**Permanence Planning for Looked After Children**

**AMENDMENT**

 **This chapter was updated in November 2015 to reflect the 2015 Statutory guidance “Permanence, long-term foster placements and ceasing to look after a child”** [**https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/416720/Stat\_Guidance\_Permanence\_2015.pdf**](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416720/Stat_Guidance_Permanence_2015.pdf)

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**1.** **Defining Permanence**

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.

**2.** **Key Objectives in Permanence Planning**

Wherever possible and safe to do so our intention should always be to support the birth parents to provide care that meets the permanence needs of their child or children in a secure and continuous way. In Shropshire, our aim is to achieve permanency for children outside of Local Authority Care where this is possible and in the interests of the child giving them the opportunity to grow up in a stable, loving family arrangement that meets all their needs and secures a lifelong sense of belonging and security.

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.

Where it is necessary for a child to leave his or her birth parent or family:

* This should be for as short a time as needed to secure a safe supported return home; it is in every child's interest that every effort is made to achieve permanence first and foremost with the child's own birth family and the major initial focus of work is the return of the child to his or her birth family;
* If the child cannot return home within appropriate timescales relevant to the particular child, plans must be made for the child's permanent care with birth parents or within the network of family and friends for preference.
* Where a return home is not in the child's best interests plans must be made for the child’s permanent care through adoption, special guardianship or a permanent placement with foster carers (where the legal security of the placement is addressed and the intention for permanency understood by all);
* Residential care is provided only when a need for this is identified within the **Care Plan** and when substitute family care is not appropriate.

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. As a general rule, the older and more mature the child, the greater the weight should be given to his or her wishes.

Whilst it is important, when undertaking permanence planning, to promote the child's links with his or her racial, cultural and religious heritage, this should not be allowed to introduce delay in achieving permanence for the child. 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 and prospective adopters.

**2.1 The following principals apply when planning permanency:**

* **All children require a stable home life to achieve their full potential**, with carers who enable them to feel secure and cared for, offer them the opportunity to be happy and support them to achieve their goals and aspirations. Children in care are no exception and care planning will focus on achieving enduring, stable, caring and nurturing home lives for all of the children in Shropshire Council’s care.
* **We give first consideration to Connected Persons Carers** (Family and Friends). There are unique advantages for children experiencing family life in their own birth family and, in most circumstances children’s needs are best met by being cared for within their families. Where it has been determined that a child or young person cannot remain within their birth family Shropshire Council have a policy of, in the first instance, considering, assessing, approving and supporting family and friend carers. This policy is central in determining best outcomes in respect of placement and permanence options for those children.
* **Permanency planning will be child focused.** Where conflict arises between the wishes of the parent/s and the needs of the child, the child’s needs will be paramount.
* **Children have a right to be listened to and to be involved in decisions about their lives** as fully as their age and understanding allows. We will consult with children sensitively and in ways that are appropriate to age and understanding throughout the care planning process. Their wishes and feelings will be properly taken into account in relation to decisions about their care. We will, however, ensure that the burden of decision-making does not fall inappropriately upon them.
* Where a child is looked after, **contact with their family will be actively promoted** unless there are clear reasons why this is not in their best interest.
* Decisions about the permanent placement of children will **take into account, and respect the child’s ethnic origin, cultural background, religion and language.**
* **Siblings can provide one another with an important degree of mutual support and help** to maintain a positive sense of identity and knowledge of cultural, personal and family histories; when seeking permanent substitute family placements for looked after children, wherever possible, and consistent with children’s welfare, we will always aim to keep siblings together.
* **Plans to place siblings separately should only ever be considered in exceptional circumstances**. For example, where there is clearly assessed evidence that the combined demands, needs, behaviour and role of each child can be identified as being so overwhelming that successful integration and attachment to a permanent family would be seriously hampered. Wherever siblings have to be placed separately, as a result of a clear and balanced assessment of their individual and collective needs, significant good quality contact will be promoted by their care givers so long as it is in the child’s best interests. Where a previous decision has been made to separate siblings and new evidence suggests that a reunification is possible, this will be considered as part of determining the permanence plan for all siblings.
* **Every child will have support and services available to meet their assessed needs** and have readily available assistance in the event of difficulties and/or issues that present a risk of placement disruption.
* **Every child will receive information about how to make complaints or representations** if required and how to access advocacy services.
* 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 2004.
* We will ensure that our **systems for assessment, planning, intervention and review, are robust, legally compliant, timely and informed by best practice and research.**
* **Children with disabilities have the same rights as other children** and the above principles apply equally to them. We will ensure that looked after children with additional needs and disabilities have their individual needs properly taken into account as part of the care planning and matching process.

