

## **SECTION FIVE**

### **Early Permanence**

#### **Overview**

Early permanence is a placement which allows the child to be placed with foster carers who will go on to adopt the child, should the final care plan agreed through Court be one of adoption, when a Placement Order is granted.

Early Permanence in adoption provides children with the opportunity for secure attachments with potential permanent carers at the earliest possible point in their care journey. It allows for children to be placed in a temporary foster care placement which may go on to become an adoption placement, eliminating any need for the child to move within the care system. Research indicates that moves within the care system, even at a very early age, are disruptive to a child's capacity for attachment, and can lead to lifelong emotional impacts. For children who are, or may be subject to an adoption plan, there are opportunities to plan for the placement of those children with early permanence foster carers, prior to the Court making a Placement Order.

The early permanence carers are people who have come forward to adopt and are willing to be temporarily approved as foster carers, with a view to fostering a child, during care proceedings, and while assessments are underway with family members. These carers are trained and prepared for a child to return home to family members but will have also undertaken adoption preparation and will go on to adopt the child, where adoption becomes the final care plan. The carers are expected to fulfil the usual responsibilities of foster carers during this period, including supporting family time, and maintaining records.

Early permanence is a term which may be described as "fostering for adoption", or "concurrency". The current practice is to use the umbrella terminology of early permanence, which embraces outcomes for the child of either being formally matched and placed for adoption at a later stage with the EP carers, or reunification to family members if assessments are positive.

Carers are approved adopters through Adoption Tees Valley, ( or another adoption agency) who will be approved as temporary foster carers specifically for a named child by the Local Authority for that child, for the purposes of early permanence.

The principle of early permanence is that the adults- the early permanence carers, accept uncertainty of outcome, and that the child has a stable family life, with no moves in care, unless the final plan is reunification with family members.

#### **Relevant Statutory Legislation and Guidance**

- Children and Families Act (2014) – the duty to consider early permanence.
- The Children Act (1989) – the duty to place in the most appropriate placement to meet the needs of the child.
- National early permanence practice standards (2023)

- Care Planning, Placement and Case Review Regulations (2013)

**The aims of Early Permanence for the child:**

- To reduce moves for children within the care system by creating a single placement, which begins as a foster care placement and transitions to an adoption placement, through care planning regulations and procedures, following the making of a Placement Order.
- To enable opportunity for early secure attachments to permanent carers, where reunification does not progress.

**Routes to Early Permanence**

**1. Temporary approval of approved adopters as foster carers under section 25 (a) Care Planning Placement and Case Review Regulations (2013)**

The Local Authority will request from ATV a prospective adoption placement, with carers who are trained and prepared for early permanence. ATV will seek a suitable match for the child who may offer the opportunity for capacity to meet the child's long term needs and is also able to meet the needs of the child in short term/temporary foster care.

**2. Placement with people connected to the child, who will offer a short term, temporary foster care placement, with a view to adopting the child if the child is not reunified with family. The placement is made under section 24 of the Care Planning, Placement, and Case Review Regulations (2013)**

Placement with Connected Carers, where adults with a family connection to the child are considered as a viable potential adoption placement for the child, and are assessed under Regulation 24, CPPCR Regs (2013) pending being assessed and approved as adoptive parents. The latter arrangement is almost always a route where the adopters of an older sibling are being considered for a younger child, potentially pre-birth. In this case, the initial viability of the potential plan is assessed by the Local Authority, jointly with ATV, prior to the child being placed. Timescales must be well planned, as if the adoption assessment is not completed, with consideration by panel within 16 weeks of placement, the temporary carers must be approved as foster carers.

Where the carers are approved as adopters within a 16 week timescale, they may then go on to be approved as temporary foster carers, under section 25 (a) CPPCR Regulations, as above.

**Legal Duties**

There is a legal obligation to consider whether early permanence could be a suitable placement plan, where the Local Authority considers adoption may be the plan for the child. This may be pre-birth, during pre-birth planning, or at the outset of PLO, and a decision to issue care proceedings. The legal duty is under the Children and Families Act (2014) : Local Authorities are under a duty to consider placing a child with local authority foster carers who are also approved prospective adopters when they are considering adoption for a child or have decided that the child ought to be placed for adoption but are not authorised to so

place the child ( not yet been granted a Placement Order) , and where they have determined that a family, friend or connected person placement is not suitable (s22C (9B) (c) Children Act 1989)

### **Decision to Refer to Adoption Tees Valley for Early Permanence**

The decision to refer to Adoption Tees Valley should be considered at the earliest possible opportunity. A decision to refer does not mean that the placement will be required, or that adoption is the child's plan, but it is a twin tracking decision, allowing for good consideration of potential carers and early matching considerations. Where the child is an unborn, early pre-birth assessment, including with wider family members, will inform on the decision to enter PLO, and potential decision to issue proceedings.

