

# Torbay Children's Social Care Permanence Planning Policy

## 1. Policy context

- 1.1 Permanence planning is based on the philosophy that every child has the right to a permanent and stable home, preferably within his or her own family and if this is not possible, that other options are identified and explored as quickly as possible, so that a child has a permanent alternative outside their family and community. The need to ensure permanence is a key priority for those children looked after by the local authority.
- 1.2 Neuro-scientific research and learning from developmental trauma and attachment theory that the majority of looked after children have experienced early poor parenting, neglect and other forms of abuse, which is likely to have impacted on all aspects of their development. In order to develop into healthy contributing young people and adults, children need the opportunity to form secure attachments to a parent/carer who can provide sensitive and attuned parenting within a consistent, secure and permanent relationship. Ensuring that children are placed with permanent carers at the earliest possible opportunity is therefore an essential element in meeting their needs.
- 1.3 Consecutive Ofsted Inspections have concluded that Torbay Children's Services has not, in the past, placed sufficient emphasis on the importance of permanence planning. This has meant that too many children have either been moved from placement to placement, or been placed, on a long term basis, in placements that do not afford them permanence. This policy and the accompanying practice guidance will set out Torbay's vision for achieving permanence and outlines the practical steps that practitioners and managers will take in order to improve performance and outcomes for children.
- 1.4 This policy will be implemented during March 2017 and subject to review by the Assistant Director on a yearly basis. This policy is supported by the Pathways to Permanence Practice Guidance which shall be issued to all Children's Social Care Managers and Practitioners and available on the Children's Services intranet space.

## 2. Definition and scope

- 2.1 For the purpose of this policy, permanence is defined as a framework of emotional, physical and legal conditions that gives a child a sense of commitment, security and continuity of care throughout their childhood and into adult life.
- 2.2 Permanence is also defined by reference to the child's need for attachment, security, continuity, commitment and identity rather than by placement type. This allows for permanence plans to be made for children in a variety of

different ways which recognise their individual needs, wishes and circumstances.

*“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”*

The Children Act 1989 Guidance and Regulations Vol 2: Care Planning, Placement and case Review, March 2010, Chapter 2, Care Planning 2.

### **3. Policy and Key Operating Principles**

3.1 Torbay Children's Services, as corporate parents for looked after children, will work diligently to find permanent, safe homes for children, as soon as practicable. Permanence planning requires good care planning that is tried and tested by our quality assurance processes, including the scrutiny and challenge of our Independent Reviewing Officers (IROs). The best possible care involves giving children security, stability and love throughout their childhood and beyond.

3.2 Torbay's policy towards delivering and achieving permanence is built on a number of key operating principles:

- **The wishes and views of children will be taken into consideration:**

Children's views about who they live with and have contact with will be gained and taken seriously, bearing in mind their age and developmental stage. Children's wishes and feelings will be gained via a range of means including verbally, the creative arts and via observation of their behaviour and reactions to situations and relationships.

- **Children will understand their own plan for permanence:**

Children will be helped to understand their plan for permanence, including reasons for the choice of placement, who they are to live with, why they cannot return to birth parents and plans for contact. This will involve a period of direct work with the child as preparation for permanence placement, including when this involves an existing carer.

- **Decisions will be taken in as timely a way as possible:**

Care planning processes will be guided by the timescales and needs of the children involved. Every reasonable effort will be made to avoid drift and delay in care planning and to minimise the amount of time that children are exposed to uncertainty about arrangements for their longer-term care. The following are the standard timescales unless it is not in the child's best interests.

- No more than 6 months for the Public Law Outline (pre proceedings) to conclude.
- 26 weeks for Care Proceedings to conclude
- For all children placed in care under an Interim Care Order or Section 20 (Children Act 1989 ) a permanence plan should be established prior to the second statutory review and confirmed within a further 6 months.

Any decisions which do not meet these timescales shall be agreed with the Head of Service and clearly recorded and monitored by the relevant Team Manager.

- **Every plan for permanence will have a contingency:**

Permanence planning is a staged process involving contingencies, where a number of options are explored at the same time before a final decision can be made. The options for the child to return home, be placed with relatives or other connected persons, be placed for adoption or for long term fostering will be considered as parallel plans to avoid delay.

