regulations 2010**.

It is a statutory requirement that Local Authorities have Independent reviewing officers (IRO), who's primary function to quality assure the care planning and review process for children and young people who are looked after.

The IRO must ensure the child or young person's current wishes and feelings are given consideration. That plans for looked after children are based on a detailed and informed assessment, are up to date, effective and provide a real and genuine response to each child's needs.

The IRO has a statutory duty to monitor the performance by the local authority of their functions in relation to the child's case and to resolve problems arising out of the care planning process. Challenge and resolution are an integral part of the IRO role. Informal and formal resolution form part of the same continuum of resolution, which needs to celebrate the achievements of resolution as well as highlighting the problems that require resolution. Ideally resolution processes are there to resolve any problems at the lowest level and as quickly as possible. Through the process the IRO should be able to demonstrate to children that they are taking action on their behalf and they should be able to evidence their own work in resolving the issue.

Looked After Reviews

The local authority has a statutory responsibility to review all children and young people plans who are looked after. A child looked after review is the child's meeting which brings together those people who are closely concerned with the care of a child or young person. It is an opportunity to review the child/ young person's care plan. The review will consider child/ young person's current needs, but also to what is needed to secure the child's wellbeing and development in the longer term.

Assessments should be completed and available to determine a child or young person's final plan at the 4-month review.

The social worker must ensure that the child's care plan is discussed with parents throughout the time that their child is looked after particularly prior to and after each looked after review.

All children and young people should know their plan and have these shared with them. Social workers should involve children and young in the development of their plans. Social worker should develop appropriate ways to communicate the plan to the child which includes words and pictures, photos, video, profiles of foster carers and family books.

Looked after reviews will continue to consider the child/ young person's care plan to ensure this meets the child/ young persons needs. Consideration should be given to any significant changes in the child's birth's family situation.

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.

Family Time

The local authority has a duty under s.34(1) to 'allow the child reasonable contact' with their parents remains in the 1989 Act. In other words, the obligation is on the local authority to allow reasonable contact *unless* it can reasonably argue that such contact is not consistent with safeguarding or promoting the child's welfare.

Family time can be hugely important and meaningful for many children and young people who are looked after. However, it can also be problematic and, occasionally, unsafe. For some children, family time with a particular birth family member may be both positive and negative – which is unsurprising given the complicated relationships which can be involved.

Arrangements for family time, if appropriate, are based on the needs of the child/ young person with the priority of achieving stability and permanence in their lives.

Family time must always be for the benefit of the child, not the parents or other relatives. Family time may be direct or indirect and is more likely to succeed where parents and the child accept the care plan.

All family time must be negotiated as 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.

Sibling Assessment

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 children and young people who are looked after. 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. 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 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 (Together and Apart) 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 family time should be promoted and maintained.

Where the plan is 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, whether the children have formed an attachment; the health needs of each child; and each child's view.

Life story work

The chaotic and disruptive start that many children who are looked after experience in their early years can cause great damage to their sense of self and belonging. Life story work can be a therapeutic process allowing children to explore their experiences and feelings to understand what happened in the past and think about their aspirations for the future. It can be a way for an adoptive parent or carer and child, working together, to strengthen their emotional bond.

Many children who have been removed from their birth family blame themselves for any abuse or neglect they experienced. Life story work helping children and young people to understand why they do not live within their birth families. Life story work also allows children and young people to understand that their early life experience is not their fault and enable them to grow in confidence within their permanent home.

4. Permanence Options

DCC aim, in planning for permanence from our earliest involvement with a child and family, is to ensure all children have the best possible chance to grow up in a secure, stable and nurturing family to support them to develop 'felt security', and to build resilience through childhood and beyond.

There are various options to consider in care planning for permanence for a looked after child or young person;

Return home from care

The definition of return home from care by the Department for Education Improving Permanence for Looked after Children (Department for Education, 2013) states:

By using the term(s) return home/reunification we mean where a child ceases to be looked after by returning to live with parents or another person who has parental responsibility. This includes a child who returns to live with their adoptive parents but does not include a child who becomes the subject of an

adoption order for the first time, or a child who becomes the subject of a Child Arrangement Order or Special Guardianship Order.

