

THE MORAY COUNCIL
Integrated Children's Services Permanence Process
Updated version May 2016

<u>Timeline</u>	<u>Process for Permanence</u>
<p>72 hours LAC</p> <p>Looked After Children (S) Regulations 2009. Reg 45 (2)</p> <p>(a) a first review within 6 weeks of the placement;</p> <p>(b) a second review within 3 months from the date of the first review; and</p> <p>(c) thereafter subsequent reviews within 6 months from the date of the previous review.</p>	<p>Initial LAC if child placed on emergency basis</p> <p>Emergency Measures</p> <ul style="list-style-type: none"> • What are the issues/ risks? • What needs to change? • What supports will be made available to the family to assist in these changes / reduce risks? • What are the parent's and child's views? • Engage parents in family tree/eco maps. Consideration of parent's own history and attachment pattern may guide how best to target support. <p>Eco-map</p> <ul style="list-style-type: none"> • Helpful to start sibling relationship assessments in early days while child still living with own family as resources often dictate separation in the short term and this could help to inform permanence later. • All information gathered at this early stage can be used positively to look at current support and will be helpful at a later date if plan is permanence away from home.
<p>LAC within 6 weeks of placement</p>	<p><u>LAC review</u></p> <p>or first LAC if child's placement was planned</p> <p>For more information follow links to:-</p> <ul style="list-style-type: none"> • Part 5 – Reviews
<p>From this 6 week LAC</p>	<p>Parallel planning - consider a return home that would be both safe and sustainable or permanent care away from home.</p> <p>Make a full options appraisal of the Permanence Options, including a return home, current and Kinship carers, and</p>

<p>Any legal referral must be made 6 weeks prior to the next LAC review.</p>	<p>adoption. Discuss with relevant workers in fostering, adoption and kinship.</p> <p><u>Recommended Resources:</u></p> <p>Action for Children – A referral can be made to Action for Children via the Resource Panel to access support for assessment of parenting capacity. Action for Children has a range of assessment tools and discussion regarding the most appropriate tool should take place prior to any referral.</p> <p>Specialist Assessment - There are a range of specialist assessments that can be sought by the child’s social worker if felt appropriate.</p> <p>Together or Apart – Assessing Brothers and Sisters for Permanent Placement (useful pre-amble and some sheets at back – sibling relationships checklist) Jenifer Lord and Sarah Borthwick. BAAF</p> <p>Securing Children’s Futures: Good Practice in Permanence Planning and Family Placement. Observing contact handbook. This also has the sibling relationships Check-lists in the back. BAAF. (speak with placement services team for details of TMC staff who have undergone this training in terms of available advice).</p> <p>Managing Contact: Henrietta Bond. BAAF.</p> <p>Assessment Tools in Practitioner Handbook</p> <p>If it appears that the child cannot return home and once you have completed a FULL appraisal of the permanence options.</p> <p>Make Legal referral using Legal Services Referral Form - the referral must be with the legal department 6 weeks prior to the next LAC review.</p> <p>It is essential that you discuss the legal referral with your line manager before submitting.</p> <p>In some cases there will be insufficient time to complete the necessary assessments and the LAC review that would recommend a particular permanence plan should be postponed to allow for the work to be completed and the legal opinion obtained. This should only happen following full discussion with the LAC reviewing officer.</p>
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	<p>Working in partnership with children and families:</p> <p>Revisit:</p> <ul style="list-style-type: none"> • What are the issues? • What needs to change? • What supports are/will be made available to assist in the changes, including consideration of further supports for children and parents. • Review or put in place parenting and any other suitable assessment. • These supports will need to be clearly recorded as will the outcomes, and used as evidence. <hr/> <p>The importance of permanence - Permanence is a framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment and identity.</p> <p>March 2011 SCRA Research Report ‘Care and Permanence Planning for looked after children in Scotland concludes ‘a need for greater focus in decision making on the level of known risk a parent presents to a child and the balance between a parents right to care for their child and the child’s right to be cared for within a family.</p> <p>...multiple delays and interventions can harm (a child’s) emotional and physical well being now and for the rest of their lives.’</p> <p><u>Scottish Government response to the SCRA Report</u></p>
<p>12-16 weeks from LAC review</p>	<p>This is usually the agreed timescale at the LAC for the above tasks to be carried out.</p>
<p>LAC Review To be held within 3 months of the date of the first review.</p>	<p><u>LAC Review</u></p>

