

THE MORAY PERMANENCE PANEL

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INTRODUCTION

The information contained in this document aims to provide an outline of the composition, functions and general operation of the Moray Permanence Panel.

Permanence plans must first of all be considered by a Looked After Child (LAC) Review. The LAC Review, after ruling out rehabilitation with the birth parent(s), will make a recommendation that a child is in need of permanent alternative care and deliberate on the route to achieving this. The LAC Review will recommend a particular permanence plan as the best option to safeguard and promote the child's welfare. The LAC Review will then refer the child's case, together with its recommendation, to the Permanence Panel. The child's Social Worker should ensure that the referral is made within 14 weeks of the LAC Review. The child's Social Worker will be responsible for requesting a place on the Agenda of a Permanence Panel and for providing the required documentation.

The Panel also receives assessments on prospective adopters and foster carers and considers matches between children approved for permanent care away from home and identified carers.

The Panel cannot make decisions, only recommendations. Following full discussion of each case, the Panel's recommendations are passed to the Council's Decision-Maker. The Decision-Maker is not a member of the Panel. The Decision-Maker will ratify and endorse, or otherwise, the recommendations received from the Panel.

The Regulations require the Decision Maker to make a decision within 14 days of the date of the recommendation of the Panel. The Decision-Maker is required to record in writing the reasons for any decision that is contrary to the recommendation of the Panel. The Decision-Maker is then required to notify all the relevant parties in each case within 7 days of the date of a decision being made. Consequently, there will be a maximum period of 21 days from the date of a Panel recommendation to notification of the decision.

COMPOSITION OF THE MORAY PERMANENCE PANEL

The Permanence Panel is a joint fostering and adoption panel constituted in terms of the Looked After Children (Scotland) Regulations 2009 and the Adoption Agencies (Scotland) Regulations 2009. The Regulations respectively state that the Moray Council is required to have a Fostering Panel and an Adoption Panel. The two Panels can have the same membership and in Moray they do. Their proceedings are minuted separately.

The composition of the Panel should provide a wide range of knowledge and experience necessary to assess prospective adopters or foster carers and consider the needs of children requiring permanent care away from home. There must be a minimum of 6 members appointed to the Panel and men and women must both be represented. Not all members of the Panel have to attend every meeting.

As agreed by the Council's Community Services Committee on 11 June 2008 the membership of the Panel will be as follows:

1. Up to 6 'professional' members holding a professional qualification in a relevant discipline.
2. Up to 3 'lay' members of the local community to provide a more independent, non-professional perspective.
3. One Medical Adviser to advise on medical issues in relation to individual children and prospective foster and adoptive carers.
4. One Legal Adviser to be provided by the Moray Council to ensure that the rights of parents and children are fully addressed and that the appropriate legal procedures are followed.
5. A Panel Secretary to undertake the administrative tasks associated with the operation of the Panel including taking Minutes and keeping records of proceedings. The Panel Secretary is not formally a member of the Panel.

The Council's Chief Social Work Officer will make appointments to the Panel. Written terms of appointment will be issued to all members. The Council's Chief Social Work Officer will also appoint a Chairperson from the professional membership. The members will appoint a Depute Chairperson to act on behalf of the Chairperson in his/her absence.

Lay and Professional Members will be appointed for a period of two years and will be eligible for re-appointment. The period of appointment provides an opportunity for the Panel to develop a consistent approach and clear standards based on good practice. It allows time for members to develop a working knowledge of resources in Moray enabling maximum consideration in matching the needs of particular children with appropriate carers.

The Medical and Legal Advisers are standing appointments until rescinded or they resign. There is therefore no requirement to consider re-appointment.

All members will sign a Confidentiality Statement (see **Appendix 2**).

See **Appendix 1** for current Panel members.

PANEL MEMBERS: APPOINTMENT PROCESS

(a) Professional Members

Nominations will be called for from relevant agencies and replies will include basic information relating to:

1. specific knowledge and experience in the field of adoption and fostering.
2. any additional attributes the applicant may bring to the Permanence Panel.
3. previous experience in participating in group processes and decision making.