**3.** **Options for Permanence**

**3.1** **Staying / Returning Home**

The first stage within permanence planning is work with children in need and their families 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.

**3.2** **Placement with Connected Person**

If the assessment concludes that the child cannot safely remain at home at this time, every effort must be made to secure a placement with a Connected Person. This will be either as part of the plan working 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 what 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.

Consideration of this option will include looking at the legal security of the placement - it may be appropriate, for example, that the Connected Person would be suitable to become the child's **Special Guardian** or in other cases, a Child Arrangements Order may be more appropriate.

**3.3** **Adoption**

An Adoption Order 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.

An Adoption Order is irrevocable.

Research strongly supports adoption as a primary consideration and as a main factor contributing to the stability of children, especially if under four years, who cannot be rehabilitated to their birth or extended family.

Adoption has the following advantages as a permanence plan:

1. Parental Responsibility is held by the carers;
2. There is less stigma than either permanent fostering or Child Arrangements Order;
3. No future legal challenge is possible;
4. The child is a permanent family member into adulthood;
5. The local authority has a duty to assess the need for adoption support and provide support, including financial support, to meet any identified need.

Adoption has the following disadvantages as a permanence plan:

1. It involves a complete and permanent legal separation from the birth family of origin;
2. There is no review process once the Adoption Order is made.

Family finding should begin as soon as adoption is under consideration, and before the Agency Decision Maker decides that the child should be placed for adoption or a [**Placement Order**](http://trixresources.proceduresonline.com/nat_key/keywords/placement_order.html) is made

**3.4** **Fostering for Adoption, Concurrent Planning and Temporary Approval as Foster Carers of Approved Prospective Adopters**

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 for Adoption, Concurrent Planning and Temporary Approval as Foster Carers of Approved Prospective Adopters Procedure**](http://shropshirechildcare.proceduresonline.com/chapters/p_fost_adopt.html).

 **3.5** **Child Arrangements Orders**

A Child Arrangements Order may be used to increase the degree of legal permanence in a Kinship or a Long-term Fostering placement, where this would be in the child's best interests.

Where a [**Looked After Child**](http://trixresources.proceduresonline.com/nat_key/keywords/looked_after_child.html) would otherwise have to be placed with strangers, a placement with kinship carers may be identified as a preferred option and the carers may be encouraged and supported to apply for a [**Child Arrangements Order**](http://trixresources.proceduresonline.com/nat_key/keywords/chi_arrange_orders.html) where this will be in the best interests of the child. Support may continue under section 17 of the Children Act 1989 or under the Child Arrangements Order Allowance scheme (see below). The aim will be to make arrangements, which are self-sustaining in the long run.

A Child Arrangements Order confers Parental Responsibility, to be shared with the parents, although it does not confer the right to consent to the child's adoption nor to appoint a guardian. The holder of a Child Arrangements Order should still consult the child's parents on the exercise of parental responsibility and 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.

The making of a Child Arrangements Order has the effect of discharging a [**Care Order**](http://trixresources.proceduresonline.com/nat_key/keywords/care_order.html).

The following people may apply for a Child Arrangements 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 local authority foster carer with whom the child has lived for 1 year;
* 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);
* Where a Child Arrangements Order or an existing Residence Order is already in force, a person who has the consent of those in whose favour the Child Arrangements Order or an existing Residence 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.

A Child Arrangements Order has the following advantages:

1. It gives Parental Responsibility to the carer whilst maintaining the parents' parental responsibility;
2. The Order can now last until the child is 18;
3. There need be no social worker involvement, unless this is identified as necessary;
4. There is less stigma attached to the placement of the child.

A Child Arrangements Order has the following disadvantages:

1. It is less secure than adoption 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;
2. There is no formal continuing support to the family after the Order although in some instances, a Child Arrangements Order Allowance may be payable;
3. 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 legal aid.)

**3.6** **Special Guardianship**

Special Guardianship is a new Order available from 30 December 2005.

Special Guardianship offers a further option for children needing permanent care outside their birth family. Special Guardianship is a legal status that can offer greater security without absolute severance from the birth family as in adoption.

