



Report for:	Corporate Parenting Advisory Committee	Item number	
Title:	Draft Permanency Policy		
Report authorised by :	Marion Wheeler Assistant Director		
Lead Officer:	Chris Chalmers Head of Service Children in Care		
Ward(s) affected: All	Report for Key/Non Key Decision: N/A		

1. Describe the issue under consideration

- 1.1 The Children Act 1989 Guidance and Regulations sets out the clear expectation that Local Authorities should where necessary secure permanent care arrangements for the children in its care. This has been strengthened in the revised regulations 2010.

“Permanence is the framework of emotional permanence (attachment), physical permanence (stability) and legal permanence (the carer has parental responsibility for the child) which gives a child a sense of security, continuity, commitment and identity. 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.

Permanence provides an underpinning framework for all social work with children and families from family support through to adoption. One of the key functions of the care plan is to ensure that each child has a plan for permanence by the time of the second review, as set out in the statutory guidance to the 2002 Act. Achieving permanence for a child will be a key consideration from the day the child becomes looked after.”

- 1.3 The Children and Families Service has developed the basis for a policy document to support social work staff in their work to assist families and safeguard children effectively, providing the current guidance in the document



attached as an appendix to this report. All major Council Strategies and Policies must be considered by the Cabinet for decision, and so the work to date has been brought to the Cabinet Lead Member for Children for her early advice on the opportunity for local emphasis in the policy, prior to her decision.

- 1.2 The Lead Member for Children wishes to review this document with the benefit of advice from the Corporate Parenting Advisory Committee to ensure that the Policy that underpins the work of the service contains a policy steer that is distinctively local to Haringey. Following CPAC on September 4th research documents were circulated to members to assist with background information with regard to this policy.
- 1.3 Areas that might be suitable for further consideration and a policy steer to the service are:
 - The priority to be given to inter-country adoption
 - The place that Special Guardianship should have in securing permanent placements for children.
 - The balance to be struck in securing permanency in placements with family members, as opposed to the use of families with no prior link to the child .
 - Whether there any characteristics of our local population to which additional attention must be paid when considering decision making for children requiring permanent alternative families.
 - Particular issues with regard to sibling placements where there is a significant age gap between siblings and legal permanency for both or all may not be achievable.

2. Recommendations

- 2.1 That members of the Committee contribute their views following access to the research papers.
- 2.2 That a final copy of the policy is then circulated to the Committee in advance of the key decision.

3. Use of Appendices

Appendix 1 Draft Permanency Policy

Appendix 1

DRAFT

Permanency Policy

Children and Young People's Services

August 2012

DRAFT



Document Control

Version	Status November 2012	Author Chris Chalmers, Head of Service, Children In Care;
Document Objectives: This document describes our approach to ensure permanent placements for 'looked after' children or a child who may become 'looked after'.		
Intended Recipients: All Children and Families division staff		
Monitoring Arrangements: Regular case reviews through staff supervision and the Independent Reviewing Service.		
Training/Resource Implications: All staff in Children and Families Division will be made aware of their role and for implementing this policy. A series of training days are in place.		
Approving Body and Date Approved	Directorate Management Group Directorate Management Team Corporate Parenting Advisory Committee, Decision Taken by lead member xx	
Date of Issue	November 2012	
Scheduled Review Date	June 2013 (six month review) June 2014 (on an annual basis)	
Lead Officer	Chris Chalmers, Head of Service, Children In Care	
Path and file name		



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1. Introduction

- 1.1 This policy sets out Haringey Council's commitment to ensuring that all children in our care are given the opportunity to live safely and securely in a family. It describes our approach to planning for permanent placements for 'looked after' children or a child who may become 'looked after' because the parents are unable to meet the child's long term needs.
- 1.2 We believe that the most appropriate place for most children to live is with their own birth families. To this end, Haringey provides a variety of services to support families including the provision of accommodation to children for short periods away from their families to relieve stress or help the family cope with a crisis, short breaks for disabled children, parenting support services delivered through children's centres and extended schools.
- 1.3 Where parents are unable to meet the needs of a child, Haringey will assist, wherever possible, in securing a placement within the child's wider family.
- 1.4 Where it is not possible for children to live with their families and they are looked after by the local authority, (or at risk of becoming looked after), the highest priority is to secure a permanent stable placement as speedily as possible which meet the child's needs.
- 1.5 This policy is linked to our Corporate Parenting Strategy.