Nominations will be considered by the Chair or Depute Chair of the Panel who will recommend the successful applicant(s) to the Chief Social Work Officer.

A short interview with candidates may precede the recommendation and will bear in mind the existing balance of knowledge and experience within the Panel. Unsuccessful candidates will be thanked for their interest and advised in writing.

Prior to appointment prospective members will have undergone Local Authority and Police checks.

(b) Lay Members

Nominations will be called for from:

- Area Teams and Fostering and Adoption team (and other teams and establishments as required)
- from Panel members
- Chief Social Work Officer
- by other mechanisms

The call for nominations will be accompanied by a statement from the Panel as to the particular background and experience being sought at that time.

Potential lay members will be interviewed by the Chair or Depute Chair of the Panel and the expectations and responsibilities of Panel membership explained to them. Recommendations of appointment will then be made to the Chief Social Work Officer. Unsuccessful candidates will be thanked for their interest and advised in writing.

Prior to appointment prospective members will have undergone Local Authority and Police checks.

FUNCTIONS OF THE PERMANENCE PANEL – FOSTERING

- (a) To consider applications by people for approval to become foster carers.
- (b) If recommending approval, the applicant being considered suitable, the Panel shall state whether its recommendation is in respect of:
 - (1) a particular child or children;
 - (2) any child; or
 - (3) certain categories of children; and
 - (4) the number of children each foster carer may have in their care at any one time,
- (c) To consider plans for permanent placements for children through foster care.
- (d) To consider permanent placement of particular children with approved foster carers (the match).
- (e) To consider reviews of approved foster carers within 12 months of the day the carers were approved by the decision maker; and thereafter to consider reviews of the said carers within 3 years of the previous review.
- (f) To provide reconsideration of requests for approval as foster carers following an appeal on behalf of Aberdeen City Council and Aberdeenshire Council in terms of the Minute of Agreement entered into by The Moray Council, Aberdeen City Council and Aberdeenshire Council for the review of decisions on the approval or otherwise of foster carers.
- (g) To receive and consider all written and verbal reports submitted to the Panel from Social Work Staff, Foster Carers, prospective Foster Carers and advisers and any other information that may be provided to it on request.
- (h) To have regard to the duties imposed upon the Council by section 17(1) of the Children (Scotland) Act 1995 (duties to looked after children)
- (i) To submit the minutes of each meeting including the recommendations of the Panel to the Decision Maker who will make decisions on behalf of the Moray Council in relation to each application, child or issue arising.
- (j) The Panel can also be asked to advise and make recommendations in relation to any other matter relevant to the performance of functions under the Children (Scotland) Act 1995 and the Looked After Children (Scotland) Regulations 2009. These might include decisions in connection with reviews of foster carers, or specific concerns relating to an ongoing fostering assessment.
- (k) To hold business meetings to progress the effective functioning of the Panel.
- (l) To prepare an annual report for the Moray Council.