<p>LEGAL OPINION</p>	<p>Legal Opinion (Legal Referral Form) will have been sought 6 weeks prior to this review.</p> <p>If evidence clearly suggests children to be placed away from home on a permanent basis agree at LAC that a return home is not in the child's best interests and permanence away from home is the agreed plan.</p> <p>Depending on circumstances at this stage the recommendation may only be for a permanence plan, in general terms. If the evidence is sufficient and all options for permanence have been assessed, it may be that a specific permanence plan be made - e.g. adoption. Otherwise the specific permanence plan will have to be made at a further LAC Review to be held no later than a further 4 weeks. Date to be agreed at this LAC.</p>
<p>ADOPTION MEDICAL</p> <p>Report for Fostering and Adoption Panel completed within 12 weeks of LAC review if adoption has been recommended.</p> <p>This is not a statutory timescale but National Care Standard 2.1 <u>Standard 2.1</u> You can be confident that your report for the adoption panel is completed within 12 weeks of a formal care review recommending</p>	<p>Adoption Medical. This can take up to 8 weeks to process. If the agreed plan from this LAC is adoption please prioritise this referral.</p> <p>If a child has complex health needs and is being considered for permanent fostering, discussion to take place with the Associate Specialist in Community Paediatrics (currently Dr Helen Green) regarding the need or not for permanence medical. Tel: 01343 567151.</p> <p>From the LAC Review record in Action Plan:</p> <ul style="list-style-type: none"> a) Anticipated date for the child's permanence plan to be heard at The Moray Fostering and Adoption Panel or Young Person's Placement Panel. (See Permanence Procedures for children aged over 12 years) b) Is there to be collaborative working with the Placement services Team in completing the CAPR form? If not agree who advises the Placement Services Team re plan for permanence to allow for early consideration of permanent placements? c) Kinship Care Worker to work with child's social worker in assessing kin, if this has not already happened at the 6 week stage. d) Ensure Formal Permanence Opinion using (Legal Referral Form) has been carried out. e) The date of a further LAC Review, if necessary, to make the specific Permanence Plan. f) Work with the child in preparation for permanence (detail therapeutic input and counselling in Action Plan) g) The date of the Child's Needs meeting h) The date of the Business Meeting i) Child's medical has been completed

adoption.	<u>Foster and Adoption Panel Procedures</u>
Possible further LAC review	A further LAC review may be necessary to agree and record a specific Permanence Plan e.g. PO; POA; Adoption etc if this has not already been agreed.
2 weeks after LAC (approx.) Child's Needs Meeting and Business Meeting	<p><u>Child's Need's Meeting</u></p> <p>The purpose of this meeting is to consider the child's needs with a view to matching, and will inform the CAPR form or inform the report for the Young Person's Placement Panel if applicable. (See <u>procedures for over 12's</u>)</p> <p>This is a multi agency professionals meeting.</p> <p>Child's Social Worker to convene in conjunction with Chair.</p> <p>Child's Needs meeting to be chaired by Placement services Team Senior or social worker.</p> <p>Business Meeting to be chaired by Team Manager.</p> <p>Parental and child views must be sought prior to this meeting and good practice would indicate this to be an ongoing process.</p> <p>The agenda will follow the Child's Needs Pro forma.</p> <p><u>In attendance:</u> Chair Child's Social Worker Adoption Social Worker (if adoption is the plan) Fostering social worker Previous foster carers and current foster carer (if this is felt to be helpful or Fostering Social Worker to foster carers will bring foster carers views to meeting) Previous and current respite carers Child (where appropriate)</p> <p>Any other professional who has clear knowledge of the child (e.g. Action for Children, Health professionals)</p> <p>With older children consideration can be given whether it would be beneficial for them to attend part of the meeting. This to be assessed on an individual basis.</p> <p>If time constraints do not allow for the above or practicalities such as child care are problematic, it may be considered as effective for the Child's Social Worker and Link Social Worker (Fostering or Adoption) to visit with</p>