2. Scope and Definition

- 2.1 This policy covers all 'looked after children' living in Haringey.
- 2.2 Where children cannot return to their own family plans will be made for an alternative family placement, which may include adoption, or, for older children, a stable foster placement to prepare the young person for transition to adulthood. Consideration will first be given to securing permanency through adoption or special guardianship but where this is not considered to be the most appropriate plan for a child, a permanent placement with foster carers will be sought.
- 2.3 A permanent placement describes a specific family or care setting where a child is expected to live for the duration of his/her childhood. The intention is to provide a framework of emotional, physical and legal conditions that give a child a sense of security, continuity, commitment and identity.



- 2.4 This may include an arrangement in which the local authority exercises Parental Responsibility under the terms of a court order. It will also include children who are looked after by agreement with their parents or any other person who holds parental responsibility.
- 2.5 The strategy encompasses all working practices that underpin the achievement of plans for permanence for children looked after by the London Borough of Haringey. The intention is to achieve consistency in this work area across all sections of the Children and Young People's Service. This policy will influence work by all professionals with children, their families, foster carers and adopters.

3. Aim

- 3.1 The aim of this policy is:

Aim

To provide high quality permanency plans for our looked after children, which ensure that if they cannot live with their own family they will have the best chance of an alternative permanent family home

- 3.2 The policy sets out a set of principles and values which will prevent drift and delay in permanence planning for children, in order to effect permanent placement as early as possible for children who cannot remain at home.

4. Roles and responsibilities

- 4.1 *The Lead Member:* as a member of the Council Executive, has political responsibility for the leadership, strategy and effectiveness of local authority children's services. The LMCS is also democratically accountable to local communities and has a key role in defining the local vision and setting political priorities for children's services within the broader political context of the Council. (Ref: Statutory guidance on Roles and Responsibilities of DCS and LMCS)
- 4.2 *The Director:* The DCS has professional responsibility for the leadership, strategy and effectiveness of local authority children's services. The DCS is responsible for securing the provision of services which address the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers. (Ref: Statutory guidance on Roles and Responsibilities of DCS and LMCS)



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- 4.3 *Assistant Director, Children and Families*: is responsible for overseeing the implementation of this policy across the Children and Families Service and with relevant partners.
- 4.4 *Head of Service for Children in Care*: is responsible for monitoring and ensuring the effectiveness of permanency planning within the scope of the policy.
- 4.5 *Deputy Head of Service for Children in Care*: has responsibility for ensuring high standards of practice and timeliness in the implementation of this policy.
- 4.6 *Casework supervising managers*: have responsibility to lead on care planning for children taking into account relevant research and current best practice including ensuring timely permanency planning.
- 4.7 Social workers will obtain the views of the child and all relevant family members and take these into account in developing the care plan and undertaking the actions required to progress the permanency plan.
- 4.8 *The child's independent reviewing officer* has a key role to provide independent review, advice and challenge to the plan and advocacy for the child.

The statutory duties of the IRO are to:

- 1. monitor the performance by the local authority of their functions in relation to the child's case;
- 2. participate in any review of the child's case;
- 3. ensure that any ascertained wishes and feelings of the child concerning the case are given due consideration by the appropriate authority; and
- 4. Perform any other function which is prescribed in regulations.

The primary task of the IRO is to ensure that the care plan for the child fully reflects the child's current needs and that the actions set out in the plan are consistent with the local authority's legal responsibilities towards the child.