FUNCTIONS OF THE PERMANENCE PANEL – ADOPTION

1. To consider adoption plans for children and in particular to make recommendations on the following matters:-
 - whether adoption is in the best interests of the child; and
 - whether an application for a permanence order granting authority for the child to be adopted should be made under section 80 of the 2007 Act;
2. To provide a written report on consideration given by the Panel to alternatives to adoption and, in circumstances where adoption with parental contact is recommended, the reasons why continued contact is in the best interests of the child. The responsibility for the provision of this report falls to the Chair of the Panel and the report will be the Panel minute.
3. To consider applications by people for approval as prospective adoptive parents and whether they are suitable but only where the Panel have given the prospective adopters the opportunity to meet with the Panel and discuss the matter with them.
4. To consider whether a prospective adopter would be a suitable adoptive parent for a particular child (the match).
5. To consider any other matter referred to the panel which is relevant to the adoption agency's functions under the 2007 Act.
6. To review annually all approved prospective adoptive parents where children have not yet been placed.
7. To recommend the eligibility of individual children for the payment of approved adoption allowances in accordance with and in terms of any scheme approved by the Moray Council.
8. To provide reconsideration of requests for approval as prospective adopters following an appeal on behalf of Aberdeen City Council and Aberdeenshire Council in terms of the Minute of Agreement entered into by The Moray Council, Aberdeen City Council and Aberdeenshire Council for the review of decisions on the approval or otherwise of prospective adopters.
9. To receive and consider all written and verbal reports on all applications to the Panel from Social Work staff, Adopters, prospective Adopters, advisers and any other information that may be provided to it on request.
10. To consider interim reports on cases which have raised concerns on social, medical or legal grounds and offer advice and guidance on how or whether to proceed.
11. To submit the minutes of each meeting, including the recommendations of the Panel, to the Decision Maker, who will make a decision on behalf of the Council as Adoption Agency in relation to each child, application or issue arising within 14 days of the date of the Panel.

12. To hold business meeting to progress the effective functioning of the Panel.
13. To prepare an annual report for the Moray Council.
14. To have regard to the duties imposed upon the Council as an adoption agency by section 14 of the Adoption and Children (Scotland) Act 2007.
15. The Panel can also be asked to advise and make recommendations in relation to any other matter relevant to the performance of functions under the Children (Scotland) Act 1995, the Adoption and Children (Scotland) Act 2007 and the Adoption Agency Regulations. These might include decisions in connection with specific concerns relating to an ongoing adoption assessment.

OPERATION OF THE MORAY PERMANENCE PANEL

GENERAL

Quorum

The Legal Adviser's attendance at every Panel meeting will be left to his/her discretion, following consultation with the Panel Chair, although s/he must be in attendance or have provided written advice where the Panel is considering whether adoption is in the best interests of a child. The Legal Adviser's role is to provide advice and s/he will not take part in decision making.

The Medical Adviser's attendance at every Panel meeting will be left to his/her discretion, following consultation with the Panel Chair, although s/he must have provided written advice. S/he must be in attendance if medical issues are to be central to the decision making. The Medical Adviser shall be a full voting member of the panel.

The Panel may only make recommendations within the terms of the Looked After Children (Scotland) Regulations 2009 and/or the Adoption Agencies (Scotland) Regulations 2009 and three members excluding the legal and medical advisers will constitute a quorum. Ideally there should be a mix of male and female members at every Panel meeting and there must be at least one man and at least one woman when the Panel is considering matters of Adoption.

Submission of Items/Papers

Social Workers can arrange to submit items for the agenda or request an appointment to attend the Panel by contacting the Panel Secretary.

Reports must arrive with the secretary at least two weeks in advance of a Panel meeting. On receipt of the appropriate reports a Panel agenda will be formed. The Secretary will liaise with the referring social worker to offer an agenda appointment. Only exceptionally, at the discretion of the Chairperson, will late agenda items be accepted. This time-scale allows the circulation of all reports to Panel Members well in advance of Panel meetings.

Panels will sit on the first Wednesday of every month, excepting January. Mid cycle Panels may be held in accordance with priorities and demands.

Agenda Setting

This is scheduled to occur on the second Monday preceding Panel. In setting the agenda the following are considered:

- (i) the appropriateness of referral to the Panel
- (ii) prioritise items for over-full agendas
- (iii) outstanding issues from previous Panels

Form and Conduct of Meetings

Each meeting will commence with agreeing the previous Minutes and any matters arising from these and then proceed to agenda items followed by any other competent business. Professional members will take turns in leading discussions.

Business Meetings

Panel meetings are often busy with a number of items to consider. It is important, however, to allow time occasionally for business issues to be discussed. Specific twice yearly meetings will be devoted to business items. These may include agreeing areas of concern to be fed back to the agency or discussing specific Panel matters eg training, the need to fill any vacancies or reviewing formal structures. It can be helpful to involve the Decision Maker in some of these. One of the business meetings should constitute the annual review of panel operation and should also consider the annual report submitted to the Council.