When children and young people are removed from their families to ensure their safety, the first goal is to reunite them with their families at the earliest opportunity. For some children and young people this could be several years after they first become looked after. Establishing parents/ family change in circumstances should be considered at care team meetings and child in care looked after reviews

Making decisions about whether or not to return children home from care is a critical part of social work. A return home is most successful when it is well planned, based on robust assessment of risk which includes the child and the birth family, which allows children to go home slowly over a period of time and where appropriate services are put in place to support the family for as long as they are needed. Assessments should take a holistic view to supporting parents to address underlying issues and evidence of improvement in parenting capacity, monitoring their progress; and focusing on parents' ongoing needs as well as those of their children.

The most successful plans of stability of children a young people who return home involve a whole organisation approach to supporting a return. It is important to ensure that the lead people in all relevant services, across children and adults, are engaged at an early point in the process. There is co-ordination between agencies involved to ensure effective communication between professionals and with families.

A network meeting or FGC should take place during the assessment period. This will ensure that support plans are in place prior to the child or young person returning home.

The return home trajectory will need to be ratified at the child/ young persons looked after review. All reunification plans will need to be presented and agreed by the strategic manager.

Placement with Parent Regulations should be used to support placement at home with parent(s) if the child is subject to interim or final Care Orders.

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 if the plan for a child is adoption.

Foster for Adoption is where a child is placed with a registered foster carer who is also approved as approved prospective adopter. The child remains with the foster carers whilst assessments and permanent plans are determined within the court arena. If it is decided that adoption is the best option for the child's future, the fostering placement becomes an adoptive placement following the ADM agreement of the match. The prospective adopters can then make an application for adoption (post the plan being placed for 10 week).

Fostering for adoption is used for babies where the plan is likely to be adoption, but who still have a possibility of being reunited with their birth family. ADM agreement will be required prior to a child being placed with fostering for adoption carers.

Fostering for adoption protects children from experiencing multiple moves within the care system. It provides children with good quality, uninterrupted and consistent care while detailed assessments of their birth family are completed, and decisions are made about the plan for the child.

Adoption

An adoption order has been described repeatedly by the courts as the most draconian order in family law because adoption severs all legal links between a child and their birth family. Therefore when considering a plan of adoption you must be satisfied that nothing else will do. *re B*, this case law clarified the need for high-quality, evidence-based assessments of all realistic options for a child's long-term care, with the child's welfare and best interests

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 adopters 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.

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.

Family or friends Placement

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 to prevent delay. The use of Genograms to assist the family identify possible cares must be used as part of any assessment.

Ideally placements within the extended family or with friends should be supported by a Special Guardianship Order or a or Child Arrangements Order rather than a Care Order.

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 Kinship Care & Support Team (KCST) offer advice and support in the development of Support Plans and provide advice/information and access to a wide range of support and services to both prospective and post-order kinship carers. The KCST complete Initial Visits/Welfare Checks to prospective kinship carers following panel approval and undertake Annual Reviews at the end of the first year or where there is an on-going assessed need for post-order support.

Child Arrangements Orders were introduced in April 2014 by the Children and Families Act 2014. 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.

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

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 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 placement is deemed suitable to meet their needs until they reach 18 or beyond or until 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.

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, therefore a wider residential care is a good option for our young people. Our homes range in size to ensure young people live in a home which best meets their needs.

Their needs may be too challenging or complex and they may have experienced a number family arrangements including foster placement breakdowns before they are go to live within a residential setting. All our children's home's will support the young people living in their care to continue to see their families, where it is safe to do so, supporting them to evidentially return home if that is their plan. Where it is not their plan to return home or move into a foster family, the team within the children's home will support the young person through to independence, helping them to achieve and prepare for adulthood.

Supported Living Arrangements

Some young people may not be able to live with birth parents for a variety of reasons nor wish to be in a foster home or residential and will need support finding secure accommodation. It is important that they too have continuity and emotional security and achieve permanence in their lives in order to move into the adult world. In these circumstances an alternative, planned, permanent living arrangement may be the most appropriate permanency plan. The care planning process will also address the need for strong relationships with adults, such as wider family and friends or other connected people, who can provide emotional support and long-term trusting relationships, particularly during periods of transition.