5. The legal context

- 5.1 Local authorities may only intervene in 'family life' in specific circumstances. Any intervention must be necessary and proportionate and in accordance with law.
- 5.2 In many cases, the local authority will work with parents by agreement to secure the welfare of a child. In some cases, it will be necessary to seek an order from a family court.
- 5.3 A child may become 'looked after' by a local authority:
- with the agreement of the parents/any person with parental responsibility (section 20 Children Act 1989)
 - under an emergency protection order which lasts for a maximum of 15 days (section 44 Children Act 1989)
 - under an interim care order which can be renewed (section 38 Children Act 1989)
 - under a care order which lasts until the child is 18 unless discharged earlier or replaced by another order (section 31 Children Act 1989)
 - with the independently witnessed agreement of any parent with parental responsibility to placement for adoption (section 19 Adoption and Children Act 1989)
 - under a placement order which permits the authority to place the child for adoption (section 21 Adoption and Children Act 2002).
- 5.4 In accordance with the Care Planning, Placement and Review Regulations 2010, there must be a care plan for every child who is looked after. By no later than the second statutory review, the care plan must include a plan for permanency. The second statutory review must take place within 4 months of the child becoming looked after.
- 5.5 Permanency plans may include:
- the return of the child to the care of both parents or one parent
 - the placement of the child with a relative or friend or other person connected to them
 - the placement of the child with adopters
 - the placement of the child with long term foster carers



5.6 The legislative and regulatory framework for the permanency policy is listed in Appendix A.

5.7

6. Principles

6.1 The principles below are inherent to the full range of permanency options in situations where a child cannot remain at home.

Principles

- All children have a right to a family life.
- Where possible, this should be within the child's birth family.
- Where it is not possible for children to live with their birth parents, alternatives within their wider birth family or family friends should be explored.
- Where children need to be looked after by the local authority they must be placed within a safe, stable and loving alternative family
- Decisions about the permanent placement of children will respect the child's ethnic origin, cultural background, religion and language. The needs of children with additional needs and disabilities will be taken in account as part of the planning and matching process. There must always be due regard to the need to avoid delay in striving to meet these needs.
- The wishes and feelings of every child must be respected. Every young person has a right, commensurate with their age and understanding, to participate in decision making about where they should live on a permanent basis and the degree of contact they should maintain with their birth family.
- The views of parents must be considered whenever possible.
- Every young person must have support services available to meet their assessed needs.
- Every young person must have readily available assistance in the event of difficulties or placement breakdown.
- Every young person must have information about how to make complaints or representations if required and how to access advocacy services.



Living with relatives or friends

6.2 All children who are believed to be at risk of significant harm will be the subject of a core assessment. If the core assessment concludes that the child cannot safely remain at home, every effort must be made to identify whether the child can be safely placement with relatives or family friends. This will be either as an interim measure to facilitate a return home or – if a return home is clearly not in the child's best interests – as the preferred permanency option. Social workers will establish at an early stage which friends or relatives might be available to care for a child and will undertake an assessment of their ability to care for the child in conjunction with the Kinship Team. This will, avoid the kind of delays which can occur during court proceedings where this work has not been done. (See Kinship Care Policy under development)

Adoption

6.3 Adoption remains the most appropriate and legally secure plan for a very young child who cannot remain with their birth parents

6.4 Adoption transfers parental responsibility for the child from the birth parents and others who had parental responsibility for the child, including the local authority, permanently and solely to the adopter(s). The adopters legally become the child's parents. The order lasts for the whole of the child's life. The child will cease to be looked after by the local authority.

6.5 Research strongly supports adoption as a primary consideration and as a main factor contributing to the stability of children, especially if under four years of age, where rehabilitation to family is not possible. Adoption is also be the right plan for older children in some circumstances.

Special Guardianship

6.6 Special Guardianship addresses the needs of a significant group of children who need a sense of stability and security but where the absolute legal break with their birth family that is associated with adoption does not meet the child's needs. It also provides an alternative for achieving permanence in families where adoption, for cultural or religious reasons, is not an option.