Declaring an Interest

There can be situations where a Panel member knows or has worked with the applicant, carers or child to be considered by the Panel. It is important that the Panel member should declare an interest in such a situation. The Panel member should say whether he or she thinks this knowledge will prejudice their consideration of the case. If he or she thinks so, they should not participate in that case and it is best if they leave the room. If the Panel member does think their knowledge will affect their consideration of the case, it will be the responsibility of the chair, taking advice from the legal adviser, to make the final decision. It is important for Panel members to alert the chair as early as possible and before the day of the Panel to avoid a possible problem over quoracy.

Security of Adoption/Fostering papers

Papers should be held by panel members in a secure place and on a confidential basis at all times. The minimum amount of information should be held and papers destroyed at the point at which they are no longer required (the Community Services Department can shred documents as required).

The following guidance applies:

1. Papers are held by Panel members throughout the period of consideration of the case by the Panel from receipt of the papers from the Panel secretary to the recommendation being made by the Panel;
2. Papers should be destroyed immediately after the meeting where the Panel makes a recommendation on the case unless otherwise directed by the Chairperson (eg where a case will be considered again at a future panel). Once a recommendation is made on a case papers must be destroyed.
3. The minutes of Panels can be held throughout a person's membership of the Panel, but Panel members may wish to return old minutes to the Panel Secretary for shredding on a regular basis.

4. Papers should be issued by the secretary to Panel members by
 - (a) internal mail within the Council or
 - (b) recorded delivery mail or
 - (c) by collection from the Community Services Department.

Minutes

Minutes shall record a summary of the discussion of the Panel as well as a record of any recommendations made. The chair is responsible for ensuring that Panel Minutes are accurate and for submitting these to the next Panel meeting for approval. Once approved and any amendments made then minutes shall be consigned to the Panel records.

Observers

Occasionally Social Workers, new Panel members, students, allied professionals or inspectors may attend to observe the Panel. Ideally observers should be restricted to a maximum of two at any one time and the agreement of the Chair should be obtained prior to them attending Panel. Observers should sign a confidentiality statement and the agreement of applicants whose cases are being heard by the Panel should be sought. Further, there may be occasions when the issues being considered are so sensitive that observers should not attend eg where a termination of approval is being considered in a case where there are serious concerns in respect of a carer.

Training

A new member will participate for the first two Panel meetings as follows:

- | | |
|---------|--|
| Panel 1 | - as an observer having received and read Panel papers |
| Panel 2 | - as a full participating member |

Induction training will cover:-

- (a) the work of the Adoption and Fostering Panel (including copies of this document); and
- (b) the legal basis of adoption and fostering, medical considerations and child care and Children's Hearing System, and assessment and approval processes for prospective foster and adoptive carers.

Ongoing training of Panel members will be discussed and agreed at Business Meetings.

CHILDREN FOR PERMANENT PLACEMENT THROUGH FOSTERING

These cases will be submitted to the Panel on the recommendation of a Looked After Child Review. The Social Worker is required to attend the Panel to speak to his/her report. There should be a detailed case history and description of the child in a specified format eg. BAAF Form E. The report should explain why the proposed route to permanence is best for the child. The report should also include an outline of the alternative routes to permanence and why these alternatives are not better for the child.

The Panel will also require to consider:

- the report prepared giving legal advice regarding permanency
- the minute of the LAC Review that recommended that permanency should be considered including details of the proposed allocation of parental rights and responsibilities and proposed post-permanence contact plan.
- any other relevant reports pertinent to the case, e.g. report from carers, psychiatric, psychological or school/nursery reports
- photographs of the child should be made available.

The Panel must consider the views of the child about any plan for his/her future e.g. it may be appropriate for the child to write something for the Panel. Social workers should contact the Panel Chair to discuss how a child can be helped to feel an inclusive part of the Panel process. If it is helpful for a child of any age to attend the Panel, a request should be made to the Panel Secretary by the child's Social Worker and this will be considered by the Panel Chair.

