

# LONDON BOROUGH OF HAVERING PERMANENCY STRATEGY

## Definition of permanence

Permanence is a framework of emotional, physical and legal condition that gives a child a sense of security, continuity, commitment and identity. Where it is not possible for children to remain with birth parents, the London Borough of Havering (LBH) aims to ensure that children are securely attached to carers for the duration of their childhood.

Planning for permanence ensures that children have a secure, stable and loving family to support them through childhood and beyond. Children have different needs and come from diverse and complex families. Permanency can be achieved through different routes. The permanency planning process identifies which option best meets the needs of the individual child.

## Our Principles for Permanence

- At the latest every child will have an agreed written permanence plan in place at the second **Looked after Review** in accordance with the Care Planning Placement and Case Review (England) Regulations 2010 and the Adoption and Children Act 2002.
- LBH will ensure that systems for assessment, planning intervention and review, are robust, legally compliant and informed by best practice, and research.
- Permanency planning will be child focused and where conflict arises between the wishes of the parent and the needs of the child, the child's needs will be paramount.
- Decisions about the permanent placement of children will respect the child's ethnic origin, cultural background, religion and language.
- The needs of children with additional needs and disabilities will be taken into account as part of the planning and matching process.
- Children will be sensitively and age appropriately consulted in the care planning process but will be assured that the burden of decision making does not fall upon them.
- Children will be prepared for their permanency journey in an age appropriate manner, ensuring they have the information and support required to help them on that journey.

- Parents and Carers will be worked with in partnership to ensure they are clear and involved (where appropriate) in decisions about the best interests of their children. They will be offered appropriate information and support.
- Where siblings become Looked After, careful consideration to be given to their individual needs and their need to be placed together. Where it is not viable to do so, consideration of significant, good quality contact will be promoted by their care givers.
- Every young person must have support services available to meet their assessed needs and have readily available assistance in the event of difficulties or placement breakdown
- Every young person must have information about how to make complaints or representations if required and how to access advocacy services.

### **Parallel Planning**

**Parallel Planning is the key principle which underpins this permanency strategy and is essential for our work with all Looked After Children in Havering.**

- Where care proceedings have been initiated, and there are concerns regarding the viability of the child being able to return to his/her birth family, parallel plans will be put in place to avoid delay and to provide the Court with a clear plan. Parallel Planning needs to begin for all children under 12 years by the first Looked After Review and children need to have been referred for a Permanency Planning Meeting within this timescale. Older children will be subject to a parallel planning process depending on whether care proceedings are going to be initiated. Parallel planning in this context refers to a situation where two or more plans run in parallel. In such cases the main focus will be upon rehabilitation home but, at the same time, a parallel plan or plans (e.g. placement with family/friends and/or adoption) will be established in order to achieve an alternative permanent placement if rehabilitation is unsuccessful.
- Birth parents must be informed from the outset that two or more options are under consideration within a strictly controlled timescale and that the primacy of the rehabilitation plan must also be stressed.
- Parallel planning does not pre-empt the Court decision but does prevent delay when reunification is not feasible.

## **Planning for permanence and stability (Looked After Children)**

- For all Looked After children, it is a legal requirement to have an up-to-date **Care Plan**. The Care Planning, Placement and Case Review (England) Regulations 2010 set down minimum requirements for the review of care planning for Looked After Children.
- In summary, the first review should take place within 20 working days of the child becoming Looked After. The second review should take place no later than three months after the first and then at intervals of no more than six months thereafter. (section 4 Care Planning, Placement, Review)
- In addition the Care Planning Regulations and the Adoption Act 2002 requires there to be a written Permanence plan presented to the second statutory review (i.e. within 4 months of becoming Looked After).
- The Permanence plan will identify the appropriate option (or options depending upon the stage reached in any care proceedings) for the child and will be formally endorsed at this second statutory review. Responsibilities for implementing the plan and actions contained within it will be clearly attributed with timescales for outcomes. The plan will include evidence of contingency arrangements.
- The plan will be made available, and updated, at each subsequent review. The **Independent Reviewing Officer (IRO)** will be informed by the social worker of any changes to the Care Plan and any significant events in the child's life between reviews.