- **Consideration will always be given to solutions from within the child's own family and social network:**

There are unique advantages for children in experiencing family life in their own birth family or, where this is not possible, within their network of wider family and friends. Every effort will be made to preserve the child's home and family links where this is consistent with their best interests.

- **A family meeting will be held if children have to live away from their families/community:**

If children have to live apart from their birth family, a family meeting will be considered in all cases to assist the child, their parents, the wider extended family and any other relevant individuals to consider alternative placement options, including family and friends care. Where a Family Group Conference/meeting is not convened, the reasons shall be recorded.

- **The importance of children experiencing permanence, belonging, security and stability, including education, will be the primary considerations at all times, including prior to them becoming looked after by the local authority:**

The suitability and quality of an education offer will always be prioritised as part of a placement choice. All looked after children will have an offer of an educational provision judged to be good or better by the regulator. In planning for the offer we will take into account the full range of educational reports and assessments, to ensure an accurate match to the type of provision required. We will ensure that each child's educational progress is overseen by the Virtual School for

looked after children and facilitate both challenge and support to the educational provider on behalf of the child.

- **We will ensure that due consideration is given to a child's ethnicity, language, religion or culture when considering permanent placements:**
- **We will ensure that children, wherever this is consistent with their safety and welfare, maintain contact with family members/significant others.**

This will be a primary consideration in the care plan, as part of the arrangements for permanence.

- **We will place siblings together, wherever that is possible or desirable:**

Placement of siblings together will always be carefully considered as part of placement choice and care planning based on the individual needs of the children concerned. When considering not placing siblings together as part of the permanence plan this shall always be following a 'together or apart assessment.' This assessment will also make recommendations about future contact between siblings if they are not to be placed together. The principle that it is not the role of individual children to meet the needs of their siblings is important as is consideration of the likelihood of all the children's needs being met together in one family setting and enduring to the age of 18 and beyond.

- **We will support children into independence when the time is right:**

We accept that all children, whatever their age, require permanence and we will work with them to achieve the most appropriate option.

- **We are committed to ensuring that children have a clear sense of identity:**

It is important that children know their family history and that parents and others are encouraged to supply information to support life story work.

- **There is no one size fits all solution to securing permanence:**

The right solution will be found for the right child on a case by case basis.

- **We will keep arrangements under regular review:**

We will respond flexibly to changes in circumstances and adjust accordingly, e.g. reunification.

#### **4. Options for permanence**

4.1 There are various factors to consider when planning for permanence and each case will present different challenges depending upon:

- The capacity of the parents/carers to understand and meet the needs of the child, including keeping them safe.
- The level of attachments the child experiences with their parent/carer
- The quality of the intervention and support provided by professionals working with the child and their family
- The level of cooperation of all involved in the permanence planning.

Consideration needs to be given to the degree of control granted to the caregiver and the degree to which parental is apportioned or delegated. The options also affect the support and the type of support carers can expect from Torbay Children's Services in the longer-term.

#### 4.2 **Reunification/staying at home**

Staying at home with parents, when it is safe to do so, offers the best chance of stability for children and we will work in partnership with parents/carers in order to achieve this. Even if a child cannot remain safely at home and intervention is required to place them elsewhere, the focus of work will always focus on reunification. This will involve robust assessment, the development of a good support plan, clear written expectations and cooperation from parents and children/young people.

#### 4.3 **Placement with extended family/friends**

When a child cannot safely remain with or return to their parents, every effort shall be made to achieve permanence within the extended family/friendship group. Research indicates that children and young people can have an increased commitment from extended family/friends and an enhanced opportunity to develop their identity. However research also states that good assessments are also critical in order to assess the quality of the care to be provided. Routes to permanence for children to be placed with extended family/friends will be considered at an early stage. A decision needs to be made about whether the child needs to be looked after by the local authority or not. If not, then they can be legally supported to remain living with family/friends by way of a Child Arrangement Order; Special Guardianship Order or Adoption Order. Sometimes children who need to remain looked after are placed with extended family/friends by way of a Care Order and the carers have to be assessed and approved as connected person foster carers, under the Fostering Regulations. However this should be the exception rather than the rule.