A child aged 12 years or over is required to agree to permanency through fostering or adoption and so consideration of their views is essential. Consequently, it may be appropriate for an older child to attend the Panel so that he or she can represent his or her views. In this event the social worker must contact the Panel Secretary to intimate the child's wish to attend. This will allow the opportunity to discuss the merits of attendance in advance or alternative mechanisms by which the child's views can be made known.

The child's current carers should be invited to attend the Panel meeting and/or provide a report on their observations during the placement. They may also wish to comment on any school or nursery reports provided to the Panel. The carers' link worker also should be invited to attend in order to support the carer if required.

APPLICATIONS TO FOSTER – STEP BY STEP GUIDE

Foster Carers - Basic Requirements/Criteria

1. Prospective foster carers (“carers”) must be over 21 years of age and may be either a single person or a couple.
2. If a couple, carers must have been married or civil partners or living together for at least two years.
3. Carers must have suitable accommodation for the proposed number of children/young people.
4. Carers must be willing to attend preparation training groups.
5. Carers should be able to attend relevant reviews, planning meetings, etc, relating to any child placed with them, and contribute to reports concerning the child in their care.
6. Carers should be able to work in partnership to meet the needs of children in placement, and liaise with social workers and other relevant people.
7. Carers must be able to respond appropriately to parental contact, and be actively involved in promoting such contact as required within the child's care plan.
8. Carers should demonstrate sensitivity to the needs of children and young people requiring foster placement.
9. Applicants must agree to all relevant checks and references being undertaken.
10. Applicants must be prepared to participate in ongoing training and supervision.
11. Applicants must be medically suitable/ able to meet the complex demands of children and young people.

Recruitment

1. Recruitment and assessment of prospective foster carers will be the responsibility of the Moray Fostering and Adoption Team and in certain circumstances other agencies or individuals may be commissioned to undertake this task on behalf of the Moray Council.
2. Any person interested in fostering should be advised to contact the Moray Fostering and Adoption Team. An information pack will be sent within two working days, outlining general criteria applied when considering whether applicants will be accepted for assessment as prospective foster carers, and details of the assessment process.

A member of the Fostering and Adoption Team will contact the enquirer within fourteen days, to discuss their interest in fostering and decide if the enquiry will progress to an initial assessment visit.

3. The initial assessment visit/s will provide information, as to whether or not the applicants meet the criteria and placement priorities of the service to progress to preparation training and full assessment or not. Those who meet the criteria will be offered the opportunity to participate in the first available 'Skills to Foster' training. Applicants who are unsuccessful will be notified in writing with reasons outlined, together with information on requesting reconsideration and appeal.

Assessment

1. The Fostering Assessment will normally be completed within six months of the application to foster being accepted.
2. Prospective foster carers must participate in fostering preparation group at the earliest opportunity, ideally prior to or at the same time as the assessment being undertaken. Applicants must have completed training prior to being presented to the Panel for consideration and recommendation.
3. The final assessment report or Home Study will be written in a specific format eg. BAAF Form F. Self assessment should be emphasised and applicants should be encouraged to contribute written information for inclusion in their report. Recent photographs should be provided.
4. The following official checks must be undertaken
 - Disclosure Scotland checks on all adult members of the household
 - Local Authority records checks for all areas where the applicants have resided since reaching 16 years of age.
 - A minimum of three references one of whom can be a close relative. References may include current employers and other relevant professionals, as well as personal referees. At least one referee will be interviewed in person.
 - Full Health & Safety inspection.
 - Full Medical Assessment (see medical section).
5. The assessment report must provide comprehensive information on each applicant's personal history and current circumstances, including their motivation in applying to be foster carers. Applicants' children should be consulted, with their views incorporated within the assessment report.

For further information on what should be included, please refer to Schedule 3 of the Looked After Children (Scotland) Regulations 2009 and (eg) guidance notes in BAAF Form F.