## **Key Objectives in Permanence Planning**

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. The question "how are the child's permanence needs being met?" must be at the core of everything we do. Where it is necessary for a child to leave his or her family, this should be for as short a time as needed to secure a safe, supported return home. If a child cannot return home, plans must be made for alternative permanent care. Family members and friends should always be considered in the first instance with the permanence secured through the appropriate legal order to meet the child's needs. Where it is not in the child's best interests to live within the family network, it will usually be in the interests of the child for alternative permanent carers to be identified and the placement secured through Adoption, Long Term Foster Care, Child arrangement orders or Special Guardianship Orders. Residential group living is provided only when a need for this is identified within the **Care Plan** (Child Plan) and when substitute family care is not appropriate.

For older children arranging for their independent living must be considered. Where it is clear that families and children are unable to live together, planning must be swift and clear to identify permanent alternative settings. Wherever possible, care should be provided locally unless clearly identified as inappropriate. Contact with the family, **Connected Person** and extended family should be facilitated and built on (unless clearly identified as inappropriate). The professionals involved will work in partnership with parents/families to meet the above objectives. The wishes and feelings of the child will be taken into account. The older and more mature the child, the greater the weight should be given to his or her wishes.

When undertaking permanence planning, all workers have a duty to promote the child's links with his or her racial, cultural and religious heritage. Wherever possible promoting placements enabling the child to be brought up within the same racial, cultural and religious environment as his birth family.

However, the overriding permanency principle must be to avoid delay. Therefore, identifying a placement which can promote links to the child's race, culture, disability and religion must be considered if the above is not possible.

### **Legal Framework**

The Children Act 1989 Guidance and Regulations sets out the clear expectation that Local Authorities should (where necessary) secure permanent care arrangements for the children in its care. This has been strengthened in the revised regulations where achieving Permanence for every child must be a key consideration from the day a child becomes Looked After (Care Planning Placement and Case Review (England) Regulations 2010).

### **Permanency Options**

#### **Staying at Home**

- The first stage within permanence planning is work with families and children in need to support them staying together. Staying at home offers the best chance of stability. Research shows that family preservation has a higher success rate than reunification. This of course has to be balanced against the risk of harm to the child.
- Where children become Looked After by the Local Authority the following options for legal permanence must be fully considered;
- Remain with or return to birth parent(s) without a legal order with appropriate support to maintain this.

- Live with a relative or person close to the child by virtue of a **Special Guardianship Order** or **Child arrangement order**
- **Adoption** into an alternative family (it will be appropriate to consider fostering for adoption at the outset of a child becoming Looked After if it is known at that stage that a child has a significant possibility of **not** returning to birth family).

For a variety of reasons it may not be possible for some Looked After Children to secure any of the above outcomes. The specific reasons for this may be complex and varied and should only be agreed following careful assessment, management, endorsement and rigorous review all of which must place the child's best interests at the centre. In such circumstances case planning will be driven by the pursuit of achieving enduring stability through one of the following two options;

- Live with long term foster carers as a Looked After child;
- Live in a long term placement in a Children's Home.

### **Placement with Family or Friends/Connected Persons**

If an assessment concludes that the child cannot safely remain at home, every effort must be made to secure a placement with a family member or friend/**Connected Person** as their carer. This will be either as part of the plan to work towards a return home or - if a return home is clearly not in the child's best interests - as the preferred permanence option. It is very important to establish at an early stage which relatives or friends might be available to care for the child, to avoid the kind of delays that can happen during court proceedings where this work has not been done.

A Family Group Conference will be convened at the earliest and most appropriate opportunity to ensure all possible options have been explored. FGC's will be used to explore family networks and options as early as is possible to avoid later delays due to lack of knowledge about a family's full resources.

