

City and County Swansea



Permanence Policy

Winter 2009

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***Providing the opportunity for
safe, nurturing family care for
all children in need in Swansea***

PERMANENCE POLICY AND PROCEDURAL GUIDANCE

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PERMANENCY POLICY

1. Policy Statement

- 1.1 City and County Swansea Child and Family Services believes that every child has the right to a stable, loving and permanent family to care for them, promote their physical, intellectual and emotional development, and to enable them to achieve their full potential.
- 1.2 This belief lays the foundation for all work undertaken by the department with 'child in need' and their families. It also provides the focus for the department's service development.
- 1.3 The department is committed to ensuring it provides high quality services, considering a range of options to meet the needs of each child.
- 1.4 We will work with statutory and voluntary partners including Health, Education and the Police to ensure a holistic approach is taken to supporting children and their families.

2. Purpose

- 2.1 This document has two key purposes:
 - To outline City & County of Swansea's obligations to provide services which enable children in need to live and develop in the stable environments they are entitled to.
 - To provide staff with guidance in this fundamental practice area

3. Scope

- 3.1 The document applies to Swansea Social Services staff and supports the aspirations of Swansea's Children & Young People Plan 2008 – 2011.
- 3.2 This document outlines principles which should be at the centre of all services provided by the department therefore it should be used in conjunction with the entire spectrum of Child and Family Services Policies and Procedures including:
 - Child and Family Services Practice Manual for Social Workers
 - Children in Need
 - Looked After Children's Policy and Procedures
 - Special Guardianship Orders
 - The All Wales Child Protection Procedures

4. Context and Definitions

- 4.1 Throughout time that a child is in receipt of services from the department it must ensure that it considers and reviews the child's long term needs and care.
- 4.2 The City and County of Swansea is committed to providing services to promote the ability of families to care for their children effectively and strives to ensure that children continue to live with their families whenever possible (Section 17 Children Act 1989).
- 4.3 Where it is assessed that birthparents may not be able to provide long term arrangements despite the department's support it **MUST** explore the alternative options for finding a permanent home for the child. Permanency is described as:

“A Framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment and identity” (Permanence Planning: Notes for Practitioners SCIE, 2004)

- 4.4 There are a range of routes to permanency for children in the above circumstances. These are governed by various principles and statutory requirements depending on the circumstances of each case. For further information on City & County of Swansea's principles which underpin permanent placements please see **Section 5.1**.
- 4.5 The department will work in accordance with the revised [Public Law Outline, The Children Act 1989 Guidance and Regulations Volume 1, April 2008](#). The PLO contributes to the overarching commitment to secure a child's permanency as it has been designed to 'reduce delay in (these) important proceedings concerning the short and long-term placement future of children.'¹ The PLO provides a focused process with timescales to secure outcomes for children and their families.
- 4.6 Where a child becomes 'Looked After' the department will be committed to its range of duties as prescribed in Sections 20 -24 [Children Act 1989](#). It will comply with these duties in accordance with **all** relevant 'looked after children' legislation and localised guidance including [The Review of Children's Cases \(Wales\) Regulations 2007](#).
- 4.7 Where a child is assessed as at risk of or suffered from significant harm the protection of the child will be paramount. In all cases where there are child protection concerns section 47 enquiries will staff should refer

¹ *Preparing for Care and Supervision Proceedings -A best practice guide for use by all professionals involved with children and families pre-proceedings and in preparation for applications made under section 31 of the Children Act 1989*, Produced by the Care Proceedings Programme, Ministry of Justice, August 2009, page 26

to the [All Wales Child Protection Procedures](#) and any local procedures and guidance which support this document.

- 4.8 The department has a duty to eligible children under the Leaving Care Act 2000 and The Children Act 1989 to advise, assist and befriend him (the young person in question) with a view to promoting his welfare when he ceases to be looked after by them.'

