

Options for Permanence Guidance - Leicestershire Children and Families

	Private Fostering	Kinship Care (informal)	Kinship Care (formal foster care)	Unrelated Foster Care (and residential care)	Child Arrangement Orders	Special Guardianship Orders (SGO)	Adoption
Route into the caring arrangement	<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 28 days or more) by anyone who does not have PR 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 stepparent</p> <p>The child is not looked after</p>	<p>The relative has chosen to take on the care of the child but does not have parental responsibility, and the arrangement was not made by the local authority</p> <p>Relative may perceive the parents to be unable to care for the child or the parents may be dead or otherwise unavailable e.g. in prison</p> <p>Or there may be an agreement between relatives due to difficult family circumstances</p> <p>The child is not looked after</p>	<p>The child has been placed with the relative or friend by the local authority, because the person who has been caring for the child was deemed not to be providing suitable care</p> <p>The child may be voluntarily accommodated with the agreement of the parents (time-limited) or may be subject to a care order</p> <p>The child is looked after and so the local authority must approve the relative/friend as a local authority foster carer</p>	<p>The child is a looked after child being accommodated by the local authority under s20 Children Act 1989 is subject to a care order but has been placed with a foster carer of 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 needs</p>	<ul style="list-style-type: none"> ❖ The child may be at risk of becoming looked after and a friend or relative applies for an order, or ❖ The child may have been looked after and their foster carer or other relative applies for an order ❖ In either circumstance, application can be made without the support of the parents or the local authority. Relatives may apply for an order after a child has lived with them for 12 months or given leave of the court to apply for an SGO <p>Or there can be benign reasons e.g. after the death of parent(s) and in line with a prior agreement with the birth parents and the carer</p>	<p>The child is looked after, and 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 under a placement order made by a court.</p> <p>A foster carer can apply for an adoption order after 12 months of caring for the child</p> <p>Other informal carers could apply for an adoption order if the child has lived with them for 3 years or with leave of the court</p>	

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 order in place e.g. SGO, Adoption or CAO	Remains with birth parents if the child is accommodated under S20 of the Children Act 1989 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 may be delegated to others	Shared by parents and holder of Child Arrangement Order	Shared with parents and anyone else with parental responsibility to the exclusions of all others with PR, apart from another special guardian. Limitations include taking child out of the country or changing the child's name	Transfers to adopters and legal relationship with birth parents and siblings is severed
Approval basis	The arrangement is assessed by the local authority, 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 relatives	Appointed by court following application	Appointed by court following application from the applicant. Local authority must investigate the matter and prepare a report for the court dealing with suitability of the applicant to be a special guardian	Adoption agency assesses and approves the prospective adopters, court makes order regarding specific child. If the child is not a looked after child, then notice of the intention to adopt must be given to the LA who can then carry out an assessment
Duration	Subject to discretion of the person with PR and readiness of the private foster carer	Subject to the discretion of the person with PR	So long as the placement remains in line with the child's care plan as determined by the LA or the making of an alternative order (unless s20) when the parents have the right to remove the child from care	Age 18	Age 18 unless varied or discharged by the court before the child reaches 18	Permanent lifelong relationship

Placement Supervision	It is not a placement but there are statutory visits to the child by the social worker (minimum 6 weekly in first year and then 12 weekly)	None	Statutory visits to the child by the social worker and for supervision of the foster carer by fostering social worker	None	None	When a child is placed for adoption by the LA, the placement is supervised and there are statutory reviews. One the adoption order is made there is none
Review of placement	It is not a placement, but the LA may do formal reviews in addition to the ongoing assessment during visits	None	Statutory reviews of the child's care plan (minimum 6 monthly) and annual reviews of local authority foster carer approval	None	None	See above