### **Long term Fostering**

Where a child is placed with long term carers, it is important that the child has access to the friends, family or community within which they were brought up and which form part of their identity and their long term support network. For these reasons children should be placed in local provision wherever possible.

## **Special Guardianship Orders**

Special Guardianship addresses the needs of a significant group of children, who need a sense of stability and security within a placement away from their parents but not the absolute legal break with their birth family that is associated with adoption. It will also provide an alternative for achieving permanence in families where adoption, for cultural or religious reasons, is not an option.

The following persons may apply:

- Any guardian of the child;
- A local authority foster carer with whom the child has lived for one year immediately preceding the application;
- Anyone who holds a **Child arrangement order** with respect to the child or who has the consent of all those in whose favour a Child arrangement order is in force;
- Anyone with whom the child has lived for 3 out of the last 5 years;
- Where the child is subject of a **Care Order**, any person who has the consent of the local authority;
- Anyone who has the consent of all those with Parental Responsibility for the child e.g. Anyone, including the child, who has the leave of the court to apply.

The parents of a child may not become the child's special guardians.

Special Guardianship Orders offer greater stability and security to a placement than Child arrangement orders in that - whilst they are revocable, there are restrictions on those who may apply to discharge the Order and the leave of the Court, if required, will only be granted where circumstances have changed since the Special Guardianship Order was made.

Special guardians will have Parental Responsibility for the child and although this will be shared with the child's parents, the special guardian will have the legal right to make all day to day arrangements for the child. The parents will still have to be consulted and their consent required to the child's change of name, adoption, placement abroad for more than 3 months and any other such fundamental issues.

A Special Guardianship Order made in relation to a child who is the subject of a Care Order will automatically discharge the Care Order and the local authority will no longer have Parental Responsibility.

Special guardians may be supported financially or otherwise by the local authority. As with adoptive parents, they have the right to request an assessment for support services at any time after the Order is made. In LBH this must be supported by an SGO plan. Financial support will be decided following consideration of this plan.

Special Guardianship has the following advantages as a Permanence Plan:

- The carers have Parental Responsibility and clear authority to make decisions on day to day issues regarding the child's care;
- There is added legal security to the Order in that leave is required for parents to apply to discharge the Order and will only be granted if a change of circumstances can be established since the original Order was made;
- It maintains legal links to the birth family;
- The child will no longer be in care and will not require social work involvement.
- The Special Guardian or child have the right to request an assessment of their support needs

Special Guardianship has the following disadvantages as a Permanence Plan:

- The Order only lasts until the child is 18 and does not necessarily bring with it the sense of belonging to the special guardian's family as an Adoption Order does;
- As the child is not a legal member of the family, if difficulties arise there may be less willingness to persevere and seek resolution;
- Although there are restrictions on applications to discharge the Order, such an application is possible and may be perceived as a threat to the child's stability;
- Although a parent requires leave to apply for a Child arrangement order, they can apply for any other Section 8 Order (i.e. Contact Order, Prohibited Steps Order or Specific Issues Order) as of right.

### **Child arrangement order s**

A Child arrangement order may be used to increase the degree of legal permanence in a placement with family or friends/Connected Persons, or a long-term fostering placement, where this would be in the child's best interests.

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 arrangement order where this will be in the best interests of the child.

A Child arrangement order confers Parental Responsibility, to be shared more equally with the parents than with Special Guardianship, which in some cases may be a more appropriate arrangement.

The holder of a Child arrangement 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 arrangement order remains in force, the aim will be to make arrangements which are self-sustaining in the long run.

The making of a Child arrangement order can now be made until the child is 18 and will have the effect of discharging a Care Order.

The following people may apply for a Child arrangement order:

- A parent or guardian;
- A party to a marriage (whether the marriage is subsisting or not) where the child was brought up as a child of the family;
- A person with whom the child has lived for 3 years. (This need not be continuous but must not have started more than 5 years before or ended more than 3 months before the making of the application);
- A local authority foster carer with whom the child has lived for 1 year;
- Where a Child arrangement order is already in force, a person who has the consent of those in whose favour the Child arrangement order was made;
- Where the child is Looked After, a person with the consent of the relevant local authority;
- In any other case, a person who has the consent of all those with Parental Responsibility.