It will address the needs of a significant group of children, mainly older, who need a sense of stability and security but who do not wish to make the absolute legal break with their birth family that is associated with adoption. Special Guardianship Orders are likely to replace the use of Child Arrangements Order in many cases in that they offer greater stability and security to a placement.

Special Guardianship will also provide an alternative for achieving permanence in families where adoption, for cultural or religious reasons, is not an option.

Special Guardians will have Parental Responsibility for the child. A Special Guardianship Order made in relation to a Looked After Child will replace the Care Order and the Local Authority will no longer have Parental Responsibility.

Although the parents will continue to hold Parental Responsibility, the Special Guardian will have more control over day to day matters than the holder of a Child Arrangements Order in that they will not be required to consult the parents on such matters. However, a Special Guardian may not change the child's name nor arrange for the child's removal from the country for more than 3 months without the consent of all those with parental responsibility or the leave of the Court. The parents also retain the right to consent or not to the child's adoption.

The following people may apply for a Special Guardianship Order:

* 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 an existing Residence Order or a Child Arrangements Order with respect to the child or who has the consent of all those in whose favour an existing Residence Order is in force;
* Anyone with whom the child has lived for three out of the last five 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;
* Anyone, including the child, who has the leave of the court to apply.

The parents of a child may not become that child's Special Guardians.

A Special Guardianship Order has the following advantages:

1. It gives Parental Responsibility to the special guardian to be exercised on day to day matters without the need to consult others with parental responsibility;
2. The local authority must assess the need of the Special Guardian for support including financial support and provide such support to meet the identified need;
3. The Order can be revoked but the opportunities to apply to discharge the Order are more limited than in the case of a Child Arrangements Order;
4. There is less stigma attached to the placement of the child;
5. Any contact is likely to be agreed and if considered necessary by the Court, set out in a [**Child Arrangements Order**](http://trixresources.proceduresonline.com/nat_key/keywords/chi_arrange_orders.html).

A Special Guardianship Order has the following disadvantages:

a) It is less secure than adoption in that an application can be made to revoke the Order. However, the Court's leave will be required.

**3.7 Permanency as a Looked After Child**

**Long-term Fostering**

**(Please see the separate chapter Placements in Foster Care for details regarding the appropriate making of long-term foster placements).**

For those children who remain [Looked After] an important route to permanence is long-term foster care. Where the permanence plan for the child is longer-term foster care this may be where the current short-term foster placement is assessed to meet the long term needs of the child for permanence or where a new placement is identified for a child as a result of an assessment and matching process.

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:

1. The local authority retains a role in negotiating between the foster carers and the birth family over issues such as contact;
2. 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;
3. 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:

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

3.9 Long Term Residential Care

Where children cannot live with their birth parent/parents, there is a duty to provide an alternative permanent home. Where possible this should be in be within a family environment. However, for a small number of looked after children settled residential care can be an option of choice. These children may have additional or particular needs which cannot be met in a family setting, older children who have had a significant number of family placements and disruptions or children whose behaviour means it can be difficult to care for them in a family setting.

Long Term Residential Care has the following advantages as a Permanence Plan:

1. The local authority retains a role in negotiating between the foster carers and the birth family over issues such as contact;
2. 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;
3. It maintains legal links to the birth family who can still play a part in the decision making for the child.
4. Limits the risk of further disruption, placement moves and potential rejection

Long Term Residential Care has the following disadvantages as a Permanence Plan:

1. Lack of **Parental Responsibility** for the carers;
2. Continuing social work involvement;
3. Regular **Looked After Reviews**, which may be regarded as destabilising to the placement;
4. Stigma attached to the child due to being in care;

**4.  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.

* Every effort should be made to reduce changes of placement, school, separations from friends and family - to minimise the number of uncertainties or unwelcome surprises a child has to contend with may make a huge difference to the quality of the child's life;
* It is important to give attention to issues such as educational experiences, links with extended family, hobbies and friendships - all of which contribute to guarding against disruption and placement breakdown;
* It is crucial to listen carefully to what children want from the placement, helping the relationship between carer and the child to build, making thorough plans around contact for the child with his or her family, providing extensive support during crisis times and taking a sufficiently flexible attitude to adoption by carers;
* The older a child is then the less likely is that child to secure a permanent family through adoption;
* The larger the family group of children then the harder it is to secure a single placement that will meet all the needs of all the children.
* Consider the type of permanency and the strengths it brings (see table below)