5. Our commitment

- 5.1 Understanding that the routes to permanent arrangements will be different for the circumstances of each child the department is committed to considering the range of options set against the following principles:

- (a) As a first choice children will be supported to live with their own families and within their local communities providing it is safe to do so and it does not compromise their development and safety.
- (b) Relatives will be actively encouraged and supported to provide alternative care wherever parents are unable to look after their children, or require shared care arrangements.
- (c) Wherever parents and relatives are not able to provide long-term permanent care the planning for the children will include consideration of the placement with adoptive parents or special guardians at the earliest possible stage.
- (d) Whilst long-term foster care can meet many children's needs it will only be considered as the preferred permanent option based on robust exploration of alternatives and ultimately a decision based on the best interests of the child.
- (e) Wherever meeting a child's needs requires placement in residential or specialist care settings for the purposes of assessment, treatment, education or safety, these arrangements will usually only be part of time-limited rehabilitation or planned short-breaks for permanent carers. Although it is recognised that there is a small minority of children whose needs are such that it is not possible to plan beyond therapeutic or secure residential / inpatient status.

Services to support children remaining with their families

- 5.2 The City and County of Swansea is committed to providing services to promote the ability of families to care for their children effectively and strives to ensure that children continue to live with their families whenever possible (Section 17 Children Act 1989).

- 5.3 Where a child is assessed as 'in need' the department will offer a range of services to children in need and their families based on comprehensive assessments and reviews.
- 5.4 It will provide 'Children in Need' plans for these children with identifiable outcomes for those involved.
- 5.5 Further information on service provision for children in need is provided in a range of documents including [Child and Family Services Practice Manual for Social Workers](#).

Services for Looked After Children

- 5.6 Where children cannot be cared for by their own family, the local authority may safeguard their welfare by looking after them. In these circumstances the department is committed to exploring all available options to identify a placement that meets the needs of the child. The option of accommodating with family or if appropriate friends will always be considered.
- 5.7 Based on current legal advice where a s47 enquiry is undertaken and the parents have been identified as potential perpetrators the child must become 'looked after' whilst the department continues its enquiries and core assessment. It may be that the parent's voluntarily agree for their child to live with a family member or friend but the appropriate action must be taken to ensure the legal status of the child during this time is as looked after child under Section 20 of the [Children Act 1989](#). Where such an agreement is not possible the department will consider whether legal action is required to ensure the child is suitably accommodated.
- 5.8 Where a family or friends placement cannot be made a range of placement options will be considered against the child's needs.
- 5.9 All out of area placements will be made in accordance with relevant statutory processes as described in [Towards a Stable Life and Brighter Future- Guidance and Regulation on measures to strengthen arrangements for the: i\) Placement , health, education and well- being of looked after children and young people; and responsibly commissioner for secondary health care for vulnerable children placed aware from home](#).
- 5.10 The department is committed to ensuring that it provides and commissions quality foster placements for children to promote their health and well being during their placement.
- 5.11 Where a child is looked after ongoing consideration will be given to whether it is suitable for the child to return home to live with their families with the help of social services or whether alternative permanent arrangements are required. However formal consideration

for permanent arrangements will be considered at the 2nd LAC review and subsequent reviews until the arrangements have been finalised. The considerations made will be based against the founding principles outlined in **Section 5.1**.

- 5.12 The plans agreed regarding the permanence of a child will be specifically recorded and monitored.
- 5.13 Many looked after children will, in time, return to live with their families with the help of social services (reunification). In these cases the department will ensure that it considers individually tailored support packages to help cultivate the environment for the child and their health and wellbeing.
- 5.14 Where assessments of looked after children have indicated that a child is unable to return home to its birth parents children the department will be committed to providing a range of services specifically those outlined in **Section 5.12 - 5.15**.
- 5.15 Children who have ceased to be looked after and meet the criteria to receive support under the Leaving Care Act 2002 will be provided with services to help them make the transition to adulthood.
- 5.16 The department's Looked After Children's Policy and Leaving Care Policy provides further information on the department's commitment to looked after children and care leavers.