Anyone else who wishes to apply, including the child, must apply to the court for leave to make the application for a Child arrangement order.

A Child arrangement order has the following advantages:

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

A Child arrangement order has the following disadvantages:

- It is less secure than Adoption or Special Guardianship in that an application can be made to revoke the Child arrangement order. However, the Court making the order can be asked to attach a condition refusing a parent's right to seek revocation without leave of the court;
- There is no formal continuing support to the family after the Order is made although in some instances, a Child arrangement order Allowance may be payable by the local authority;
- 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).
- There is no right to an assessment of need.

### **Long-term Fostering**

This option has proved to be particularly useful for older children who retain strong links to their birth families and do not want or need the formality of adoption and where the carers wish for the continued involvement of the local authority.

Long-term fostering has the following advantages as a Permanence Plan:

- The local authority retains a role in negotiating between the foster carers and the birth family over issues such as contact;
- There is continuing social work support to the child and foster family in a placement that is regularly reviewed to ensure that the child's needs are met;
- It maintains legal links to the birth family who can still play a part in the decision making for the child.

Long-term fostering has the following disadvantages as a Permanence Plan:

- Lack of **Parental Responsibility** for the carers;
- Continuing social work involvement;
- Regular **Looked After Reviews**, which could possibly be regarded as unsettling to the placement;
- Stigma attached to the child due to being in care;
- The child is not a legal member of the family. If difficulties arise there may be less willingness to persevere and seek resolution.

## Adoption

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. The child's birth certificate is changed to an adoption certificate showing the adopter(s) to be the child's parent(s). A child who is not already a citizen of the UK acquires British citizenship if adopted in the UK by a citizen of the UK.

Research strongly supports adoption as a primary consideration and as a main factor contributing to the stability of children, especially for those under four years of age who cannot be reunified with their birth or extended family. In Havering Adoption will generally be considered as the plan for children 8 years and under, although there may be exceptions to this and cases must be decided on according to the individual needs of a case. The needs of individual children as part of a sibling group need to be assessed and considered when deciding which children in a sibling group may be suitable to be adopted.

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. In LBH this must be supported by an Adoption plan. Financial support will be decided following consideration of this plan.

Adoption has the following advantages as a Permanence Plan:

- Parental Responsibility is held exclusively by the carers;
- The child is no longer **Looked After**;
- No future legal challenge to overturn the Adoption Order is possible;
- Decisions about continuing contact will usually be made by the new parents (on the child's behalf) who are most in touch with the child's needs, although this may be subject to any Contact Order made by the Court at the time of the Adoption Order;
- The child is a permanent family member.

Adoption has the following disadvantages as a Permanence Plan:

- It involves a complete and permanent legal separation from the family of origin;
- There is no review process.

## **Identifying the Best Permanence Option**

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;
- 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.

## **Family and Friends and Connected Persons**

The potential need for placements with **Family, Friends and Connected Persons** will generally be considered as part of contingency planning arrangements whilst the child remains in the care of parents.

Where this is not possible before a placement takes place, family and friends (connected persons) may be temporarily approved under Regulation 24 of the Care Planning Placement and Case Review (England) Regulations 2010 pending a full foster carer assessment (within 16 weeks).

The placement of a child on a temporary basis with family and friends (connected persons) does not imply this is a suitable permanence solution, and a separate assessment and careful consideration of long term implications must still be undertaken.

Plans should seek to actively discourage families 'placing' children for extended periods without consideration of the options for legal security and should encourage families and friends to consider the appropriate seeking of an order best suited to the child's needs.

