

Permanence Procedure

- planning and achieving permanence for all care experienced children and young people in Falkirk



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Permanence

The Scottish Government's vision for permanence is:

'every child should have a stable home which offers them nurturing relationships, in order to support their wellbeing. Families should be supported to provide that home wherever possible. Where a child cannot remain with their family they should achieve a permanent home as quickly as possible with the minimum number of placements, taking account of their individual needs and views'.

Permanence has been defined as:

'a stable living situation for a child which meets his or her needs for consistent, sustainable, positive relationships, normally best achieved within a family setting' (Scottish Government, 2011).

Planning for permanence is relevant to ALL children and young people, from the point that they become care experienced.

- ❖ Every child needs a **lived sense of permanence** *'I know I'm going to stay here; my future is here. I know that these folks who care for me are going to keep caring for me until I'm grown, and beyond'.*
- ❖ Some children will also need **legal permanence** *'I'm cared for by people who're not my parents and I can feel sure that this will remain the case and that they, or Falkirk Council, are able to make decisions affecting me when my parents can't or shouldn't.*

There are a number of ways to achieve a **lived sense of permanence** for children and young people:

- Going home to the care of their parent(s)
- Living with kinship carers who are approved to care for them permanently
- Living with foster carers who are approved and matched to care for them permanently
- An agreement that they'll stay permanently in their residential home
- Going to live with prospective adopters

There are a number of ways to achieve **legal permanence** for children and young people who need to be cared for away from home:

- Permanence Order (PO)
- Permanence Order with Authority to Adopt (POA) (followed by an adoption order)
- Adoption Order (Direct Petition)
- Kinship Care Order (KCO)

Compulsory Supervision Orders (CSO) in the Hearing system or 'voluntary' arrangements (s25) are not permanent orders although there may be some occasions where a child can have a lived sense of permanence which remains underpinned by one of these legal arrangements.

The Adoption and Children (Scotland) Act 2007 sets out a number of **principles for making permanence and adoption decisions**. These apply to courts, local authorities and adoption agencies.

For permanence orders:

- The child's welfare **through childhood** is the paramount consideration for courts, children's hearings and local authorities
- Children's views must be considered by parents, courts, hearings and local authorities
- No order should be made unless it is better to so than not to do so
- Courts and local authorities must consider a child's religion, racial origin and cultural and linguistic background
- The likely effect of the order on the child must be considered by the court in all applications for permanence orders

For adoption:

- The child's welfare **throughout life** is paramount consideration for courts and adoption agencies
- Children's views must be considered by courts and adoption agencies
- No adoption may be planned by an agency or granted by a court unless it is better for the child to do so than not to do so
- Courts and adoption agencies must consider a child's religion, racial origin and cultural and linguistic background
- The value of a stable family unit in the child's development must be considered by courts and adoption agencies
- The likely effect of adoption on child throughout their life must be considered by courts and adoption agencies
- The views of parents and close relatives must be considered by adoption agencies before placement of a child with a view to adoption. Parental consent of parents with parental rights and responsibilities must be given or dispensed with in order for the court to grant a permanence order with authority to adopt*
- The court must be satisfied that the child is placed, or is likely to be placed, for adoption before a permanence order with authority to adopt is granted

* It is important to identify at the outset of planning who has parental rights and responsibilities for the child. There are significant duties and responsibilities placed on local authorities in relation to those with parental rights and responsibilities (PRR). It may be that DNA paternity testing is required and will take time. It is important to check the child's birth certificate and to talk to the child's family. All attempts to connect should be made and recorded. Ordinarily, the following people will have parental rights and responsibilities:

- Mothers
- Married fathers
- Unmarried fathers with s4 agreements or s11 court orders under the 1995 Act
- Unmarried fathers named on birth certificates on or after 04.05.06
- Step-parents who have adopted step-children
- Those with surrogacy parenting orders
- Those in civil partnerships (before conception) who register the birth together.

It is the expectation that we involve fathers without PRR in work with children and families. Fathers without PRR must be notified about plans for POs, POAs and adoption, under s105 of the Adoption and Children (Scotland) Act 2007 although fathers who do not have PRR are not asked for consent in adoptions or POAs. In all POA and adoption applications, the court application has

to be intimated to anyone claiming to be the father. Local authority decisions about adoption for a child must be notified to: the child (where appropriate); parents with PRR and any parent who had them but lost all of them because of a PO; parents without PRR (if it is in the child's best interests); guardians; any other relative who has expressed a view on placing the child for adoption. 'Relative' in regulation 14 means a close relative, as defined in s119(1) of the 2007 Act.

Falkirk Council, a local authority, is also an adoption agency and subject to the Adoption Agencies (Scotland) Regulations 2009 which sets out the duties of adoption agencies when considering adoption for a child and when placing a child for adoption.

Getting it Right:

In February 2020, The Independent Care Review set out how the country can make sure **every** care experienced child and young person is safe, loved and respected. The promise is that Scotland's children and young people will grow up loved, safe and respected.