|  |  |  |  |
| --- | --- | --- | --- |
| ***Permanence Need*** | ***Care Arrangement & Special Guardianship Orders*** | ***Adoption*** | ***Long Term Fostering*** |
| ***Security & Identity*** | ***Child needs the security of a legally defined placement with alternative carers, but does not require a lifelong commitment involving a change of identity*** | ***Child’s primary need is to belong to a family who will make a lifelong commitment with a positive change of identity*** | ***Primary need is for a stable, loving family environment whilst there is still a significant level of continued involvement with the birth family.***  |
| ***Exercise of Parental Responsibility*** | ***The holder of the order needs to exercise day to day parental responsibility and is prepared to do so as a lifelong commitment*** | ***Child’s birth parents are not able or not willing to share parental responsibility in order to meet their child’s needs*** | ***The child’s legal status, is dependent on the level of PR birth parents retain or exercise.***  |
| ***Contact*** | ***There is no need for continuing monitoring and review by the local Authority, although services may still need to be arranged*** | ***Child needs an opportunity to develop a new sense of identity whilst being supported to maintain or develop a healthy understanding of their past*** | ***Ongoing need for continued monitoring and support by Local Authority*** |
| ***Local Authority Support*** | ***Special Guardianship Support Services or******Care Arrangement Order Allowance*** | ***Adoption support services and allowances*** | ***There is need for continuing oversight and monitoring of the child’s developmental progress*** |
| ***Attachment*** | ***Child has a strong attachment to the alternative carers and legally defined permanence is assessed as a positive contribution to their sense of belonging and security*** | ***Child expresses a wish to be adopted if old enough*** | ***Birth parents may be able and willing to exercise a degree of parental responsibility*** |

 **5.** **Assessing and Planning for Permanence**Full consultation with all family and community support networks must be considered as a possible method of engaging those who know the child best, or who the child is most attached to, in considering the child's long term needs.

It may be appropriate to hold a [**Family Group Conference**](http://trixresources.proceduresonline.com/nat_key/keywords/family_group_conference.html) where the child (if appropriate) and family members can be involved in the decision-making process.

Harnessing family and community support networks in this way may be particularly effective, for example, for children from black and ethnic minority groups and for disabled children.

In all cases, the child's own wishes and feelings must be ascertained where possible and taken into account.

By the time of the second [**Looked After Review**](http://trixresources.proceduresonline.com/nat_key/keywords/looked_aft_review.html), the child must have a Permanence Plan (incorporated into the [**Care Plan**](http://trixresources.proceduresonline.com/nat_key/keywords/care_plan.html)), which must be presented for consideration at the review.

See [**Looked After Reviews Procedure**](http://shropshirechildcare.proceduresonline.com/chapters/p_looked_after_review.html).

See [**Guidance on Care Plans**](http://shropshirechildcare.proceduresonline.com/chapters/g_care_plans.html).

Where the Permanence Plan includes a [**Contingency Plan**](http://trixresources.proceduresonline.com/nat_key/keywords/contingency_plan.html), the Social Worker must ensure that the parents are informed of the reasons why two plans (rehabilitation and alternative permanence) are being made to meet the child's needs and prevent unnecessary delay.

There are a number of contingency planning models, including 'Concurrent Planning' and 'Parallel' or 'Twin Track' Planning (see **Appendix 1: Contingency Planning** for descriptions of these and **Appendix 2: Decisions for Permanence**). Social Workers are advised to use the Parallel/Twin Track model.

6. **Permanence and Local Placement**

If the permanency plan means that the child moves away from the area they have been living to a long term placement, it is important that the child has access to the friends, family or community within which they were brought up and which forms part of their identity and their long term support network. For these reasons children should be placed in local provision wherever possible and when safe and appropriate to do so.

Any decision to place a child away from his or her community should be based on the particular needs of the child, and considered within the context of a Permanence Plan. Where an alternative family placement is sought in the area of another local authority, the likely availability and cost of suitable local resources to support the placement must be explored.

Contact should be considered as part of the permanency planning (see 6.2)

In the case of an adoptive placement, this will be required as part of the assessment of need for adoption support services (see [**Adoption Support Services Procedure**](http://shropshirechildcare.proceduresonline.com/chapters/p_adoption_supp_serv.html)), but should be carried out in relation to any permanent placement.

**7.** **Contact Arrangements in Permanence**

Good Practice Guidanceand consultation with children, parents, carers and practitioners.