<p style="text-align: center;">Support Services</p>	<p>Provision of advice and support as determined by the LA which may assess the child as a CIN with a CIN plan/and provide services/support under s17 Children Act 1989</p>	<p>No entitlement but the LA may assess the child as a child in need and provide services/support under s17 Children Act 1989</p>	<p>Support to meet the child's needs including health assessment and personal education plan (PEP)</p> <p>Training and practical support for foster carers in accordance with fostering services regulations, national minimum standards and CWDC standards</p> <p>Young person may be entitled to leaving care support services</p> <p>Statutory social worker</p> <p>Placement support to meet the child's identified needs</p>	<p>No entitlement</p> <p>(LA has the discretion to provide services/support for child/family under s17 Children Act 1989)</p>	<p>If a child was looked after prior to the making of the SGO, LA must assess for the need with a special guardianship support services</p> <p>LA has discretion whether to provide support</p> <p>Young person may be entitled to leaving care support services if the young person was looked after prior to the making of the SGO</p>	<p>Entitlement to assessment for adoption support services which may be provided at the discretion of the LA in accordance with regulations and national minimum standards</p> <p>Three-year rule applies where for the first three years, it is the placing authority who is applicable and after the first three years it is the local authority in which the child resides</p>
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<p>Financial Support - entitlement</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 the maintain the child remains with the holders of the 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 the maintain the child remains with the holders of the PR</p> <p>Guardian's allowance payable if both parents have died or the only surviving parent cannot be found or is serving 2 years or more in prison</p>	<p>Child benefit or other universally available benefit is not payable</p> <p>Weekly allowance to meet the costs of caring for the child. This should be at least the national minimum rate by the department for education (DfES)</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 SGO support) if child looked after prior to order and is needed to ensure the arrangement can continue</p>	<p>Can claim child benefit and any other universally available benefits for children</p> <p>Entitlement to assessment for financial support (part of adoption support) if child looked after prior to order</p>
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Financial Support - discretionary	Local authority has the discretion to make one off or regular payment under s17 Children Act 1989 – other forms of financial support should be explored first and should be seen within a context of a CIN Plan	Local authority has the discretion to make one off or regular payment under s17 Children Act 1989 – other forms of financial support should be explored first and should be seen within a context of a CIN Plan	As part of the payment for skills scheme	Local Authority has discretion to pay CAO allowance – usually if child was previously fostered by the carers, or exceptionally if making a CAO prevents the child becoming or remaining LA. Any allowance reviewed annually at minimum	Entitled to an assessment for financial support under special guardianship regulations if child looked after prior to the order and meets the criteria in regulations Subject to assessment as above and for former foster carers can include financial remuneration Discretion regular or one-off payments Any allowances reviewed annually at a minimum	Subject to assessment one off payments or regular adoption allowance may be made
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Contact	Private arrangement with birth parent or person with PR	Private arrangement with birth parent or person with PR	As set out in the care plan and placement plan with details of frequency and supervision arrangements Duty to promote contact	Private agreement or as defined by the court or person with PR May be subject to s8 contact order	Agreed as part of SGO or at discretion of the SGO carer with PR May be subject to s8 contact order	Agreed as part of the adoption order. Legally at the discretion of the adopter May be subject to a contact order
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Permanence options for children of different ages					
Age under 7 years		Age 7 -10 years		Age 11 years +	
No kinship arrangements available	Kinship arrangements available	No kinship arrangements available	Kinship arrangements available	No kinship arrangements available	Kinship arrangements available
Permanency Plan includes twin-track or parallel planning until a return to birth family is not possible				Rehabilitation should be kept under review where risks have been identified and are reduced/can be reduced with service provision	
	Family Network Meeting should be offered		Family Network Meeting should be offered		Family Network Meeting should be offered
Adoption Long Term Fostering (H of S approval for child under 5)	<ul style="list-style-type: none"> ❖ Approved Kinship Foster Care ❖ Special Guardianship Order ❖ Child Arrangement Order ❖ Care Order – move to SGO/CAO 	<ul style="list-style-type: none"> ❖ Adoption ❖ Long Term Fostering ❖ Special Guardianship Order (with existing foster carer) 	<ul style="list-style-type: none"> ❖ Approved Kinship Foster Care ❖ Care Order – possible move to Special Guardian/Child Arrangement Order ❖ Special Guardianship Order ❖ Child Arrangement Order 	<ul style="list-style-type: none"> ❖ Long Term Fostering ❖ Special Guardianship (with existing foster carer) ❖ Rehabilitation 	<ul style="list-style-type: none"> ❖ Approved Kinship Foster Carer ❖ Special Guardianship Order ❖ Child Arrangement Order ❖ Care Order – possibility of move to SGO/CAO ❖ Rehabilitation