On the 16th of July 2024 the UNCRC (Incorporation) (Scotland) Act came into effect in Scottish Law. It requires public authorities to uphold children's rights. This will help to ensure that babies, children and young people's rights are legally recognised and protected. The Act applies to everyone up to the age of 18, regardless of their gender, race, parental status, sexual orientation, religion and beliefs or care experience. The incorporation of the UNCRC into Scottish law is a big step in Scotland's journey to keeping the promise to all infants, children and young people. Children's rights are the foundation of all decision making, including:

- **Article 3:** Best Interests of the child
- **Article 12:** The child's right to be heard
- **Article 19:** Protection from harm
- **Article 20:** continuous care that respects culture, language and religion if the child can't live with their family
- **Article 21:** Safe, lawful adoption that prioritises children's best interests
- **Article 39:** recovery from trauma

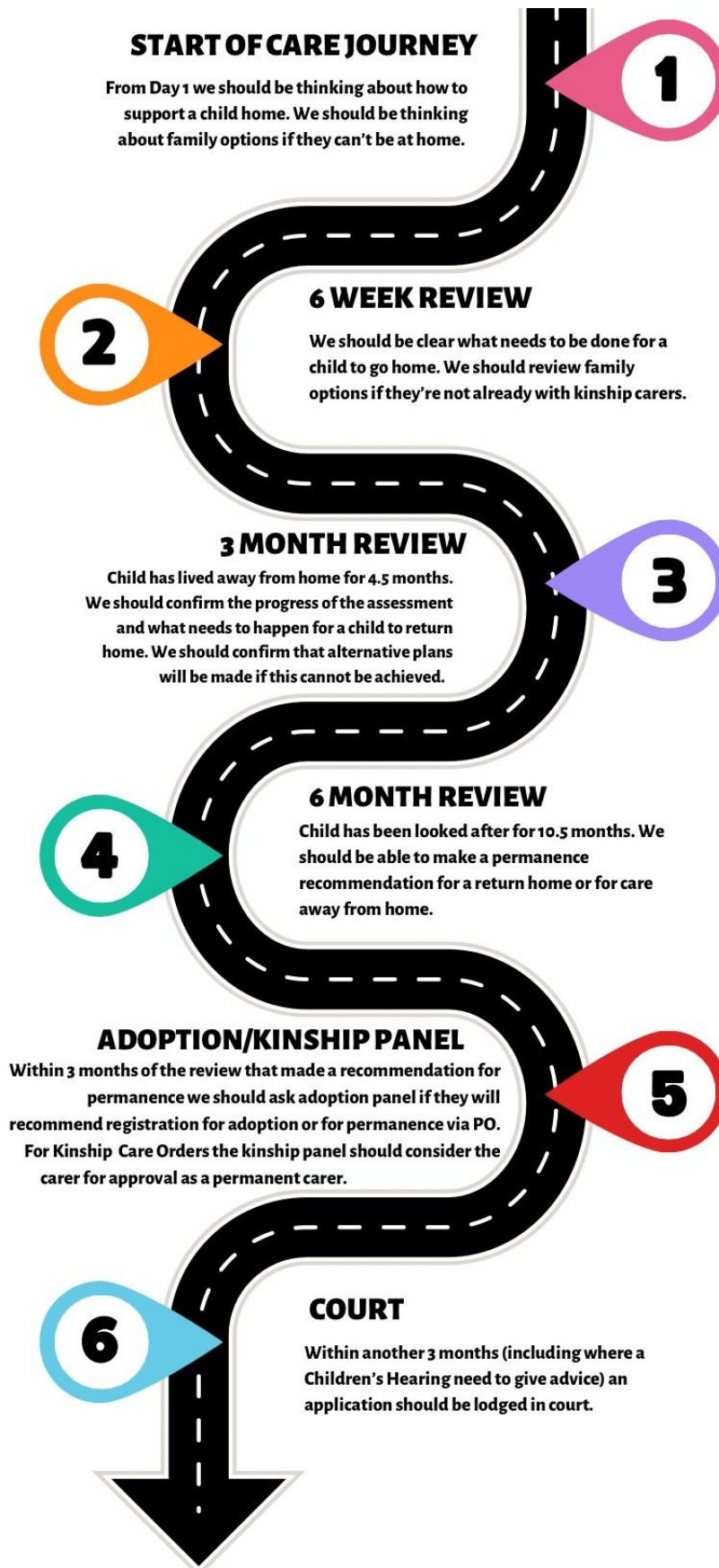
The Scottish Government says that looked after away from home for **six months**, and significant progress towards a return home has not been achieved, it should be considered whether a **plan for permanence** away from birth parents is required (Scottish Government, 2011).

The following procedures outline what is required when planning permanence for children currently experiencing care, where they cannot return home.

This should be read in conjunction with the Permanence Procedure Addendum which provides a guide to the overall timeline and a task list.

Workers should refer, also, to relevant procedures pertaining to, for example, adoption support and allowances, kinship procedure and finance procedure. These can be found in the centralised hub of relevant documents along with other relevant guidance such as guidance on writing a later life letter.

Road map to securing legal permanence away from home



Planning and Reviewing

The Children (Scotland) Act 1995 sets out a local authority's duties and responsibilities to children who are 'looked after' by them. Children may be provided with accommodation away from home under section 25 arrangements or because they are subject to a compulsory supervision order or an interim compulsory supervision order, under the Children Hearings (Scotland) Act 2011.

For children who are looked after away from home the duties and responsibilities include:

- Safeguarding and promoting their welfare (which is the paramount concern)
- Promoting, on a regular basis, personal relations and direct contact between the child and anyone who has parental rights and responsibilities for them (providing that this safeguards and promotes their welfare)
- Promoting, on a regular basis, personal relations and direct contact between the child and their brothers and sisters (children with at least one parent in common) and those who have a sibling-like relationship (children who have shared a step-parent or foster carer, for example). This was included in an update legislated for by the Children (Scotland) Act 2020.
- Finding out and considering the views of the child, their parent(s) and anyone who has parental rights and responsibilities for them.

