

**REFERRAL TO LEGAL AND DEMOCRATIC SERVICES FOR PERMANENCE OPINION**

**TO: MORAG SMITH, SENIOR SOLICITOR, LEGAL SERVICES (LITIGATION AND LICENSING)**

|  |
| --- |
| **1. Date of LAC Review when Permanence Options are being considered:**  **Please note that the LAC Review Manager requires to have the Permanence Opinion 7 days before the LAC Review, so can the Permanence Opinion be returned to me please by [date]**  **Has previous Legal Advice been sought – if given, name of solicitor:** |

|  |
| --- |
| **2. Requesting Social Worker:**  **Signature:** **Date:**  **Name (Please print):**  **Office Address:**  **Contact Telephone Number and email:**  **Senior Social Worker:**  **Signature: Date:**  **Name (Please print):**  **Office Address:**  **Contact Telephone Number and email:** |
| **3. Child**  **Full Name:**  **Date of Birth:**  **Address:**  **Can this address be disclosed to birth parents: Yes/No**  **CareFirst Number:** |

|  |
| --- |
| **4. Permanence Plan**  **Brief Summary of Circumstances:**  **Proposed route to permanence:**  **Reasons for route:**  **Alternative routes explored (e.g. kinship, foster care, residential, adoption):**  **Child’s views and details of how these views have been explored:**  **If adoption, likelihood of achieving an adoption placement:**  **Any existing Orders?**  **[If yes, provide details]** |
| **5. Birth Parent(s)**  **Birth Mother**  **Full Name:**  **Address:**  **Parental rights and responsibilities: Yes/No**  **Have there been any attempts to return the child home?**  **Why living with mother is ruled out:**  **Views on permanence plan:**  **Birth Father (please indicate if he is the legal, putative or alleged father)**  **Full Name:**  **Address:**  **Parental rights and responsibilities: Yes/No If yes, basis:**  **Why living with father is ruled out:**  **If father’s whereabouts are unknown, steps taken to locate and seek his views:**  **Views on permanence plan:** |
| **6. Others with parental rights and responsibilities (if any)**  **Full Name:**  **Address:**  **Basis:**  **Why living with this person/s is ruled out:**  **Views on permanence plan:** |

|  |
| --- |
| **7. Current Carer(s)**  **Full Name:**  **Address:**  **Basis:**  **Date of Commencement of Placement:**  **Are the current carers offering a permanent placement?** |

|  |
| --- |
| **8. Siblings**  **Full Name:**  **Date of Birth:**  **Address:**  **Are siblings being placed together or apart and why?**  **Full Name:**  **Date of Birth:**  **Address:**  **Are siblings being placed together or apart and why?** |

|  |
| --- |
| **9. Extended Family**  **Who has been explored as a care option?**  **Full Name:**  **Address:**  **Why ruled out:**  **Full Name:**  **Address:**  **Why ruled out:** |
| **10. Current contact arrangements:**  **With whom:**  **Supervised or unsupervised:**  **Frequency:**  **Quality of contact:**  **11. Proposed contact arrangements post permanence:**  **Direct or indirect:**  **With whom:**  **Supervised or not:**  **Frequency:** |

|  |
| --- |
| **12. Documents attached**  **The following documents must be attached:**  **- The Social Worker’s Report for the most recent LAC Review and the Minute of that Review.**  **- The Social Worker’s Report for the LAC Review which will consider the Permanence Options.**  **- If there have been any changes or developments since the last LAC Review, the Social Worker must provide written information about this.**  **- Any relevant assessments:**  **The following documents may be attached, where relevant**  **- Child Protection Case Conference Minutes:**  **- Full chronology:**  **- Relevant Social Work and other reports:** |

**GUIDANCE – HOW TO COMPLETE THE REFERRAL TO LEGAL AND DEMOCRATIC SERVICES FOR A PERMANENCE OPINION**

The Referral form is intended to help Social Workers focus and explain the relevant details of a Permanence Case so that the case can move forward on sound legal grounds. The form is not difficult to complete. The key is for the Social Worker to have a good understanding of why permanence is the best route for the child. Obviously the evidence must support that view. If it does then there should be no difficulty in completing the form. If you find it difficult to complete the form help is available from your line manager in the first instance, and thereafter from Legal and Democratic Services. Difficulty in completing the form might suggest that there is a lack of clarity in the plan, or a lack of evidence to support the plan and this should be discussed with your line manager first.