6.7 A special guardianship order gives parental responsibility to the special guardian. The parents do retain parental responsibility but their ability to exercise this is extremely limited. The intention of the order is that the special guardian will have sole responsibility for all the day-to-day decisions regarding the care of the young person. The order will last until the child is 18 unless discharged earlier. The child will cease to be looked after by the local authority.

Residence Order



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- 6.8 A Residence Order may be used to increase the degree of legal permanence in a placement within the wider family network or with a foster carer (as, of course can Special Guardianship) where this would be in the child's best interests.
- 6.9 Residence orders give parental responsibility to the person named in the order. The parental responsibility is shared with the parents who must be consulted about key issues such as education. The order will last until the child is 18 unless discharged earlier. The child will cease to be looked after by the local authority.

Long term or permanent foster care

- 6.10 Long term, or permanent, fostering may be the appropriate choice for a significant proportion of older children. It provides an appropriate family environment in which to meet the child's permanence needs. Where it is necessary that a child continues to be looked after by the local authority, permanent fostering may meet the child's needs for security, continuity, commitment and identity. Fostering has been proven to be particularly appropriate for older children who retain strong links to their birth family and do not want or need the formality of adoption.
- 6.11 It is important that the local authority formally agrees to the placement becoming a long term placement. For all children under the age of 13 years the formal decision is ratified by the Agency Decision Maker after consideration and recommendation made by the Adoption and Permanency Panel. The intention will be for the placement to continue until the child is 18. The child will continue to be looked after by the local authority.

Residential care

- 6.12 It is recognised that residential care can provide a positive environment for some children for time limited periods, however children must only be placed in a residential establishment as an exception. Where such a placement is made it should usually be no more than one year in duration and it is not accepted that residential care will be a permanency option. In any situation where a young person's needs would be best met in residential care for longer than a year, agreement must be given by the relevant Head of Service.

Ceasing to be 'looked after'

- 6.13 Where a child will cease to be looked after by the local authority, ie through adoption or special guardianship or residence order, the applicants need to have a clear understanding of the long term implications of this. They need to be aware of their increased responsibility for the child in their care and fully understand and accept that they are taking on the role of a parent.



For all above orders independent legal advice may be made available to the prospective carers as part of their preparation.

7. Planning for permanence

- 7.1 A set of procedures has been devised, further to guidance that is already available for staff, in order to inform the achievement of appropriate permanent outcomes for all children without undue delay.
- 7.2 Social workers who undertake assessments of a child's needs in relation to permanency plans must ensure that they are outcome focused. The first assessment to be undertaken will be the core assessment which will underpin early decision making for all children's permanency plans. They must include consideration of stability issues, including the child's and family's needs for long term support and the child's needs for links with birth family, including contact with his or her parents, siblings and wider family contact. Social workers must ensure that the child's permanency plan is clearly linked to previous and current assessments of the child's needs. This will include any assessments made by independent experts within court proceedings.
- 7.3 Before a decision can be made to permanently place a child outside his or her family careful assessment must be made of the feasibility of returning the child, either to the care of parents or family and friends. Such assessments take time. All steps have to be taken, without pre-judging the outcome of assessments, to put alternative plans in place to minimise delay. It is essential that a family group conference is arranged as part of this assessment.
- 7.4 There can be unintended consequences of sequential planning, elongating the process of securing a permanent family for a child. The prevention of delay is assisted by social workers making use of parallel planning. Where children are subject to care proceedings this type of planning will be required as part of the care plan. Parents, children and young people must be kept informed and involved at each stage of decision making in a way that is appropriate to their age and understanding.
- 7.5 Assessment of sibling groups must be undertaken to establish the extent and quality of relationships in a sibling group in order to assess whether or not they should be placed together. It is important to ascertain the perceptions and wishes of the child and their family, to assess the shared experience of siblings and each of the children's individual permanence needs. Siblings who are looked after should be placed together whenever possible although it is recognised that in some cases this will not be appropriate.