ATV should be represented in the Legal (Gateway) meeting at which consideration is given to PLO, and a decision to issue care proceedings.

The Legal meeting will decide on an action that Early Notification should be made to Adoption Tees Valley, with a request for an Early Permanence placement.

Referrals must be made at the earliest possible time, and no less than 6 weeks prior to the time at which a placement may be required. Although this will be a temporary foster care placement, it is a unique **early permanence** placement, and careful planning is required, with full exchange of information, in order to determine that this is a suitable, and best placement option for this child, as an adoption placement.

It is not, and should not be, an emergency foster care placement.

### **Referral**

The process for referral is as set out in the Referral, Matching and Placement Procedure.

### **Key Considerations for an early permanence referral**

- The Child's IRO must be consulted on the plan, where the child has one allocated
- Birth parents and those with PR must be informed of the nature of the placement. They do not have to agree to an EP placement, but they must be aware that if the assessment of parents, or family members is not positive, the child will go on to be adopted by the temporary foster carers. The benefits of reducing moves for their child should be explained, where the outcome of assessments may be that the child will not return to their care.
- Family time must be planned for, and the prospective adopters/temporary foster carers must understand that the child will have a contact plan, often several times each week, until PO.
- Birth parents have a right to fair process, including the opportunity for support, to help them make the changes required to enable them to safely parent their child.
- Good practice is crucial in identifying all possible family members and making early assessment of their wish and capacity to care permanently for the child, under a

different order, or plan. Courts will only be satisfied in making a PO, where they have good evidence of consideration of all family alternatives, and evidence of assessment outcomes.

- Early placement with foster carers who are prospective adopters does not pre-empt the decision making of the Court.
- Referral for Independent Birth Parent Support should be considered no later than Agency Decision that Adoption is the LA plan for the child. This is through the commissioned service providing independent birth parent support, which is via Arc Adoption.

**Matching with prospective adopters/EP carers and approval as temporary Foster Carers – Regulation 25 (a) approval route.**

When the referral is received from the Local Authority, Adoption Tees Valley will identify prospective adoptive families, who may be a suitable match for the child. Consideration of suitable families will take account of the child's assessed and likely future needs including known health needs, racial, cultural and religious needs, and any family circumstances.

As with a regular adoption placement, ATV will provide the child's social worker with the Prospective Adopters Report, PAR, to consider. If the social worker wishes to proceed with the placement, they should also visit the carers, to discuss needs of the child, background, and care planning, and to be assured of the suitability of the carers, for what may become an adoption placement.

A matching and selection process will be entered onto the child's case record, with evidence of why this match was selected.

Once the decision is made as to which family to proceed with, the ATV social worker and the Child's social worker should work together to complete the Regulation 25 report, which will be presented to the Local Authority Agency Decision Maker, who will decide on approval as temporary foster carers for the named child.

The Local Authority social worker should notify the Fostering Service of the plan, in order that a Supervising Social Worker can be allocated.

Fostering Procedures for the local Authority will commence once the child is placed in the temporary fostering placement.

The Fostering Allowance will be paid to the carer by the Local Authority fostering service. It is not expected that the Fostering Service will provide equipment, unless exceptional circumstances exist, and are agreed as part of the placement plan.

The ATV Social worker will remain involved, in respect of adoption placement planning, and in a support role with the family.

All planning, including the Adoption Support planning, should continue while the placement is a temporary foster care placement, in order to reduce delay in progressing to an adoption match once, and if, the PO is granted.

The child will have Child in Our Care Reviews at the statutory intervals. The ATV social worker, the allocated Fostering Supervising Social Worker and Child's Social worker should remain in close liaison around any assessments underway, potential outcomes of these, and the schedule for Final Hearing.