Management of Section 20 - Leicestershire Children and Families

1. Social Workers and managers should ensure that children who are accommodated s.20 have the decision recorded which reflects the circumstances, conditions and agreements reached with parents regarding the arrangements that they have entered. Highlight clear signatures of all parties with dates that should be easily identifiable.
2. Managers will need to be reassured that they are confident that decision making reflects the capacity and psychological understanding of agreements and that appropriate advice to seek legal support is encouraged and recommended on each case particularly where these arrangements happen outside of CDM.
<http://www.bailii.org/ew/cases/EWCA/Civ/2015/1112.html>
3. Any written agreements should be clear and precise as to its terms, drafted in simple and straightforward language that the parent can readily understand. The written document should spell out, following the language of section 20(8), that the parent can "remove the child" from the local authority accommodation "at any time" and should not seek to impose any fetters on the exercise of the parent's right under section 20(8).
4. Where the parent is not fluent in English, the written document should be translated into the parent's own language and the parent should sign the foreign language text, adding, in the parent's language, words to the effect that 'I have read this document and I agree to its terms.
5. Where there is a separate agreement to s.20 other than within the Placement Plan, it should always be submitted when a fostering referral is made, and all documents uploaded should have parental signature(s). This will enable medical consent to be available in placement; where s.20 is in force, parent (s) should always be involved fully.
6. Where any parent has indicated a wish for their child to be returned to their care this must be recorded with any subsequent discussion and arrangements for the child with updated agreements which document the outcome of the request. Where the continued arrangements are for the child to remain in accommodation the parents must sign to say that they have reflected on their request and document the reason for the change of mind and continued agreement for accommodation.
7. Families that may be experiencing the delay of reunification because of outstanding assessments and where social workers anticipate a good outcome based on their assessment to date consideration needs to be given more fully about the potential of these assessments being conducted whilst the children are at home and risks balanced appropriately using Signs of Safety.
8. Permanence Panel will review s20 accommodated children and young people and consider where re-unification is possible. and what needs to happen for this to occur. Signs of Safety should be used to assist decision making. Where parent (s) are unable or unwilling to engage with the Local Authority, social workers and managers should review the circumstances and consider the need to issue proceedings. Where this is unlikely to improve outcomes, this needs to be recorded on file and proactively reviewed to reflect change and continued support for the child.

Key Factors between informal arrangements and Local Authority Arrangements

Factor	Looked After Arrangements	Informal Arrangements
Children's Social Care involvement and control	<ul style="list-style-type: none"> ➤ Social Worker initiated the discussions; ➤ The placement was explicitly an alternative to care proceedings or foster care; ➤ Social Worker dictates the child's arrangements e.g. contact; ➤ Social Worker conducted formally or informally an assessment of the suitability of the placement 	<ul style="list-style-type: none"> ☐ ➤ Social Care were approached by the family ➤ Social Care were not at the point of, or considering care proceedings or removal ➤ The child's day to day life arrangements are left up to the family or connected person whether or not in discussion with those with parental responsibility
Discussion at the point of placement	<ul style="list-style-type: none"> ➤ Social Worker explicitly described the placement as an alternative to Care, or as a foster placement; ➤ Social Worker failed to discuss with the carer the fact that this would be an informal arrangement; ➤ Social Worker failed to make it clear that there would be no financial support (except s17 monies) 	<ul style="list-style-type: none"> ☐ ➤ Social Care satisfied itself and can evidence that there was informed consent on the part of the carer to this being an informal and unpaid arrangement; ☐ ➤ Social Care indicated that the relative would be well advised to apply for a Child Arrangements Order or Special Guardianship Order.

<p>Parental involvement</p>	<ul style="list-style-type: none"> ➤ The parents play no part or were peripheral in the arrangement 	<ul style="list-style-type: none"> ➤ The arrangement was with the active involvement of the parent(s) ➤ The parent asked the LA to track down or make arrangements with the relative; ➤ The parent(s) spoke to the carer beforehand or the carer, at parental request has care for the child before; ➤ The parent continues to support the placement financially with other assistance ➤ The parent physically takes the child to the carers home
<p>Subsequent Regime</p>	<ul style="list-style-type: none"> ➤ There have been regular social work visits, consideration of assessment as foster carers, LAC reviews etc. ➤ The carer has continued to need and seek the support of CFS whether help with parenting, schooling, welfare, managing contact etc. 	<ul style="list-style-type: none"> ➤ There have been no trappings of LAC arrangements ➤ Assistance is given by CFS but explicitly in s17 terms e.g. occasional, irregular assistance ➤ Dealings with parent(s) are handled exclusively by the carer with no CFS support or assistance