**Permanence Strategy**

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

Shropshire’s overarching permanency strategy requires us to consider permanency planning from our very first contact with a child or young person. The goal of permanency planning should be to provide a child or young person with a safe, stable environment in which to grow up. All children under the age of 16 should have a permanence plan, for all children over the age of 16, a pathway will apply.

The report ‘Making Not Breaking’ (The Care Enquiry April 2013) concluded that:

“... ‘Permanence’ for children means ‘security, stability, love and a strong sense of identity and belonging’. This is not connected to legal status, and one route to permanence is not necessarily better than any other: each option is the right one for some children and young people.”

On a similar theme, The Care Planning and Fostering (Miscellaneous Amendments) (England) Regulations’ 2015 provides the following definition:

“Permanence is the long term plan for the child’s upbringing and provides an underpinning framework for all social work with children and families from family support through to adoption. The objective of planning for permanence is therefore 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, identify and belonging”.

Permanence, therefore, is a framework of physical, emotional and legal circumstances that give a child a sense of identity, security and commitment.

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

The aim when permanence planning is to avoid any delay in achieving permanence for a child. Wherever possible and safe to do so, we must always support children to remain with their birth parents. Longitudinal research shows that children generally thrive best in their own families. When the risk factors they face at home are so overwhelming that it is necessary to remove them, then children will fare much better if their family connections are maintained. This means that consideration must be given to friends, family and other connected persons in becoming the primary carer while remedial support is provided to parents to reduce the risk factors faced by children and strengthen parents and families to enable safe, permanent care as quickly as possible. If extended family are not a source of safety then a short term placement may be necessary in order to enable assessment to be undertaken and support provided. (Centre for Study of Social Policy 2008).

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** **following the completion of a robust sibling assessment.** 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 permanence plan in place at the second Looked After Review** in accordance with the Care Planning Placement and Case Review (England) Regulations 2010 and amended 2015 and the Adoption and Children Act 2004. **(see section 4, Implementing a Permanence Plan)**
* 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 **Staying at Home supported by the Local Authority**

There are some families were enquiries have been made, assessments have been carried out, protection plan’s put in place and on occasions children have had short stay’s with extended family or friends at the request of parents or while enquiries have been ongoing.

One outcome of this activity and the interventions may be that while the child can return home there is a continued need to support the child or children through a Supervision Order.

A Supervision Order places a child or young person under the supervision of the Local Authority, who are required to advise, help and befriend the child. This means for some children that they will be able to remain in the family home and the allocated social workers will visit regularly.

A Supervision Order may have conditions. For example, that the child should have medical or psychiatric examination or treatment. It may also say that the child should take part in particular activities at specified times. As with all interventions whilst the identified plan is for the child/ran to remain at the family home this will be continually monitored, assessed and reviewed to ensure that this permanency plan is and continues to be in the best interest of the child or children.

The Order can only be for one year in the first instance, but the Supervisor can apply for this to be extended although it must not be for more than three years in all, and not after the person is 18 years old.

The Order can be stopped if any interested parties apply to the Court and the Court agrees, or if a Care Order is made.

**3.3** **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 through the use of a family group conference or family meeting to consider 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 Arrangement Order may be more appropriate.

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**3.4** **Child Arrangements Orders**

A Child Arrangements Order may be used to increase the degree of legal permanence in a connected care 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 connected 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.)

**3.5** **Special Guardianship**

See Applications for Special Guardianship Order Procedure

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 group of children, 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.

**3.6 Long-term Fostering**

For those children who are likely to remain in local authority care 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 option:

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 option:

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.

**3.7 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 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 residential care home 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;

**3.****8 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)

**3.9** **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'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.

Adopters may be supported, including financially, by the local authority and adopters have the right to request an assessment for support services at any time after the order is made. See Adoption Support Procedure for details.

Adoption has the following advantages as a permanence option:

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 option:

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.

**4. Implementing a Permanence Plan**

Shropshire have established permanency forums to enable social workers to plan for individual children so that permanence can be achieved in a timely way. Please see Shropshire’s Permanence Planning Procedure.

5. **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.

**6. 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.