	<p>carers, current and previous, and other workers, and to gather information using the Child's Needs Pro-forma</p>
	<p>Business Meeting (Approx 2 weeks after LAC)</p> <p><u>Business Meeting Proforma</u></p> <p>Child's Social Worker to convene in conjunction with Chair.</p> <p>Meeting to be chaired by Team Manager(of opposite team)</p> <p>In Attendance</p> <p>Child's Social Worker and/or their Senior. Fostering Link Social Worker to the Foster Carer. Adoption Social Worker (if adoption is the plan) Kinship worker (if kinship is the plan)</p>
	<p>For review at this meeting:</p> <ul style="list-style-type: none"> a) Previous supports offered to birth parents /parenting capacity assessment/evidence. b) Legal route and grounds/parental agreement. c) Ancillary provisions d) Other options re permanence including full consideration of Kinship Care. e) Parental and child's views including on prospective placement. If considering a PO/POA is child approaching age 12 and likely to consent? f) Can the child be placed in Moray and reasons? g) Place with siblings or apart? h) Contact – with whom/what type - include detail of any letterbox arrangement agreed. Refer to City of Edinburgh <u>'Keeping in Touch'</u>. i) Potential adopters/carers/current foster carers. j) Face to face meeting with adopters? k) Consider if it would be helpful for specialist input (Especially in relation to points f/g).

<p>CAPR form</p>	<p><u>Fostering and Adoption Panel</u></p> <p>Reports should be received by panel secretary 3 weeks in advance</p>
<p>Date previously agreed at Business Meeting</p>	<p>FOSTERING AND ADOPTION PANEL Or YOUNG PERSON'S PANEL</p> <p>To consider plan for permanence, and to make recommendation.</p>
<p>Within 21 days of panel:</p> <p>Legal services (a) notifies parents (and others) of agency's decision; and (b) issues Memorandum, Certificate of receipt and form for agreement/non agreement by parents</p> <p>Section 95</p> <p>Section 97</p>	<p>Decision by Agency Decision Maker within 14 days and birth parents informed and formal Notices sent to the birth parents by Legal Services (including s105 Notices to unmarried birth fathers without PRRs where we have their address) within the following 7day period.</p> <p>Timescales are set out in Lexi Plumtree's Book Permanence and Adoption for Children. A Guide to the Adoption and Children (Scotland) Act 2007. BAAF</p> <p>Given potentially short timescales (especially in the case of agreed route of POA) consideration should be given to starting the Court Report at this point.</p> <p><u>Guidance on Court Reports</u></p> <p><u>Legal and Children's Hearing Process Flow Chart</u></p> <p><u>Section 95 Procedure</u> In the event adopters/foster carers are identified and matched after the PO/POA has been lodged but not yet granted then note:</p> <p>If the child is on a CSO a Children's Hearing needs to be called to request a move of placement. If a PO or POA is already lodged in court then the Children's Hearing have to refer the case to the Sheriff, who gives a view and puts the case back to the Children's Hearing. This can cause a delay, so all need to be prepared for this eventuality.</p> <p><u>Section 97 Procedure</u> It may be possible to ask the sheriff to make an interim order under section 97 to ask for a move of placement or to make any other interim change. However legal advice would need to be obtained.</p>