#### 4.4 **Adoption**

In many cases involving younger children or unborn children, who cannot remain living with their parents and with no friends/relatives able/willing to care for them, adoption will likely be the most appropriate alternative. This will

be tested by way of twin track or parallel planning processes. For example this will often mean assessing parental capacity whilst at the same time progressing planning for adoption. This process means that unnecessary delay will be avoided.

Torbay Children's Services is committed to adoption as a legal and emotional permanence option. Adoption transfers parental responsibility for the child from birth parents/others who had parental responsibility solely and permanently to the adopters.

#### **4.5 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. Fostering to adopt is used mainly for babies and young children in the care of the local authority, where the plan is likely to be adoption but who still have a chance to be reunited with their birth family. This option protects children from experiencing multiple placement moves, provides them with uninterrupted and good quality care and enables them to live with potential adopter's from the earliest possible opportunity. In this scenario, children are placed with approved adopters who have been assessed and approved as temporary foster carers. Concurrent planning is for children up to the age of 2 who are likely to be adopted but their future is not yet decided. In this scenario they are placed with foster carers, who may go on to adopt them if this plan is approved by the Courts.

#### **4.6 Long Term Fostering**

For those children who need to remain looked after by the local authority, long term fostering can be an option. This option can be useful for young people who retain strong links with their birth families and do not need the formality of adoption and where carers wish for and are assessed as needing the ongoing involvement of the local authority. Long term fostering as a permanent plan has advantages and disadvantages. For example, it has the advantages of the local authority retaining a role where necessary, there is continuing social work support and ongoing IRO scrutiny and it maintains legal links with the birth family. In terms of disadvantages, the foster carers do not share parental responsibility, there is ongoing social work/IRO involvement and statutory reviews which may be unnecessary or unwarranted; there may be ongoing stigma to the child and the child is not a legal member of that family.

#### **4.7 Permanence and residential care**

For most children, a placement in residential care will be identified in their care plan as a short term transition, with the aim of preparing, enabling and supporting the child to return to live in a family setting. Long term residential care may better meet the needs of a very small cohort of children/young people and lead to better outcomes if it is a clear decision based on assessed need.

### **5. Timescales and avoiding delay**

- 5.1 Social workers will be mindful of the need to consider permanence for the child from the first point of referral of a child into Torbay Children's Services, including during Public Law Outline processes. Exposure to neglect causes harm to children's emotional and physiological development and ongoing exposure, particularly for children under the age of 3 years, is likely to limit their brain development and impact adversely on their life chances.
- 5.2 For children over the age of 3 years the opportunity to repair and redevelop emotionally and physiologically is crucial to their life chances. The decision that a child cannot return permanently to live with their birth parents will therefore be taken at the earliest opportunity, as is consistent with the child's best interests.
- 5.3 A care plan will be completed before a child becomes looked after. Where this is not possible, it will be formulated within 10 days of becoming looked after.
- 5.4 The plan for permanence (which is part of the care plan) will be drawn up at the Permanence Panel and the recommendation will be made available to the second statutory review after a child becomes looked after.
- 5.5 Once care proceedings have commenced, the target of conclusion in 26 weeks shall be met where this is consistent with the child's needs and having regard to Court directions.

## **6. References**

- 6.1 This policy reflects current best practice for achieving permanence and informed by relevant statute, regulation and guidance as set out below:

The Children Act 1989 and Guidance and Regulations Vol 2: Care Planning, Placement and Case Review

The Adoption and Children Act 2002 (Revised Guidance and Regulations April 2011)

National Minimum Standards, Adoption - April 2011

National Minimum Standards Fostering - April 2011

Family and Friends Care: Statutory Guidance for Local Authorities – April 2011

Private Fostering Regulations 2005

Independent Reviewing Officer's Handbook 2010

Children Act 2004

Every Child Matters 2002

Principles and Practices in Regulation and Guidance (DOH)

Human Rights Act 1998

Torbay Children's Services procedure – 4.1.2 – decision to look after  
and care planning.

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