**7.1 Supporting Rehabilitation to Birth or Extended Family**

Research points to:

* The importance of clearly communicating to the family what needs to happen so that the child can return home, and within what timescales
* The importance of exploring family ties and long term relationships with family, school and community, especially in the light of changing workers
* The use of [**Family Group Conferences**](http://trixresources.proceduresonline.com/nat_key/keywords/family_group_conference.html) as an effective way of facilitating both the above.

**7.2 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 militate 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**](http://trixresources.proceduresonline.com/nat_key/keywords/staying_put_plac.html) 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. 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).

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

Contact must always be for the benefit of the child, not the parents or other relatives. It may enhance the lives and placement stability of some children but pose unacceptable risks for others.

In assessing whether direct contact with his or her birth family is in a child's best interests, the following should be considered:

1. The wishes of the child - these may alter over time as circumstances change and the child matures;
2. The wishes of the birth family members;
3. The views of the permanent carers;
4. The strength and quality of the child's attachment to the particular family member (based on observations of the interaction);
5. The birth family member's reliability in attending contact - a history of infrequent or episodic visiting often generates rejection, uncertainty and a feeling of low self-worth in a child - although this may be counterbalanced by the wishes of an older child;
6. Whether the birth family are likely to harbour resentment to the prospective adoptive family and/or attempt to sabotage the placement;
7. Whether contact may confuse the child, leave the child with divided loyalties and thereby impede the child's ability to make any positive attachment to his or her new family.

Contact with the child's birth family where a child is in a permanent placement 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 - the child is less likely to feel a sense of rejection or desertion by the birth family;
* To provide an ongoing source of information for the child;
* To provide an ongoing source of information about the child's background for the adopters, which may enable them to more understand more fully the child's needs;
* To give the child continuing permission to live with the adoptive family and assist the child to attach to the new family;
* To minimise any 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 only work if all parties accept/agree to:

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

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. Post placement contact should not be used as a means of creating an attachment where it did not previously exist.

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.

**7.4 Indirect contact with birth family members and others:**

Wherever possible, indirect contact between the child and his or her new family with people from the past should be facilitated:

1. To leave open channels of communication in case more contact is in the child's interests in the future;
2. 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 of 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. Indeed, the child's need for indirect contact should be re-evaluated from time to time by those holding parental responsibility.

Those involved need to accept that contact may cease if it is no longer in the child's interests. Alternately an older child may need to change to direct contact.

**8. Legal Routes to Permanence**

For younger children unable to be returned home, where adoption is the plan, a [**Care Order**](http://trixresources.proceduresonline.com/nat_key/keywords/care_order.html) and [**Placement Order**](http://trixresources.proceduresonline.com/nat_key/keywords/placement_order.html) are likely to be necessary unless parents are clearly relinquishing the child and are in agreement with the plan and the placement choice.

For older children, each case will need to be considered on its merit. The decision between Child Arrangement Order, Special Guardianship, long term fostering and adoption will depend on the individual needs of the child set alongside the advantages and disadvantages of each legal route.

For children in adolescence, the issue is much more clearly one of negotiation and discussion between all the parties involved, bearing in mind that for some adolescents, security, lack of stigma and a sense of permanence will remain their most pressing need.

**8.1 Applications by Foster Carers to be Permanent Carers of Children in their Care**

In some situations, foster carers form a close attachment to a fostered child and when permanence away from the birth family becomes the plan for that child, ask to be considered as adoptive parents or long term carers. This should always be considered carefully. Research indicates that such placements for permanence can promote the security of a child and encourage the development of a healthy attachment to the foster carers' family.

Each case should be considered individually, bearing in mind the following factors:

* The assessment of the child's needs and the foster carers' ability to meet those needs via adoption or long term fostering;
* The availability of other adopters or permanent carers for the child;
* The length of placement, quality of the attachment and risks to the child's emotional well being of disrupting the attachment;
* The contact plans for the child. Any risk to the child from the parents having current placement knowledge of the foster carer;
* The foster carer's intentions regarding continuing as short-term carers for other placements and the likely impact of this on the child needing permanence.

The child's social worker has a role in ensuring that the placement will meet the long-term needs of the child. The foster carers' social worker (CPS) has a role to ensure the foster carers have considered the impact on themselves and their family of a decision to commit long term to a particular child.

Often the elements that would normally be considered to make a good match may only be partly present, e.g. the carers may be older than ideal. However the positive advantages of maintaining an existing relationship of quality, the perceived durability of this relationship, the benefits of maintaining existing networks of support are all factors that need to be considered and a balance of risks and rewards considered against the uncertainty of seeking to find a elusive "other " placement that may never materialise.