### **Matching with external agency prospective adopters/EP carers**

Where ATV does not have appropriate EP carers available to be matched with the child, ATV will seek to Family Find for a suitable approved adopter/ EP carer, trained and prepared for early permanence, through regionally agreed standards for EP carers.

Due to the need to facilitate family time for the child, and their birth family, ATV will limit the search to a regional search, with limited travel time between the placement and home area.

The external agency EP carers will be approved by the ADM for child's Local Authority, as above.

### **Matching with adults with a pre-existing connection to the child – Regulation 24 route**

This route is typically used where the Local Authority is twin track planning for a child who has an older sibling already adopted.

The policy is to consider placing siblings together where possible, and in their best interests, which will lead to consideration of placement with older, already adopted siblings.

Early permanence should be considered in these circumstances, under the duty outlined in the Children and Families Act (2014).

Where the older sibling is already adopted, the adoptive parents no longer have the legal status of approved adopters, and therefore approval as a temporary foster carer under regulation 25 (a) CPPCR Regulations is not available as route to temporary approval.

The child may be placed under Regulation 24 CPPCR Regulations, following a viability assessment. This assessment should be completed by the LA child social worker, and the ATV adoption social worker. For the purposes of this placement, enquiries should focus on motivation and capacity to take on another child, permanently, taking account of the current care of the child already adopted, and enquiries around this. Initial enquiries into health of adoptive parents, lifestyle, and a police check will inform the viability assessment outcome, pending a fast track adoption assessment.

Early planning, pre-birth, or within PLO allows time to make such a viability assessment, plan the adopter approval assessment (which will be fast track) and make arrangements for the planning and placement under regulation 24.

The child's ADM should be notified of this plan.

The designated decision maker on Reg 24 placements, if different, should be notified and consulted.

ATV will be responsible for the assessment of the prospective adopter.

As with temporary approval under regulation 25(a) the Fostering Service should be notified, and arrangements made to allocate a supervising social worker. If any anticipated delay is identified for the fast track assessment under adoption regulations, for example if the child is placed at short notice, arrangement should be made for a full fostering assessment and approval within the timescale of the Reg 24 placement, which is 16 weeks.

### **Placement Order and matching for adoption.**

During the period of foster care with EP carers, all involved should maintain an overview as to whether this plan should proceed to an adoption placement, and what supports may be necessary to ensure this is the best plan for the child. While it is anticipated that in almost all circumstances the EP placement will progress to an adoption match, if the PO is granted, there may be occasions where either the EP carers, or the LA, or ATV do not feel this is the most suitable plan.

### **See Referral, Matching and Placement for Adoption procedures**

The ATV social worker will plan for the Matching Panel, scheduled to take place as soon as possible following the scheduled date of the Final Hearing and anticipated PO.

Matching Panel date should be planned, and all papers for matching panel should be circulated in the timescale for the panel.

An Adoption Placement Planning meeting should take place, to ensure that all future arrangements and plans are identified, and undertaken, although the child will have already moved in with the prospective adopters under a temporary fostering arrangement. This will include any specific contact arrangements, keep in touch arrangements, and also where notifications of the proposed adoption placement will be sent to.

The child's placement will move from being a fostering placement, to being placement for adoption, under the Adoption Services Regulations (2005) on the date of the Agency Decision on the match.

### **Early Permanence Carers**

In order to be in a position to offer early permanence for children, ATV will seek to provide sufficient prospective adopters who are specifically prepared and trained to take on the role of an early permanence carer, which will include temporary approval as a foster carer.

### **See Recruitment, Assessment and Approval procedures**

#### **1. Assessment and approval**

ATV will share information about what early permanence means, and the role of early permanence in care planning for children, from the earliest point of contact with those wishing to consider adopting a child.

## ATV Procedures Early Permanence Reviewed September 2023

This will include:

- Information about adoption and early permanence
- Information events will include information about early permanence.
- Initial visits will cover what early permanence means.

ATV will seek prospective adopters' views about this option, throughout pre-approval assessment work with prospective adopters.

Any family who is considering early permanence will be offered and expected to attend the 2 day ATV Preparation Group for Early Permanence, in addition to the usual 4 day Preparation Training programme.

Families will be counselled about the uncertainties that a child placed with them may go on to be rehabilitated to birth parents; family members; and that there is not a guarantee of a Placement Order being granted.

Families will have the opportunity to meet with experienced EP carers, and will be provided with information about support available to them in this role.