- 7.6 Joint placement should therefore be strongly encouraged but not assumed as placement together is not the only way to maintain sibling relationships. Particular difficulties arise when there is a significant age gap between siblings and younger siblings then lose out on the opportunity to achieve legal permanency. Where brothers and sisters are not placed together arrangements should be made as part of each child or young person's care plan to enable the brothers and sister to live together providing this meets the assessed needs of each child. It is important to assess the extent and quality of relationships in a sibling group, whether they are already living together or not. Usually, and especially where there is a pre existing and meaningful relationship, it will be important to actively seek to maintain sibling relationships within any permanency plan.
- 7.7 Research with regard to sibling placements emphasises that the most enduring relationships people have are likely to be with their siblings. The impact on separated siblings of losing vital support, a shared history and continuity can be detrimental to children's continued stability in substitute family placements. More successful outcomes frequently occur for children who are placed with their siblings. Children should however only be placed with their siblings After the assessment referred to in 7.6 has been undertaken. No assumptions should be made on sibling connection in isolation of other crucial factors, such as the chance to achieve legal permanency, primarily through adoption but possibly through special guardianship.
- 7.8 Contact must primarily be for the benefit of the child rather than the parents and other significant adults. Appropriate contact plans can be integral to the success of any permanent placement. Contact, in whatever shape or form, can provide an opportunity for a young person to make sense of their history and their current placement. It can avoid myths building up about the birth family and strengthen a child's ability to make sense of their history. However research indicates that for some children contact can be traumatic and serve to reinforce abuse they have suffered. Very careful assessment, observation and regular review of contact is essential.

8. Equalities and diversity

- 8.1 Recording of equalities data is mandatory under the Equality Act 2010. Ofsted requires equalities monitoring data on age, sex, race and disability.
- 8.2 In order to meet the needs of children and young people in Haringey, Framework-i also allows for the collection of data on religion. Hence the following information should be included in case records:
- Data relating to: age, sex, race, disability, religion



- The communication and language needs of service users and carers should always be considered; for example where a child, young person or their carer may need interpreter, written material in an alternate format or a language other than English.
- Arrangements should be made for advocates, interpreters, relatives or friends, to assist any child, young person or carer where necessary.
- The Commissioning and Placements Service must ensure, through recruitment and commissioning arrangements, that there are sufficient placements to meet the permanent placement needs of all looked after children.

9. Audit

- 9.1 We will audit and monitor the implementation of the permanency policy to ensure that the care provided to individuals is achieving the aims and desired outcomes.
- 9.2 We will carry out quality assurance and audit checks through:
- Monitoring of all children's permanency plans through the monthly Permanency Tracking meetings
 - Adoption and Permanence Panel
 - Regular case reviews
 - Supervision arrangements and audit processes across the Children and Families Division which underpin continuous service improvement.

10. Training

- 10.1 All staff in Children and Families Division will be made aware of their role and for implementing this policy.
- 10.2 Workshops have taken place across the entire Children and Families Division to take place from May 2012 onwards. These will continue on a six monthly basis. Colleagues from legal services, virtual school and LAC health will assist in conveying the key principles and raising the profile of permanency planning.

11. Review

- 11.1 An initial review of the new policy and procedures will be led by the Deputy Director, Children and Families, in February 2013.
- 11.2 Following that review, the policy will be reviewed annually (or sooner if new legislation, codes of practice or national standards are introduced) to ensure that the care provided to children and young people is still achieving the desired outcomes.



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Appendix A: Legislative and Regulatory Framework

The legislative and regulatory framework for the permanency policy is listed below:

- [Children Act 1989](#)
- [Human Rights Act 1998](#)
- [Adoption and Children Act 2002](#)
- [Children Act 2004](#)
- [Special Guardianship Regulations 2005 and Guidance](#)
- [Children and Adoption Act 2006](#)
- [Care Planning, Placement and Case Review Regulations, 2010](#)
- [National Minimum Standards Fostering 2011](#)
- [Adoption National Standards 2011](#)
- [Adoption Guidance 2011](#)
- [Fostering Service Regulations 2011](#)
- [Family and Friends care – statutory guidance 2011](#)