This Guidance is intended to provide some basic information to help you to complete the form. It is important that every question is answered – do not leave any blanks.

**Box 1** – Please be clear about the date of the LAC Review and also the date you require the Permanence Opinion. You must give Legal and Democratic Services a minimum of 6 weeks to complete the Opinion. Please tell us the name of any solicitor in Legal and Democratic Services that has given any previous advice.

**Box 2** – We need your contact details so we can get in touch easily.

**Box 3** – Please give us the child’s details. Please ensure these are accurate, particularly the name and date of birth (you can check the Birth Certificate if you contact the local Registrar) and the address. We will use these details on any future Court documentation.

**Box 4** – We need a *brief* summary here of the child’s circumstances, the permanence plan that you think is best (e.g. PO or POA), and why you think that particular permanence plan can be justified. Please note a long chronology lifted from the file is not what is required. Instead you must actively summarise the child’s story in a way that clearly explains why the child needs permanence and clearly justifies the particular route to permanence that Social Work wish to pursue.

It’s important you say something about the child’s view. This is a statutory requirement. Even if the child is too young to verbally express a view you may be able to say something based on his/her actions and if so then you should also explain what you did to ascertain his/her views. Alternatively you might have to say that the child is too young to express a view, but again if you explain what you did to try and ascertain the views this will be helpful.

You must also comment on the likelihood of adoption – this is another statutory requirement. If adoption is never likely to happen because you will be unable to find adopters for the child, we should not be applying for the Authority to Adopt (in such circumstances a PO might be the more appropriate route). The requirement is not that an adoption placement will *definitely* be found; just that it is *likely* we’ll find one. We can use information from our Family Placement Service to evidence the likelihood or otherwise of a child of this age and with this background being placed for adoption.

Any existing Orders (such as a Supervision Requirement) must be stated, and it is helpful if you tell us the date that such orders were made (or last reviewed) and specifically what the order says (e.g. about place of residence and contact).

**Box 5** – We need details of the birth parent/s. In terms of why living with the birth parent is ruled out, it is not necessary to repeat all the information you’ve already provided in box 3, but you should briefly state some reasons that clearly explain why rehabilitation just isn’t a realistic option.

**Box 6** – Others with PRRs might include, for example, a grandparent. Often there will be no others with PRRs, and if this is the case just say so.

**Box 7** – It is helpful for us to have details of the Current Carers. If the current carers are interested in offering permanence please say so here – has this been explored?

**Box 8** – Please provide details of siblings. If siblings are being placed apart it is important that you state your reasons for this, as separate placements for siblings is a common reason for birth parents to challenge permanence plans and we need to justify such a decision.

**Box 9** – We need to know who has been considered as a potential care option for the child. It is good practice to explore extended family and others who might be significant to the child before you explore other permanent carers such as local authority adopters. You need to apply common sense to this – clearly there have to be limits to the number of people you consider. The basis for this should always be to consider those who have a *significance* for the child. So for example, a grandmother who has provided temporary care in the past should always at least be considered for permanence, even though she might quickly be ruled out for (e.g.) health reasons or simply because she will not be able to meet the child’s needs on a permanent basis. On the other hand a second cousin of birth mother who has never met the child and who has never contacted you to express any interest in the child might not necessarily be someone who you would formally assess! A telephone call might provide enough evidence of a lack of relationship to rule out the person as a suitable potential carer, and if not then Disclosure, Local Authority and Health checks might provide appropriate evidence (or even just asking for the person’s consent to such checks might tell you something).Never ignore any relative who expresses an interest in providing a child with a permanent home.

**Box 10** – Contact is one of the most important issues. Please describe current contact arrangements and how that has helped to inform your route to permanence.

**Box 11** \_ It is crucial that you have assessed the contact needs of the child and understand what the child needs in terms of contact in the future. This could be some direct contact, or some indirect contact only, or a mixture of both or no contact at all. Whatever the contact plan is, it must be justified on the basis of evidence. Indirect contact would usually be on offer in relation to most of our looked after children. Anything more than that is possible but must be very carefully assessed and evidenced as best for the child. Contact is the single issue that is most often challenged in Court in our permanence cases and therefore it is an issue that deserves very close scrutiny from the earliest stages of the case.

**Box 12** – We have listed the documents that we find most useful for you to attach to the referral form, in terms of providing us with relevant (but limited) background information. Please attach the necessary documents to avoid delay.