We have a duty to promote children being raised by their families where it is safe and possible.

The Looked After Children (Scotland) Regulations 2009 set out our responsibilities in relation to assessment and planning. The child's plan must consider how to return a child to their parents as well as looking at the child's long-term needs and how those needs can be met.

Where children become 'looked after' with kinship carers, foster carers or in a residential home, reviews of that child's plan must take place:

- Within six weeks of going to live there
- Within 3 months of the first review (four and half months from becoming care experienced)
- 6 monthly thereafter (NB the first 'six month' review is ten and a half months from becoming care experienced).

6 weeks / 3 months

Early reviews should be thinking about what the long-term, permanent plan might be. If not with family, there should always be consideration of whether any kinship carers can be identified and assessed as quickly as possible. This will allow the child to be with family, where possible. Alternatively, it allows the team around the child rule in/out family as an option for achieving permanence.

First 'six month' review (10.5 months from starting to be cared for away from home)

We should be aiming for this to be the latest that a permanent plan is confirmed for a child. This might be a return home. This might be confirmation that a child cannot return home and a request to progress with planning for permanence away from home.

Assessment

The child's allocated social worker, as lead professional, is responsible for collating and undertaking an ongoing multi-agency assessment.

They should:

- Lead/coordinate the multi-agency assessment regarding the possibility of the child being able to return home. This should include the capacity of the parents/carers to provide appropriate and consistent care. Some of this will be known prior to the child starting to be cared for away from home
- Endeavour to keep siblings together when they are cared for away from home and ensure a connection between them when they are living apart
- Take cognisance of previous assessments and any ongoing assessments for siblings who may be the responsibility of other social workers or other localities
- Ensure that all available supports/services have been offered to the family that could have supported the child to remain at home or provide scaffolding to allow a return home
- Refer to independent advocacy for the child – this is a right to ensure that they are well represented and can share their views
- Gather evidence to determine the best plan in the circumstances ensuring the child's needs are paramount at all times
- Ensure the Chronology of Significant Events is up to date
- Be clear with the family what is expected of them where a return home plan is being considered (ensuring clarity of expectations is something which should have been worked on prior to the child starting to be looked after away from home)
- Gather and record information on the extended family and the prospects of kinship care (which may include friends of the child or young person). This might be to provide immediate care to the child or might be with a view to providing longer term, permanent alternative care for the child.
- Be clear with the family what alternative care arrangements are being considered and engage them in the process
- Ensure the child or young person is at the centre of all decision making and they are fully involved in the process, taking account of their age and stage of development
- Obtain the views of the parents or carers, extended family members, siblings, and other relevant people on the plans for the child's long-term permanent care
- Record the views of the family, child or young person and ensure this is regularly updated as circumstances change. It is important that careful consideration is also given to the views of brothers, sisters and siblings and the "important relationships with other people" (Children (Scotland) Act 2020)
- Clearly record the reasons when extended family members are considered and assessed as not being appropriate as permanent carers for the child or young person
- Ensure all tasks associated with securing legal and lived permanence are undertaken within procedural timeframes

Social workers, supported by their supervising manager, should establish how the assessment is progressing and consider options for achieving legal and lived permanence away from home if a return home is not likely. They should agree when the next review should be identified as a Permanence Recommendation Review (including where an early review should be requested for this purpose) and notify Legal Services and Child Care Reviews. There will need to be consideration of the different potential routes to achieving legal permanence in order to recommend which should be considered.

Potential Routes to Achieving Legal Permanence

Permanence Order (PO)

Who can apply?	Only a local authority can apply for a PO.
On what basis?	There is no-one who has residence rights for the child or, if there is, residence with that person is likely to be seriously detrimental to the welfare of the child.
What does it do?	<p>At its most basic, the mandatory provisions grant the local authority the parental responsibility to provide guidance (up to 18) and the parental right to control residence (up to 16).</p> <p>A child remains 'looked after'.</p>
Things to think about	<p>A PO would often be considered when the plan is for a child to live with foster carers, or in residential homes.</p> <p>It may be the most appropriate order where a degree of continued family connection is being recommended between the child and their family.</p> <p>Ancillary provisions can be applied for and should be considered (it's impossible to seek to vary the order in the future if ancillary provisions aren't granted as part of the original order).</p> <p>We should consider what parental responsibilities and rights (PRR) we want and need, what parental responsibilities and rights carers want and need, which should be shared between the local authority and carers, and which should be taken away from parents and which should remain with them. The legal test that must be met for a PO to be granted is 'serious detriment', and while that is if the child were to reside with the parent, it may be that leaving any PRR with the parent in certain situations would also be harmful to the child (eg undermining their future care arrangements etc). While it is required that all PRR (apart from contact) must be removed from the parent in a POA, it is not the case for a PO although it may be strongly arguable that, in certain cases, all PRR should be removed and vested in the local authority to ensure that the child can be properly cared for in alternative permanent care arrangements.</p> <p>It is important that proposals about any sharing of rights is considered in terms of how they will be practically carried out.</p> <p>A child's carers would need to agree to have any PRR vest in them. It should be considered whether they are yet approved and matched to care for the child permanently.</p> <p>Contact/family time arrangements can be stipulated as an ancillary provision.</p> <p>Something else to consider is that the views of children must be considered and children over 12 years' of age must formally consent to the PO before the Court can make the order.</p>