Where it is the plan that children remain with a relative, friend or a connected person, to independence, their legal permanence will be achieved if and when the friend or relative secures a **Child arrangement order** (Section 8, Children Act 1989) or **Special Guardianship Order** (Section 14A of the Children Act 1989 - as amended by Section 115 of the Adoption & Children Act 2002

Similarly in cases involving children who are **Privately Fostered** the assessment and planning process should also keep the issue of legal permanence at the centre of planning. Since, by definition, the arrangements are known to be of a temporary duration, then the plan must identify the reasons with details of the long term aims for legal permanence along with associated timescales.

Where informal arrangements have been agreed it is recognised that families may require Local Authority support in order for a child's permanence to be secured. This support may take the form of advice, guidance, or in exceptional circumstances provision of financial support as a single or recurring payment. (Section 17 monies)

### **Fostering to Adopt and Concurrent Planning**

Social workers are encouraged to consider fostering to adopt for those children for whom remaining or returning to birth parents is extremely unlikely. This would include parents who have had children removed before and whose lifestyle has not improved sufficiently to ensure the safety of those children. Also, babies whose mothers are clear during pregnancy that they wish their child adopted.

Concurrent planning would be considered where there the assessment concludes there is a strong possibility of the child not continuing to live with birth family but all options continue to be explored until the child's situation is clear. This would include 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 concurrent planning to be reflected in the **Care Plan**.

In accordance with the Children Act 1989, the Local Authority is required to make reasonable efforts to rehabilitate Looked after Children with their families wherever possible. Where it is necessary to issue a **Letter before Proceedings** this will clearly state the grounds for proceedings, the Authority's concerns and expectations and any support that will be offered. Outcomes will be measurable and to timescales, to support permanence planning.

## **Placement and Contact- Issues to Consider**

### **Placement of sibling groups**

It is important to assess the extent and quality of relationships in a sibling group. Usually, and especially where there is a pre-existing and meaningful relationship, it will be important to actively seek to maintain sibling relationships within any Permanence Plan, including those where an alternative family placement is sought.

Permanency Planning in Havering will address the sibling relationships at the onset of the Permanency Planning process to consider if any assessments are required to inform the Family Finding work and prevent unnecessary delays for children.

Issues from research:

- The most enduring relationships people have are likely to be with their siblings;
- The impact on separated siblings of losing vital support, a shared history and continuity affect stability in the placement;
- More successful outcomes occur for children placed together with their siblings. Children should therefore be placed with their siblings unless there are exceptional circumstances, such as dysfunctional interaction that cannot be remedied, incompatible needs or where the lack of appropriate placement would lead to unacceptable drift. The immediate non-availability of a suitable placement should not prevent rigorous Family Finding efforts within an agreed time frame, based on balancing the potential for success against the risk of undue delay;
- The importance of identifying strengths and difficulties in sibling relationships in order to make appropriate permanent placement decisions. It is important to ascertain the perceptions and wishes of the child and their family, to assess the shared experience of siblings and the children's individual permanence needs. This involves thorough consideration of issues of gender, race, disability, identity and attachment;
- The importance of including regular contact between siblings within the Permanence Plan wherever possible, if they cannot be placed together.

### **Direct Contact with Birth Family Members and Others**

Contact must always be for the benefit of the child, not the parents or other relatives. The nature of contact will vary depending on the permanency arrangements and

must be regularly assessed to ensure they continue to be appropriate to the child's needs.

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

1. The plan for permanence;
2. The parental role of the permanent carers;
3. The benefit of contact;
4. 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.

## **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.

- Wherever possible, indirect contact between the child and his or her new family with people from the past should be facilitated;
- To leave open channels of communication in case more contact is in the child's interests in the future;
- 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.

## **The best options for children**

This strategy defines and clarifies expectations around the permanency options for the children of Havering. It outlines options for those who may need additional help and support when their families are having difficulties which require them to have support in their home environment or live away from their birth parents.

All those working with children and families play a part in offering and supporting these permanency options. It is the translation of best practice for children by all involved in the journey of the child which will ensure best outcomes for Havering's children.

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