Services where the need for an alternative permanent home is identified

- 5.17 Where it is assessed that a child is unable to remain or return to their family home, despite efforts to support this outcome, planned timely action will be taken to arrange an alternative permanent home.
- 5.18 Each plan for permanency will be based on the child's needs and have regard to their feelings and wishes.
- 5.19 A number of elements will be taken into account when considering permanent arrangements including:
- the continuity of relationships;
 - a foundation from which to develop identity, values and relationships;
 - a feeling of belonging;
 - expectation of continuing stability;
 - feeling of security in being loved, valued and capable and in being able to, and safe in, forming close attachments;
 - continuity of ethnicity, religion, language and culture;
 - acknowledgement and positive acceptance of birth family and history;
 - becoming a full member of an extended family and wider social network; and

- growing confidence to be able to cope in the wider world, growing into independence.
- 5.20 The department is committed to exploring all options for permanency based on the principles outlined in **Section 5.1**.
- 5.21 Plans will include;
- A timetable for transfer of care that ensures the child and carers mutual understanding and commitment to the move;
 - Plans for life story and more specific therapeutic work to take place before and after the placement; and
 - Arrangements for contact, if appropriate, that are based on the needs of the child and the priority of achieving stability and permanence in their lives.
- 5.22 Any plan for permanence for a child under 10 which identifies long term foster care will be considered and authorised by the Head of Service.
- 5.23 Depending on the identified route of permanency the child a range of services and support may be provided. Further information regarding financial support is provided in **Section 7**.

6. Delivering Permanence

- 6.1 The department will strive to deliver the commitments outlined in this policy by providing:
- High quality and timely assessments of a child's needs
 - Clear plans; with identifiable outcomes, service provision and actions to meet those needs
 - Multi-agency commitment and effective joint working processes to ensure that the services necessary to support children in permanent family placements and /or prevent their breakdown are prioritised and delivered
 - Robust case reviewing arrangements for the early identification of the need for permanent arrangements and to prevent drift
 - The opportunity for all children to communicate their views and feelings wherever possible
 - Effective communication pathways to ensure that family, carers and other individuals are; able to express their needs and feelings and are aware of the plans for the child and their role in these plans; where appropriate.

- Policies and services that support carers to commit to and to provide permanent placements for children who would otherwise be looked after in foster or residential care

7. Financial Support

- 7.1 Wherever children cannot live with their parents and are not assessed as otherwise in need, i.e. the placement with member of the family or friend will meet their needs, it will usually be appropriate that the child does not become looked after.
- 7.2 Financial or practical support may be required to facilitate the actual parenting and this should be provided to overcome difficulties in the short-term using financial and other services under s17 and Schedule 2 of the Children Act. When there is a prospect of longer requirements for direct services the carers should be supported in formalising their care arrangements through an appropriate court order and support plan.
- 7.3 The aim of financially supporting children in placements where the child is not looked after by the local authority is to ensure the welfare of children whilst supporting rehabilitation to their families or securing a stable future for children and young people who cannot be cared for by their birth parents. Support may be provided in those cases in which:
- the placement is assessed as being in the child's best interest and where placement with the parents is not an alternative; and
 - the children are assessed as being in need under s.17 Children Act 1989 and / or financial support is necessary to facilitate and maintain the placement
- 7.4 Children who have not previously been identified as in need (s17.A1989) with whom there is no local authority involvement may become adopted or become the subjects of Special Guardianship or Residence Orders (to persons other than their parents). Children in all of these circumstances are entitled to an assessment of their need for financial and other support as a consequence of the Order. The principles to be applied are the same for these children as those already receiving services.

The approach to (a) identifying those children for who are not looked after and have a need for support to sustain their permanent living arrangements; and (b) establishing levels and schedules of payments that are proportional, reasonable and sustainable is set out below.

Which children will be supported and under what circumstances

7.5 The approach will need to be consistent, deliverable and equitable across the broad spectrum of children's needs and family arrangements. The children's circumstances that may lead for a request or consideration of financial support are as follows:

(a) Non-relative / relative foster carer caring for a previously looked after child making an application for:

- (i) adoption order²
- (ii) residence order³
- (iii) special guardianship⁴

(b) Adopters who were not previously foster carers for a matched child¹

(c) Relative caring for a child who is not looked after or the subject of an order where the child is:

- (i) an open child in need case at the time the child moved to live with the relative
- (ii) an open child protection case at the time the child moved to live with the relative
- (iii) looked after immediately prior to the time the child moved to live with the relative