Where the proposed match seems likely to meet the needs of the child, applications from foster carers to be recognised as long-term carers should be positively welcomed. The financial implications of such placements, particularly those involving other agency carers, require a clear analysis of risks and benefits along with prior agreement from the relevant budget holder to secure long term funding.

In all case where the foster carer is considering a long-term commitment to the child the potential of this to be secured through the making of a Child Arrangements Order or Special Guardianship must be thoroughly explored.

**Appendix 1: Contingency Planning**

**1. Concurrent Planning**

In this model children are placed with foster/adoptive carers who can support attempts at rehabilitation or adopt the child if rehabilitation fails. The potential benefits of this model are that it is anticipated that children will experience fewer moves and be placed with the permanent family more quickly. Because children do not linger in temporary foster care with multiple moves, problems of attachment and trust will be minimised.

In the UK at present there are only a small number of research projects currently following this model. Each has rigorous selection processes in terms of the prospects of successful rehabilitation (very low) and age of child (very young).

The key elements of this model include the following:

* Making a culturally respectful assessment including family strengths and why the child is being looked after, what needs to change and what services does the family need to support these changes;
* Setting firm timescales during which both reunification and permanence options are pursued;
* Full and open sharing of information to all parties, to include the impact of foster care on children, time scales and the reason for these, birth parents' rights and responsibilities, the support available, the permanence options and the consequences of not following through the agreed plan;
* Promoting structured and frequent contact in an environment which promotes the development of supportive relationships;
* Placing the child with foster/adoptive parents or birth relatives where they will stay permanently if plans for reunification are unsuccessful;
* Identifying and involving immediate and extended family at an early stage;
* Using Family Group Conferences as a means of involving families in planning for the child's future;
* Providing ongoing support to permanent parents through and after adoption.

The opportunities for implementing this model are limited to families where children are in "Kinship Care" placements where they can remain if they are unable to return home. However many of the key elements of this model are valuable consideration when developing a plan.

**2. Parallel or Twin Track Planning**

Social Workers are encouraged to consider working to this model; working towards reunification whilst at the same time developing an alternative Permanence Plan, within strictly limited timescales. Where children are presented before the Court in Care proceedings, the Court require parallel or twin track planning to be reflected in the Care Plan. The key difference with Contingency Planning is that the child remains in temporary foster care until the Court makes the decision whether or not to endorse the primary Care Plan. If the primary Care Plan breaks down before the final Court hearing, delay is avoided in presenting an alternative permanent option for the child to the Court.

**3. Contingency Planning**

In both the concurrent planning and twin track models, a Contingency Plan is developed in parallel with intensive work with the biological family towards rehabilitation. The Contingency Plan could include the following:

* Kinship placement, with or without a Child Arrangements Order or Special Guardianship Order;
* Adoption outside the family;
* Child Arrangements Order;
* Special Guardianship Order;
* Long-term fostering;
* Plan to remain long-term in residential placement.

***Appendix 2 Decisions for Permanence***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***Route*** |  | ***Decision Maker*** |  | ***Process*** |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***Special Guardianship******Residence Order******Care Order*** |  | ***Head of Service decides on plan following recommendation at Statutory LAC Review or LPM*** |  | ***PALAC******LAC Review******Legal Planning Meeting for Care Order or other Orders relating to ( Connected person foster carers proceeding to SGO \ CAO)*** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Adoption*** |  | ***Plan*** | ***Agency Decision Maker decides on plan following recommendation at Statutory LAC Review*** |  | ***Via Adoption Panel******Advisor*** |
| ***Match*** | ***Agency Decision Maker decides on match following recommendation from Adoption & Permanence Panel*** | ***Via Adoption Panel******Advisor*** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Long Term Fostering with******Non- Connected Carer*** |  | ***Plan*** | ***Service Manager following recommendation at Statutory LAC Review*** |  | ***LAC Review Authorisation of the Long Term Fostering Plan*** |
| ***Match*** | ***Agency Decision Maker (Adoption) following recommendation from Adoption & Permanence Panel*** | ***Via Fostering Panel*** |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ***Long Term fostering with Connected Carer*** |  | ***Plan*** | ***Service Manager following recommendation at Statutory LAC Review*** |  | ***LAC Review*** ***Long Term Fostering Plan*** |
| ***Match*** | ***Agency Decision Maker (Fostering) following recommendation from Fostering Panel*** | ***Via Fostering Panel*** |