EP is based on the premise that it is the adults who accept the uncertainty, not the child, and that EP carers will have been sufficiently advised about this. Courts will not grant a PO just because the child is already in an EP placement.

The Prospective Adopters Report (PAR) will show evidence of preparation for, and understanding of early permanence, in:

- Social Worker's recommendation
- Summary pen picture and their plan to adopt
- Social and support network (8)
- Motivation to adopt and expectations of the placement (12)
- Background factors they can consider (13)
- Understanding the needs of adopted children, and adoptive parenting capacity (14)
- Understanding future uncertainty about the needs of a child placed for adoption (17)
- Understanding the role of a concurrent planning/FFA carer (19)
- Referees will be interviewed taking account of the applicants' wish to offer early permanence.

The Family Network meeting will cover information about early permanence, the role of the carers, and role of the support network. This will include information that the carers cannot be referred to by mother/father titles.

The social worker will make assessment of, and a recommendation in the PAR in relation to the suitability of the applicants for early permanence. This will include the degree of uncertainty they can tolerate in relation to the potential that a child may be rehabilitated back to birth family, and likely impact on them of this event.

The Panel will consider suitability for EP in their consideration of the case, and in any recommendation made to the ADM.

ADM will set out as a matching factor that they are suitable for early permanence, where it is considered this is appropriate, taking account of the assessment and panel recommendations.

The applicants are not approved as foster carers by ATV.

## **2. Second time adopters, or “previously adopted”**

Where a family has adopted one sibling and is approached to consider a second/further sibling, including pre-birth, the ATV Permanence Champion, and LA social worker will work together to determine who will approach adopters of the older sibling to seek their views about potentially adopting the younger sibling.

The principle is that wherever possible, siblings should be enabled to grow up together.

See above for planning for the viability assessment, Reg 24 placement, and adoption assessment.

Where a family is approached to consider taking a second sibling, ATV will allocate a social worker to that family to provide support to the family in making the decision until such time as the family decide they do not wish to proceed, or who will go on to assess the family as prospective adopters.

## **3. Selection of Family**

Prospective adopters will be considered for early permanence placements, based on their capacity to undertake this role, as evidenced in the assessment and approval matching criteria, and based on selection as a good match as adoptive parents for the child.

## **4. Birth of Child, Placement, Legal Proceedings**

The plan for the birth should be made prior to the delivery and parents should be aware of the plan and be involved. Sensitivity to the birth Mother and Father’s circumstances at this time will be a priority.

Health and midwifery services must be involved in the planning and be clear about arrangements, and the status of the EP placement.

LA care planning and placement procedures should be followed.

Fostering should be notified of the date of the birth.

## **5. Support to EP Carers**

ATV will be responsible for provision of support to EP carers.

The carers will be offered a buddy EP carer who will have an informal role of support, and being a source of peer to peer advice.

ATV will offer the STEP group- a support group for early permanence carers whatever stage of the placement they are at. This will be a virtual group, and will be facilitated by an experienced social worker.



ATV allocated social worker will be a support for the EP carers, throughout the placement process.

The allocated Fostering Supervising social worker will provide support and training during the period of temporary approval as an EP carer.

### **Reunification of the child to Birth Parent, or Family Members**

The nature of early permanence is that this is a twin tracking option for care planning for children, taking a considered decision in planning to place in a fostering placement that will go on to adoption, if this is the final plan for the child.

In some cases, the assessments of parents, or family members are positive, and the Local Authority will plan for the child's permanence with that family member- whether parent, or extended family.

Where this is the plan, it will be a positive decision of the Local Authority, and careful planning should be arranged, to facilitate reunification. This will include planned and extended time with family, as agreed through legal planning processes, and under the scrutiny of care proceedings.

While EP carers will have been fully prepared for this eventuality, it is recognised that this is a loss for them, and ATV will have the role of leading on support, information and advice.

Consideration should be given to:

- Any planned ongoing contact if there is an older sibling of the child, already adopted by the EP carers.
- Plans for testing out family capacity for care, and contingencies if this is not effective.
- Support to the EP carers, which will be led by an allocated ATV social worker.
- Potential counselling for EP carers
- Impact on any adoption leave taken from paid employment, and future plans for adoption leave with another child.
- Carers wishes around remaining approved as adopters.