Permanence Order with Authority to Adopt (POA)	
Who can apply?	Only a local authority can apply for a POA.
On what basis?	<p>There are three conditions which must be met in order for authority to adopt to be granted as part of a PO:</p> <ol style="list-style-type: none"> 1. That it must be asked for within the local authority application for a PO 2. That the court must be satisfied that the child is placed or is likely to be placed for adoption 3. That there is formal parental consent or dispensation on one of a number of grounds, namely <ul style="list-style-type: none"> - That the parent or guardian is dead - That the parent or guardian cannot be found or is incapable of giving consent - That the parent or guardian has parental rights and responsibilities and in the opinion of the court is unable to satisfactorily discharge those responsibilities or exercise those rights; and is likely to continue to be unable to do so - Where none of the above applies, that the welfare of the child otherwise requires the consent to be dispensed with -
What does it do?	<p>Everything that a PO does as well as formally and legally dealing with parental consent to adoption either because it's been given or dispensed with.</p> <p>With a POA all of the PRR must be conferred on the local authority, other than those PRR relating to contact.</p> <p>A child remains 'looked after' until a final adoption is granted.</p> <p>Prospective adopter/s, once the child is placed with them, will need to apply to court for an adoption order to have parental rights and responsibilities vest in them.</p>
Things to think about	<p>This would be considered where adoption is what the child requires but there is not yet any identified and matched prospective adopters.</p> <p>This route can only be pursued where the child is placed, or is likely to be placed, for adoption.</p> <p>Ancillary provisions, including those giving direct or indirect contact to parents or siblings will continue to be in place, but only until the final adoption is granted.</p> <p>Thereafter these provisions may or may not be included in the final adoption order. This must be applied for by prospective adopters once the child has been placed with them.</p> <p>Once adopted, a child ceases to be looked after.</p>

	The views of children must be considered and children over 12 years' of age must formally consent to the order before the Court can make it.
Adoption via Direct Petition	
Who can apply?	Prospective Adopters – individuals or couples
On what basis?	The child was placed for adoption by the agency and the parent/s consent or there are grounds to dispense with consent (as per PO)
What does it do?	Adoption permanently removes parental rights and responsibilities from the birth parents and gives them to the new adoptive parent(s). Adoption is life-long.
Things to think about	<p>This can be considered where there are already prospective adopters who wish to adopt the child. It does mean that it is them and their Solicitor who will make the application to court. This may be challenging for complex contested adoptions.</p> <p>Timescales exist for the lodging of a direct petition (without a POA having first been granted) and if these are not going to be met the local authority MUST, instead, apply for a POA within the same stipulated timescale. As a result, this is unlikely to be a realistic potential route unless a child is already living with prospective adopters, or prospective adopters are already identified and ready to be matched, at the same time (or right after) the child is being registered for adoption at an adoption and Fostering Panel.</p> <p>The order can be applied for at any time but may not be granted unless the child is at least 19 weeks old and that at all times during the period of 13 weeks immediately preceding the making of the order the child's home was with the applicants.</p> <p>Under the Adoption Support and Allowance (Scotland) Regulations 2009, where a direct adoption has been approved by the Agency Decision Maker and the child has been matched with approved prospective adoptive parents, reasonable legal expenses may be awarded at the discretion of the Adoption Agency.</p> <p>The views of children must be considered and children over 12 years' of age must formally consent.</p> <p>Once a child has been adopted, they are no longer 'looked after'.</p>

Kinship Care Order (KCO)	
Who can apply?	Kinship Carers (a person who is related to a child through blood, marriage or civil partnership, or a person with whom a child has a pre-existing relationship)
On what basis?	A kinship carer has applied and it is in the child's best interests to do so.
What does it do?	Secures a child's residence with a kinship carer until the age of 16 and grants parental rights and responsibilities.
Things to think about	<p>Usually parental rights and responsibilities will be shared between the kinship carer(s) and parent(s)</p> <p>Where social work are involved in supervising family time between a child and their parent(s) it would need to be established how this would be managed by the family when social work are no longer involved.</p> <p>The child will usually cease being 'looked after'. They will not be entitled to Continuing Care and After Care and related allowances.</p> <p>There is provision for continued financial support for the kinship carers. See kinship/finance procedure.</p> <p>There can be financial support to kinship carers for legal representation to make their application. See kinship/finance procedure.</p>

Permanence Recommendation Review

Any review can make a recommendation in relation to permanence planning away from home and it should be identified, and notified, in advance when a review is going to consider this possibility.

Allocated social workers should advise childcare.reviews@falkirk.gov.uk when they are looking for a forthcoming review to consider a permanence recommendation. Early reviews can be considered where required.

Legal advice must be sought in a timely way in advance of such a review. There should be a request for the allocation of a Falkirk Council Solicitor if one is not already appointed. They should be informed as soon as a formal permanence plan is being considered and may need reports, and to review the child's file, up to six weeks in advance of being able to give advice.

Where this is for an away-from-home plan, the full integrated assessment and plan paperwork should be completed, to include assessment of:

- Parenting capacity
- Efforts which have been made to have the child return home and why these haven't been successful
- Outcome of any assessment of other family members and why any family options have been ruled out
- What options for permanence there are and why the proposed one is in the best interests of the child
- Whether siblings can be together or not
- What future family time with parents and sibling connections might look like
- Parent and child views

It should be noted that an assessment of parenting capacity is not only about what might have been a very formal process of specific assessment sessions but also all that is known about this parent's current capacity, history and likelihood of achieving change.