<p>Within 7 days of end of this 28 day period Legal Services make request to Principal reporter for Advice Hearing.</p> <p>An Advice Hearing must be convened by The Principal Reporter within 21 days of notification when parents do not agree plan.</p> <p>28 days from date agency receives the report from the Children's Advice Hearing the Adoption Agency must make an application to the Court for a POA or an adoption application must be lodged.</p> <p>No timescales for PO but good practice would avoid drift.</p>	<p>Children's Hearing – this is the formal Advice Hearing, as requested by TMC Legal team, which happens after the Agency has made the decision on the Permanence Plan and the parents have had the opportunity to respond to the formal Notice telling them of the Permanence Plan (usually 28 days).</p> <p>This Hearing may also request a change of residence for the child if adopters have been identified and matched with the child.</p> <p>The Advice Hearing also includes a full case review.</p> <p>In adoption if parents do not agree or do not respond to notices from Legal Services within a 28 day period then we must assume that they will contest the placement so <u>timescales apply.</u></p> <p>If the Child is 12 and over refer to document Permanence Procedures for Children 12 and over</p> <p>When an application for PO/A is lodged, Sheriff Clerk must fix a preliminary hearing date.</p> <p>Practice Notes for all Sheriffdoms require sheriffs to case-manage pro-actively.</p> <p>Production and submission of reports from Reporting Officer and curator ad litem 4 weeks from date of appointment or other period in Sheriff's discretion.</p> <p>Preliminary hearing, not less than 6 weeks and not more than 8 weeks after lodging the petitions. Form of response opposing application to be lodged within 21 days of intimation. If notice of opposition is received the council solicitor must lodge a written statement of facts within 14 days and copy to birth parents. The child's social worker will need to be available at this time in order to support the writing of this statement.</p> <p>If no response, case may be decided at this stage; otherwise a proof will be fixed to take place, no earlier than 12 weeks and no later than 16 weeks after preliminary hearing.</p>
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	<p>Pre-proof hearing if needed-No less than 6 weeks and no more than 8 weeks before the proof hearing.</p> <p>Proof hearing. Decision.</p>
<p>MATCHING for adoption.</p>	<p>Potential matches can be explored internally by the Placement services Team prior to the Fostering and Adoption Panel sharing some of the child's information with potential adopters/carers, providing confidentiality of child is maintained. Foster carers/adopters are made aware that the plan has not yet been approved at the Fostering and Adoption Panel.</p> <p>Potential adopters/carers to be made aware this is an exploration only, of how they might meet a child's needs. Approval to be sought from Placement Services Manager before this happens.</p> <p>Once the recommendation for permanence has been approved at panel an active, formal search can be made for potential adopters/carers.</p> <p>Please note it is the child's placing agency that determines the Linking and Matching Procedures. These are Moray Procedures. Other Areas Procedures may vary.</p> <p>Flow Chart</p>
<p>CAPR form Or Report on Young Person over 12/Form F</p>	<p>Once the plan is approved through the above channels an exchange of CAPR/Child's Report and Form F is made between Child's Social Worker and Placement Services Link Social Worker to the adopters/carers re a potential match.</p>
<p>Linking meeting</p>	<p>If only one family is identified, then the Fostering Link Social Worker for the child's carers and/or The Placement services Team Senior, the Childs Social Worker and/or their Senior and the Adoption Social Worker for the prospective carers will meet together for full discussion of the carers' suitability and child's needs.</p> <p>If there is more than one family identified as a potential match for the child then each adoption/fostering social worker will attend the meeting.</p> <p>The Linking Meeting will be convened and chaired by the Team Senior from a separate team.</p>

A decision will be made as to which adopters/permanent carers will be progressed, based on needs of the child identified at The Child's Needs Meeting, The Business Meeting, information contained in the CAPR/Child's Report and the Fostering and Adoption panel minute.

Record brief details of other potential matches and reasons why these were not progressed. This information will be required at the Matching Panel.

In attendance:

Chair

Child's Social Worker and / or Senior

Fostering Link Social Worker of child's current placement.

Adoption/Fostering Link Social Workers (of all potential adopters/foster carers) and/ or Senior.

