

Advice for Social Worker's in Relation to Permanence Following Re B-S [2013]

The above case concerned an appeal against application by a Local Authority for Care and Placement Orders.

In Judgment the appeal Court stated that there were real concerns about the inadequacy of the analysis and reasoning in support of adoption – by both the Local Authority and Guardian.

The Judgement does not go so far as to state that a “balance sheet” must be prepared separate to the final evidence but makes it clear that proper evidence from the Local Authority and the Guardian must be produced which addresses all the realistically possible options and contains an analysis of the arguments for and against each option.

The case opens up the real possibilities of appeals against Placement Orders. Therefore as a Local Authority we need to produce clear and cogent reasons for why adoption should be the preferred permanence plan as opposed to the alternatives.

Below is some guidance as to how this analysis should be set out. For final evidence already filed it is proposed that we file a further stand alone document setting out this analysis. For cases where final evidence is filed hereafter it is proposed that this analysis be included within the final statement.

The pros and cons below are standardised but the analysis should of course be applied to the particular circumstances of each case and address the question of what is in this child's best interests.

The purpose of this document is to set out in brief form the consideration that has been given to permanence options for XX (child's name) and the rationale behind the Local Authority supporting a final care plan for adoption.

This document should be read in conjunction with the Local Authority's Placement Order application, in particular Part 3 subsection (g) which outlines why adoption is the proposed permanence plan, and Section C which outlines the Local Authority's recommendations. Part 2 also contains an analysis of the various family members proposed to care for XX and why it is felt that they are unable to provide permanence for XX within his/her birth family.

The possible permanence options for XX are as follows:

1. Placement with parents
2. Placement with other family members or friends
3. Long-term fostering; and
4. Adoption.

The pros and cons of each option are outlined below, followed by an analysis, summing up the reasons for adoption as the proposed final care plan for XX.

Placement with parents:

Pros:

- If felt safe, this would be the 'normal' circumstance for a child's upbringing.
- XX's identity needs would be met.

Cons:

- Assessments undertaken within these proceedings and prior to these proceedings conclude that birth parents could not meet the needs of XX. The Court documentation outlines the reasons for this in full.

- It is therefore the view of the LA that XX would be at risk of significant harm in his/her parents' care.

Placement with family members or friends:

Pros:

- XX would remain within or close to his/her birth family and this would benefit him/her in terms of his/her identity needs.
- If it was felt to be in XX's best interests, he/she may be able to continue to have some direct contact with his/her parents.

Cons:

- Family members have been assessed and it was felt that none were suitable. The reasons for this have been outlined fully within the viability assessments filed with the court and summarised in the Placement Order application.

Long-term foster care:

Pros:

- XX would continue to have ongoing support from the Local Authority, including financial support upon reaching maturity, from the Local Authority as a Looked After Child.
- XX would be in the care of skilled and experienced carers who have undergone a rigorous process of assessment to ensure they are capable of meeting his/her needs.
- Direct contact with birth family could continue if in XX's best interests.

Cons:

- Provides significantly less stability than adoption as a permanence plan due to the greater possibility of the need for a placement change during the child's minority

- Continued involvement from the Local Authority, including regular social work visits and Looked after Children's reviews, would be intrusive into XX's family life.
- Ongoing direct contact would not be in XX's interests due to the concerns expressed above about the parents' capacity

Adoption:

Pros:

- Provides long-term stability within a family environment for the duration of XX's minority.
- XX's needs would be consistently met by carers who have undergone a rigorous process of assessment to ensure they are capable of meeting his/her needs.

Cons:

- Placement is outside the birth family
- No ongoing direct contact, although twice yearly indirect contact is proposed

Analysis:

XX is a X year old boy/ girl who has been placed in foster care since XX/XX/XX.

The assessments undertaken within these proceedings have concluded that XX would be at risk of significant harm if he/she was to be placed with his/her parents.

Alternative options for permanence have therefore been explored and considered. As outlined above, long-term fostering would not provide the stability and sense of belonging that adoption or family placements can offer and so is not considered an appropriate option. Assessments of family

members concluded that a placement with extended family or friends would not be appropriate and the reasons for this have been considered within the Placement Order application and viability assessments filed with the Court. Adoption, whilst being a draconian measure, is considered the most appropriate permanence option for XX.

Whilst adoption represents a severing of ties with the birth family, it is the view of the Local Authority that the benefits of an adoptive placement for XX outweigh the negatives. As outlined above the alternative permanence options are, on the balance of pros and cons, not suitable and would place XX at risk of suffering significant harm. It is therefore considered that adoption is the most appropriate permanence plan for XX.