The Child Care Review should be attended by the allocated Social Worker, their manager and the other key professionals involved, which usually include Health, Education and Legal Services as well as any staff members from the Voluntary Sector or Intensive Support Services who are involved with the family. In addition, a member of staff from the Family Placement Team should be present, particularly where future family finding may be required.

The family will be included in the Child Care Review and appropriate arrangements should be put in place to ensure they are fully supported to attend and to express their views including access to the Review report in advance of the meeting.

The child's views should be considered and they should be supported to participate in the review where appropriate. There should be consideration of referring for independent advocacy prior to a Permanence Recommendation Review.

The review can:

- Confirm the need for a plan for permanence (or highlight necessary actions if not)
- Refer to the Fostering and Adoption Panel (where a PO, POA or Adoption via direct petition is the anticipated plan)

Or

- Confirm a plan for legal permanence via kinship care, foster care, or residential care via KCO, continuation of CSO, or s25.

Where a decision is made to pursue permanence, the minute of the Child Care Review should reflect:

- The decision (including reasons for the decision)
- The recommended legal route for securing permanence for this child
- The timescale for completing further reports required for panel
- The date proposed for presentation to the Adoption and Fostering Panel

Equally, where the Child Care Review decided **not** to progress permanence planning, the minute should reflect:

- The reasons for **not** progressing permanence plans
- The alternative care plan
- Clear timelines for implementing the alternative care plan

The Chair will complete the [referral to the Adoption and Fostering Panel](#). The social worker is responsible for arranging a date with the panel administrator. A first permanence planning meeting should be arranged immediately (not later than four weeks from the review). The social worker should immediately begin progressing with the paperwork required for Panel which includes seeking medical consents, arranging a medical, arranging for parents and carers to complete reports and an additional permanence report on the child. See Adoption and Fostering Panel section, below.

Permanence Planning Meetings

Where further action is required to achieve permanence for a child then regular permanence planning meetings should start taking place from this point.

These should be chaired by a Team Manager or Assistant Team Manager, and include the social worker, legal services and, where relevant, the Family Placement Team social worker or other workers who are relevant to the permanence planning aspect of the child's plan.

Permanence planning meetings where a Kinship Care Order is to be pursued, if required, should not include Falkirk Council's Legal service. As the application will be made by a private solicitor of the kinship carer's choosing, it would be improper for Falkirk Council's in-house legal service to provide any advice as regards that application. General advice can be provided to the child's social worker as regards it being an option, but specific legal advice about a particular application cannot be provided.

The agenda for these meetings will depend on what route is being pursued and what stage in proceedings things are at.

Generally, consideration should be given to:

- Practicalities of legal aspects of the process
- Completion of social work tasks (reports / notifications / referrals)
- Support required by the birth family
- Involvement of the child
- Preparedness of the child
- Child and family views
- Statutory timescales
- Ongoing assessment
- Ensuring siblings can be together or in connection (any assessment required to determine this)
- Matching considerations
- Need for family/home finding
- Support needs/preparation of carers
- Child's profile
- Financial position (funding for solicitors/placements/allowances)
- Post adoption support plans

Adoption and Fostering Panel

In Falkirk, an adoption and fostering panel is required to consider 'registration' for adoption or where a permanence order is being considered.

This is requested when a review recommends permanence away from home and refers to the panel. The child care review coordinator will submit the formal referral.

The child's social worker needs to contact the panel administrator and request a date. They can email familyplacementteam.cbs@falkirk.gov.uk or phone the panel administrator. The panel should take place within three months of the review.

Required Paperwork:

- GIRFEC Integrated Assessment and Plan Report
- Falkirk Child/Young Person Adoption and Permanence Report (FCYPAPR)
- Written legal advice to Panel.
- Medical Report
- Carers Report (CR-C or CR-YP)
- Form 4 and Form 6 – a copy of the Form 4 and 6 from the Child Care Review when the permanence decision was made should be included. If there have been meetings since that date the most recent minute should also be included.
- If there has been a contribution to the parenting assessment carried out eg a third party a copy of the report should be included.
- If there has been any psychotherapeutic, psychiatric or psychological input in relation to the child/young person a report should be included.
- If the child is attending nursery/school it is advantageous if they provide a report.
- A photograph of the child/young person should also included in the paperwork.
- Child's Wishes and Feelings report (if applicable)
- Birth Mother's and Birth Father's report
- Adoption Support Plan – there is an adoption support plan for the child and one for the adoptive family. A draft of the child's adoption support plan should be included with paperwork for any panels where adoption is the proposed plan for the child.

Arranging a Permanence Medical:

The Panel are required to consider a medical report, undertaken in the 12 months prior to the Panel, on all children being registered for adoption or permanence.

When a date is booked for a Panel the Panel Administrator will email a link to the blank forms that need to be completed before a medical can take place. Completed forms should be returned to the Panel Administrator (password protected) to familyplacementteam.cbs@falkirk.gov.uk. If all the required forms are completed a request for a permanence health assessment will be made to the Medical Adviser. It is important the medical is sought immediately following a Child's Plan Review recommending permanence or adoption therefore a Panel should be booked for a child/young person as soon as possible following the decision.