- Order of preference to be made, re potential adopters/carers.
- Only the first on the list, who will be the only one to have received the CAPR form/Child's Report, to be visited.
- If after this visit it is not considered to be a viable match, the next potential adopter/carer can be visited.
- Child's Social Worker and/or Senior make the visit. The Placement Services Social Worker to prospective carers may be present.(decide on individual basis)
- For out of area placements Placement Services Social Worker should be present.
- Only 1 adopter/carer is put forward to matching panel. Meantime Legal Services will be lodging the PO or POA in Court, if this is the decision of the Agency.
- There is some flexibility about the timing of lodging of the PO - no strict time limit so a child may be moved before the PO is lodged.
- **With a POA there is a time limit of 28 days from the date of the Children's Hearing's advice to lodging the POA in Court.** The completed court report must be forwarded to TMC Legal advisor as soon as possible to ensure any changes can be made prior to application. Good practice suggests at least 5 working days prior to the end of the 28 day limit.
- **Once the POA is lodged the Children's Hearing have to refer the case to the Sheriff, to change the place of residence, before they are allowed to vary the Supervision Requirement.**
- **[Sec 95 Procedures](#) or consider Sec 97**

Matching

Once the decision has been made to forward a specific adopter/carer a meeting will be arranged by the Placement

	<p>Services Link Social Worker to the adopters/carers, between the adopters/carers and :</p> <p>The current foster carers The Medical Advisor (if necessary) Legal services (if necessary)</p> <p>NB - this discussion is not to provide advice to prospective carers but to inform them of the intended legal route to permanence</p> <p>The above can happen if this is an in area placement</p> <p>Check with each Local Authority on their procedures</p> <p>These meetings will be after the decision has been made to progress the adopters/carers as a match, but prior to matching panel.</p> <p>The above meetings take place so as to ensure adopters/carers have full information on the child as per National Care Standards.</p> <p>The meeting with the foster carers should take place so as to inform the prospective adopters/carers of the children's needs, and also help bring about some sort of positive relationship between adopters/carers and foster carers which may then help a child to move.</p> <p>This meeting would only not take place, after discussion and approval from Team Senior.</p> <p>Useful Resource for Linking and Introductions – 'Helping Children Join Adoptive Families', Sheila Byrne.</p>
<p>Matching Forms</p>	<p>Completed by child's Social Worker and Placement Services Link Social Worker to chosen adopters/carers. This is a collaborative document between workers.</p> <p><u>Matching Form</u></p>
<p>Matching Panel</p>	<p>Adopters/carers do not attend this meeting in Moray, although may be asked to do so in other areas.</p> <p>The child's Social Worker and the Placement Services Link Social Worker attend.</p> <p>Matching forms are presented, and a brief additional report by the child's Social Worker is submitted outlining the process of selecting prospective families, how many were</p>

	<p>considered, giving limited details on the families visited and giving reasons for not being recommended.</p> <p>Child's Social Workers to ensure prospective adopters / carers have all necessary written information re the child, including written medical information.</p>
Decision Maker's decision	<p>The Agency Decision Maker makes a decision and formally notifies the carers/adopters.</p> <p>Adoption Support Leaflet</p>
Co-ordination meeting	<p>To plan introductions between adopters/carers and current foster carers and child.</p> <p><u>Coram BAAF H2 Agenda Documents for:</u> Co-ordination Meeting Financial Arrangements</p> <ul style="list-style-type: none"> • Placing Siblings, Hedi Argent. BAAF • Siblings in Late Permanent Placements Alan Rushton. • Planning Transitions for Children Moving to Permanent Placement, Family Futures Practice Paper Series.
Placement	<p>An Adoption Placement, if not contested, will be a placement under both the adoption regulations and fostering regulations. This is because a child who is subject to a CSO or a PO or POA is still a looked after child.</p> <p>Adopters can petition the court at any time for an adoption order, but petition cannot be granted until child has been placed for 13 weeks, and is at least 19 weeks old.</p> <p>Refer to the Moray Adoption Allowance Scheme for information on type of allowance paid and relevant start date.</p>
Adoption Support	<p>Legislation states that those affected by adoption may approach the Adoption Agency at any time post placement to request that their support needs are assessed.</p> <p>Adoption Support Leaflet</p>