(d) Relative caring for a child under one of the circumstances in (c) whereby the act of taking over the care means the child has or will become no longer a child in need / at risk of harm

(e) Relative caring for a child or proposing to care for a child and applying for an adoption¹, residence² or special guardianship³ order in respect of child who has not previously assessed as in need, a child protection case or looked after by the authority and who is assessed consequential on the application as:

- (i) a child with ongoing needs requiring services under Part III Children Act 1989; or
- (ii) a child who does not have ongoing needs requiring services under Part III Children Act 1989

7.6 In all of the above circumstances the local authority has differing levels of responsibilities to assess need and to consider whether payments can and should be made. In none of the circumstances are payments automatic or the levels set by regulation.

² Where the circumstances apply in which financial support may be paid set out in the Support Services (Local Authorities) (Wales) Regulations 2004

³ Schedule 1 para 15 Children Act 1998

⁴ Subject to assessment under s.14F(1) (b) Children Act 1989 / Special Guardianship (Wales) Regulations 2005

- 7.7 The Authority has a responsibility to allocate its resources to ensure that children's needs are met equitably and with proper reference its corporate parenting responsibilities. There is a presumption therefore that the Authority will prioritise its support for children with the higher levels of need and for whom securing safe permanent placements is of the greatest urgency.
- 7.8 It is always the case that when children are placed with non-relative foster carers that they are looked after children and that the carers will be remunerated in line with the Authority's policies and schedule of payments. This will also apply in the case of relative / friends who are caring for children who are the subject of care orders.
- 7.9 Facilitating the transfer of the care by contacting the relatives or transporting the child to their home does not automatically mean the child has the status of accommodated under s.20 Children Act 1989. It is also possible to respond to a relative's request for immediate financial support provided under s.17 without requiring that the child become looked after. Whether or not such a child is or should have accommodated status will be a managerial decision and will take account of:
- (a) whether it is considered the arrangement was made under s20.(7) and that a person with parental responsibility has made the arrangements;
 - (b) the continuing level the child's needs post-placement; and
 - (c) the requirement to make regular maintenance payments to support the placement

Setting the Levels of Support

- 7.10 There will be clear linkages between the arrangements to support foster carers, adopters and other formal caring arrangements and recognition of the different roles and relationships with the children being cared for. There are two benchmarks that might provide the lower and upper ends of the range of financial payments:
- *Benefit Agency Payments* – using as a baseline the relevant payments that a single parent or two parents with one child or more children would receive
 - *Fostering Maintenance* – for the purpose of this paper the payments would be based on the age-appropriate maintenance element of foster carer payments. For some carers there is also the matter of a fee element paid as part of their allowances.
- 7.11 The conditions and arrangements for financial payment to carers are prescribed in relation to adoption (Support Services (Local Authorities) (Wales) Regulations 2004) and Special Guardianship (The Special Guardianship (Wales) Regulations 2005). There is no similar prescription in relation to Residence Orders or the levels of support that

[Children Act 1989](#) whether or not there is an order in place.

- 7.12 In considering the levels of payments the local authority does not have a duty to provide income maintenance. It is not bound by any concept of a reasonable family income to support a child. Its duty is to “safeguard and promote the welfare of children within their area who are in need; and so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children’s needs”⁵
- 7.13 The singular reason for linking any payment levels supporting private law orders (Residence and Special Guardianship orders) to the maintenance rates paid to foster carers is facilitate the transfer of parental responsibility from the local authority (whilst this only technically happens in cases where there is care order in place for the purpose of it’s the policy the authority should discharge it’s duty equally in respect of these cases and those where the child is accommodated).
- 7.14 The authority presumes that a desire on the part of a carer to take on parental responsibility includes financial responsibility. It follows that any financial support should be only that sufficient to enable the carers to absorb the responsibility in the shortest reasonable time.

8. Monitoring Arrangements

- 8.1 The service will collate and review its permanency planning arrangements to ensure good quality and timely service for children and their families.
- 8.2 This policy and the guidance to accompany it will be reviewed according to the monitoring plan agreed by the Senior Management Team.

⁵ s.17(1) / Part 1 Schedule 2 Children Act 1989