If the Consent Form, signed medical forms IHA-C (under 10yrs) / IHA-YP (over 10yrs) and an up to date Carer's Report CR-C are not returned the medical examination will not be scheduled. In order that a health assessment can proceed consent from the child/young person's birth parent is required. The Consent Form can be completed by either parent with parental responsibility. A

young person aged over 12 years' of age may be able to give their own consent but this should be discussed with the Medical Adviser in the first instance.

If a parent refuses or is unavailable to provide consent the Panel Administrator should be advised of this as soon as possible. If a LAC medical has taken place on the child/young person in the 12 months prior to the panel taking place this could be used instead of a permanence medical if no consent is forthcoming.

It takes at least 6 weeks from receipt of all the paperwork to allow necessary information to be gathered, a medical to be booked and take place, prepare and return the medical report to the child/young person's Social Worker for submission to the Panel. Social Workers should therefore aim to have the completed paperwork submitted as soon as possible following the Review that recommended alternative permanent care be pursued.

Legal Advice

Specific legal advice regarding possible routes to secure the child/young person is required for the Adoption and Fostering Panel. There is a statutory requirement for a legal adviser to the Panel.

A Solicitor from Legal Services should have already provided legal advice about permanence routes prior to a Permanence Recommendation Review recommending a child/young person needs alternative permanent care. This advice is not suitable for the Panel and the Solicitor involved with the case should be asked to provide a legal advice specifically for the Panel. When considering a Permanence Order with Authority to Adopt or a Permanence Order this should include consideration of ancillary provisions.

The Social Worker should inform the Solicitor of the Panel date (and any subsequent changes to the date) and provide them with a draft copy of the GIRFEC Integrated Assessment and Plan and Falkirk Child and Young Person Adoption and Permanence Report (FCYPAPR) within 1 month of the Child Care Review making the recommendation to pursue permanence. The Social Worker should advise the Legal Adviser of the panel date at as early a stage as possible. The Panel Administrator should also be advised by the Social Worker which Solicitor from Legal Services is providing advice on the case.

The Panel are legally required to consider a legal advice on all children being registered therefore if there is no legal report the Panel will be cancelled.

Practicable Alternatives

As part of the report consideration should be given to the practicable alternatives to adoption for any child where the plan is permanence. These should have been reflected in the integrated assessment report provided to the Recommendation for Permanence Review and should remain clear to the Panel:

- Return home – why this is no longer an option for the child and outlining what attempts have been made. If it has not been possible to attempt a return home the reasons for this should be noted. It must be explicit that consideration/assessment has taken place of both parents together or separately.
- Other family members/kinship care – are there any other family members offering to be assessed as suitable to care for the child. If there are no other suitable family members there should be a brief explanation of what exploration has been done around the option of other family members and why they are not suitable (eg they are not offering, they are not able to

because of their own commitments etc). Any potential kinship placements should have been considered by a Kinship Panel.

- Status quo – why maintaining the status quo is/is not in the child’s best interests (eg it would maintain them in the Children’s Hearing system).
- Permanence Order – why a Permanence Order would/would not be in the child’s best interests to secure them on a permanent basis in either a permanent foster placement or a residential setting.
- Adoption – why adoption would/would not be in the child’s best interests to secure them on a permanent basis. Consideration should also be given to the most suitable legal route to achieve this ie a Permanence Order with Authority to Adopt or a Direct Petition by prospective adoptive carers, based on legal advice.

The social work report to the panel should detail the practicable alternatives and the consideration that should be given to them. The legal advice should be reflected in both the FCYPAPR and the recommendation to the Panel. Consideration must be given to what ancillary provisions are to be applied for if it is proposed that a Permanence Order application is to be made (all parental rights and responsibilities will be sought in a Permanence Order with Authority to Adopt application).

Keeping Siblings Together

If a sibling group is being registered there should be a clear indication in the paperwork of the consideration given to whether they need to live together or apart. The reasons for this should be noted in the report. If the sibling group are being placed separately there should be a clear statement as to proposed future contact and the purpose of that.

A useful practice reference is the CoramBAAF Book “Together or Apart?” by Jenifer Lord and Sarah Borthwick. CoramBAAF have also published an updated good practice guide on sibling assessment “Beyond Together or Apart: Planning for, assessing and placing sibling groups” by Shelagh Beckett. [Sibling Assessment](#) may be helpful to inform the assessment. If siblings are not able to continue to live together there should be a clear proposal in relation to ongoing family time or letterbox contact.

Recommendation

There should be a clear recommendation made in relation to adoption or permanence for a child. This should read along the lines of:

“It is recommended that adoption/permanent alternative care is in CHILD’S NAME’s best interests and that an application for a Direct Petition/Permanence Order with Authority to Adopt/Permanence Order should be made.”

The recommendation should also include proposals for future family time, and detail the reasons for these proposals eg annual letterbox contact with birth parents/siblings. It should include any matching considerations.

Adoption Allowances

The criteria under which an adoption allowance may be paid can be found by referring to the adoption allowance procedures. A decision about whether or not adoption allowances are payable will be made by the Agency NOT the Panel. It is up to the Social Worker to make an assessment of whether or not adoption allowances are applicable and to submit the assessment

and an application by the prospective adoptive parents to the Agency Manager who will make the decision.

The Panel can make a recommendation in relation to Adoption Allowances as part of a child's registration or matching meeting but have no input into the process of attaching/paying an adoption allowance. Allowances are reviewed annually. Further information can be found in the [Adoption Support Services and Allowances \(Scotland\) Regulations 2009.pdf](#).