6. On completion of the assessment report, the social worker arranges to present the case to the Panel. The Panel secretary is contacted and the applicants are placed on the agenda for the next available meeting. The applicants are invited to attend the Panel when their suitability as prospective foster carers is being considered. The

social worker for the applicant(s) will be responsible for preparing them in advance of the meeting. The applicant(s) will be present during part of the discussion to provide information or clarification on points raised in the assessment report or Panel consideration. The Social Worker is required to attend the entire Panel to speak to his/her report.

Anyone who attends the panel are encouraged to complete a feedback form which can be returned to the Panel secretary (see **Appendix 3**)

Approval

Further to a recommendation from the panel, the Decision Maker should make a decision within 14 days of the date of the Panel and thereafter notify the applicants as to whether or not they have been approved as foster carers in writing within 7 days. The approval letter will outline the terms of approval.

If the applicants are not approved they should be told why (except where a breach of confidence would occur) and if they wish to request reconsideration, they must follow the procedures in **Section 7**.

Foster Carer Agreement

On approval a link social worker from the Fostering Team will be confirmed, and the approved foster carers will be sent the standard Moray Foster Carer Agreement which they will be required to sign and return before they begin fostering.

Foster Carer Review of Approval

The Panel will review the approval of each Foster Carer with an initial 12 month period, and then on a three yearly cycle. Reviews of approval can be at an earlier point if the Panel deem it to be appropriate, or in response to changed circumstances for the carer, following an allegation or investigation made against a carer and it is felt an independent view of approval is required, or where a specific change of approval or deregistration is being sought.

CHILDREN FOR PERMANENT PLACEMENT THROUGH ADOPTION

These cases will be submitted to the Panel on the recommendation of a Looked After Child (LAC) Review. The social worker is required to attend the Panel to speak to his/her report. There should be a detailed case history description of the child in specified format eg. BAAF Form E. The report should explain why adoption will best safeguard and promote the welfare of the child throughout their life. The report must also include an outline of the alternatives to adoption and why it is considered that these alternatives are not better for the child than adoption. If it is proposed that contact with birth parents will continue after adoption, the report should highlight why continued contact is in the best interests of the child.

The Panel will also require to consider:

- the report prepared giving legal advice regarding adoption
- the minute of the LAC Review which recommended the adoption plan should be considered. The LAC Review minute should reflect the discussion that took place and the Social Worker must ensure that information on the following matters is given to the Panel either within the Form E or in the attached documentation:-
 - (i) the matters outlined in Section 14 of the 2007 Act (see **Appendix 4**);
 - (ii) why adoption is best for the child ;
 - (iii) the consideration given to alternatives to adoption and why these are not better for the child;
 - (iv) if continued contact between the child and his/her birth parents is recommended, why continued contact is the best interests of the child;
 - (v) a post adoption contact plan;
 - (ii) details of what the child might require in terms of post adoption support;
 - (iii) any other relevant reports pertinent to the case, e.g. report from carers, psychiatric, psychological or school/nursery reports; and
 - (iv) photographs of the child should be made available.

The Panel must consider the views of the child about any plan for his/her future. Social workers should contact the Panel Chair to discuss how a child can be helped to feel an inclusive part of the Panel process. If it is helpful for a child of any age to attend the Panel, a request should be made to the Panel Secretary by the child's Social Worker and this will be considered by the Panel Chair.

A child aged 12 years or over is required to agree to adoption and so consideration of their views is even more important. Consequently it may be appropriate for an older child to attend the Panel so that he or she can represent his or her views. In this event the social worker must contact the Panel Secretary to intimate the child's wish to attend. This will

allow the opportunity to discuss the merits of attendance in advance with the Chairperson or alternative mechanisms by which the child's views can be made known.

The child's current carers should be invited to attend the Panel meeting and/or provide a report on their observations during the placement. They may also wish to comment on any school or nursery reports provided to the Panel. The carers' link worker also should be invited to attend in order to support the carer if required.