Carer/Keyworker's Report

The foster carer/keyworker (if the child is in a residential placement) should be asked to complete a report on the child/young person.

There are 2 templates – one for a child aged 0 to 9 years (CR- C) and one for a young person aged 10 to 16 years (CR-YP)

It may be helpful to ask the foster carer's Supervising Social Worker from the Family Placement Team to carry out this piece of work with the carer.

Child's Wishes and Feelings

It is required, "so far as is reasonably practicable and in the child's best interests" to take into account children and young people's views in relation to the plans for their future. The child/young person's age and maturity should be taken into account when considering how this is done.

There is a template children and young people can complete to express their views about plans for permanence/adoption.

A child/young person may be happy to complete the report or might prefer to write a letter, draw a picture or even attend their own panel to express their view.

Birth Parents' Views, Wishes and Involvement in the Process

Birth parents are routinely invited to attend the Panel regarding the registration of their child for permanence or adoption. There is an expectation they will have had the opportunity to read the relevant parts of the permanence report before the registration panel takes place. The Social Worker should make arrangements for the relevant sections of the Adoption/Permanence report to be read by the birth parents. Legal advice prepared for the Panel should not be shared with parents or others.

Birth parents should be asked to contribute their views in writing for submission to the Panel.

There is a template birth parents can complete to express their views about plans for permanence/adoption for their child. There is a separate format for birth mother and birth father.

The report formats should be shared with birth parents by the Social Worker to give parents an opportunity to express their views in writing. These should be submitted along with the other paperwork if returned by parents.

There may be some circumstances when a child or young person's Social Worker chooses to meet with the parent to go over the report format or help them complete it such as where a parent has literacy issues or a learning difficulty. Best judgement should be used to determine when this is necessary. Parents' may be supported in completing reports and/or attending the panel by an advocacy service.

If a birth parent chooses to attend the Panel they will be given the opportunity to discuss their views and wishes. In most cases the birth parent will speak to the Panel members separately, either on their own or with their support person. Once the parents have been given the opportunity to express their views and wishes they will be free to leave the meeting and the other people invited will be asked to join the meeting. In some cases it may not be appropriate for the birth parents to be invited to attend the Panel. If this is the case and it is assessed that the birth parents should not attend the Panel it is important it can be evidenced that attempts have been made to obtain parents views in writing.

Parents are usually formally invited to attend their child's permanence/adoption Panel by letter, email or the Social Worker advising them of the meeting details. When submitting the paperwork the Social Worker should indicate the best option to invite the parent(s) and provide contact details. A copy of the Birth Mother/Birth Father's Views report format can be sent to the parent(s) (if not already submitted) to give them a further opportunity to write down and submit their views.

Attendance at Panel

Social Workers should give consideration to the following issues prior to a parent attending the Panel:

- Waiting room arrangements – eg can the birth mother and foster carer share the same waiting room; if both parents are attending and have an acrimonious relationship do they need to have separate waiting areas
- Transport – eg is this provided by another member of Social Work staff or will the parent make their own way there. NB: The child/young person's Social Worker should not be involved in providing transport. The birth parent(s) will be asked to leave before the Panel is concluded but the Social Worker requires to be present for the full Panel. If required there should be transport available to return the birth parent home as soon as they leave the Panel as it may take some time to conclude the meeting and there is not a suitable waiting area where they can sit until the meeting is finished
- Will the parent be bringing an advocate or support person and are they clear about their role in the Panel – eg if a parent chooses to bring their Solicitor they should be aware that their role would be to support the parent rather than represent them
- Risk assessment – are there any safety issues that the Panel need to know about beforehand eg acrimonious relationship between mother and father and they therefore cannot be in the same room at the same time

It is important to advise the Panel Administrator of any of the above issues well in advance of the Panel taking place so appropriate arrangements can be put in place eg separate waiting rooms or different arrival times for parents.

Submitting Paperwork

All the required reports should be collated and submitted to the Panel Administrator. A list of people who should be invited to attend the Panel should also be submitted, along with contact details, ie email or postal addresses. The Panel Administrator will send out invites one week

before the Panel so the child's Social Worker should ensure the people being invited have been advised about the Panel date in advance.

The Paperwork should be submitted to familyplacementteam.cbs@falkirk.gov.uk no later than 2 weeks before the panel. A copy of all the paperwork should be collated by the Social Worker and one copy should be passed to the Panel Administrator who will distribute the paperwork to Panel members.

The Panel Administrator only sends the paperwork to Panel Members, medical and legal advisers to the Panel. The Social Worker should ensure that anyone else who requires to see the paperwork pack should be provided with a copy eg birth parent or foster carer.

When a child/young person is being registered for permanence (whether Adoption or Permanence) the people invited to attend the Panel are usually:

- Social Worker for the child
- Assistant Team Manager or Team Manager
- Foster Carer
- Supervising Social Worker for Foster Carer
- Birth Mother
- Birth Father

If there is any other relevant professional involved with the child/young person that it would be helpful to have input from they should also be included on the invite list. This could be, for example, a voluntary organisation, charity, someone who has contributed to a parenting assessment; a Social Work Assistant who is involved in supervising family time; a teacher who has had a lot of involvement with the child at school etc.

Recommendation:

The panel can only make a recommendation. This must go to the Agency Decision Maker for a final decision. The decision should be made within 14 days.

Parental notifications are sent after the Agency Decision Maker decision is made. These should be sent within 7 days by Panel Administrator.

For adoption: the return, or not, of a document asking parents if they consent or not triggers a series of timescales. There are a number of variables but you should roughly anticipate that they have up to 28 days to respond. You have up to 7 days thereafter to [Notify the Reporter](#) (for children who are subject to a CSO) and they have up to 21 days to arrange an advice hearing, after which you have 28 days to lodge a petition in court. An advice hearing is not required where there is no CSO so timescales for lodging in court are shorter. All in, there's a maximum of about three months (and potentially significantly less) between panel to lodging a petition. This is a specific report that takes all the information which is in existing reports but presents it in a way that is standardised for the court. The same timescales apply to a direct petition for involvement where we have placed the child for adoption. If their application for adoption isn't lodged within these then Falkirk Council should be submitting a POA application.

The same timescales aren't prescribed for PO applications where authority to adopt is not being requested. It is considered good practice, however, to follow the same timescales.

It should be noted that court proceedings might not just be between the local authority and the parents, as a sibling or a grandparent or another relative might formally enter the proceedings. The Court might require intimation and copy papers to be sent to a sibling, a grandparent, another relative or more than one of these in a given matter.

Advice Hearings

Advice Hearings are required when permanence has been agreed for a child who is subject to a Compulsory Supervision Order. If a child or young person is looked after and either a Direct Adoption or Permanence order with authority to adopt is sought, the Social Worker must make a referral to the Reporter for an Advice Hearing.

The following timescales apply:

- The Form of Agreement has been returned by the parents with/without consent – notification to the Report must occur within 7 days;
- The Form of Agreement has not been returned within 28 days by the parents – notification to the Report must occur within 7 days of the 28 days ending.

Where a Permanence Order (without Authority to Adopt) is being sought for a child or young person, the above timescales for Advice Hearings being sought do not apply. However, where a child or young person is subject to a Compulsory Supervision Order, an Advice Hearing should be sought as soon as reasonably practicable and certainly within 7 days of the Agency Decision Maker agreeing with the recommendation of the Adoption and Fostering Panel.

The Reporter must convene an Advice Hearing within 21 days which must then prepare a report for the Court and Social Work Department within 7 days of the Advice Hearing being held as to whether the advice is in agreement with the Agency's decision.

If the Advice Hearing does not support the plan for permanence, the Agency is not prevented from going ahead with the plan but must decide whether or not to do so within 28 days of the Advice Hearing being held. The Agency Decision Maker should be informed urgently, within 24 hours. The Agency Decision Maker will reconsider the decision, taking into account the Advice Hearing reasons for not supporting the permanence plan, within 10 days of the Advice Hearing. The Social Worker should be continuing to prepare their court report or PO/A application whilst this process is ongoing as, if the Agency Decision Maker agrees the plan continues to be permanence, the timescale of 28 days to submit this from the date of the Advice Hearing is still applicable. If the Agency Decision Maker decides not to support the permanence plan a referral should be made for a Looked After Away from Home Child Care Review to take place urgently to reconsider the plan for the child or young person.

Court reports

PO/POA applications

Permanence Order Applications must be drafted on a specific form. It is a prescribed form Petition which must be drafted by a legally qualified solicitor. The SW report accompanies the Petition, and the applicable court rules prescribe what the report must address. Legal always provides advice on this - as the rules change from time to time, up to date legal advice is always given to assist the worker. As Legal services need to be able to advise about the content of the reports and this must, therefore, be considered when planning for the above timescales. It is important that timescales are agreed with the relevant legal advisor as to when drafts should be submitted to them. Applications must be made to either the Court of Session or the Sheriff Court of the Sherifffdom within which the child is usually resident. If siblings groups are placed with carers in different Sherifffdoms then legal services will advise about how court applications will be submitted.

Any application to the Court for a PO or POA s composed of the Petition, the local authority report, full extract birth certificate for the child, extract death certificates for any person who held PRR but is deceased, and any other relevant documents - which will be the subject of legal advice prior to the making of the application.

Direct Petitions

Although the application for an adoption order is made directly by the prospective adopters, the court require a social work report before it can consider an adoption application. There are timescales for their application and the social work report should be lodged at the same time. The report contains information on the child and information on the prospective adopters. They will have been assessed and approved either by Falkirk Council Family Placement Team or by another adoption agency. The Court report should, therefore, be a shared responsibility between the child's social worker and the assessing/supervising social worker for the prospective adopters.

Permanence Order applications or direct adoption applications should be submitted to court within 28 days of receiving the Children's Hearing Advice. For children not subject to Compulsory Supervision Orders the applications should be lodged within 28 days of the parental memorandum being returned or at the end of 28 days from notification where this is not returned.

Legal Process

There are prescribed general timescales for applications to be considered in court.

When an application is lodged in Court, the following should occur:

- The Sheriff Clerk fixes the preliminary hearing date
- A form of response may be lodged by the parents or others, however, if there is no response, the case may be decided at this stage or the court may allow them latitude
- A Curator and, if a POA, the Reporting Officer will be appointed to visit and complete reports. Their appointment usually happens once a preliminary hearing is fixed
- A preliminary hearing takes place – case could be completed
- A preliminary hearing may be continued
- A proof hearing is fixed (witnesses may be called to give evidence)
- A judgement is issued – if appropriate the Court will notify the Children's Hearing as to the revocation of the CSO

Legal advice and representation of the local authority will be ongoing throughout.

A notification of change form should be submitted by the social worker when a permanent legal outcome has been achieved. This should be copied to the Adoption and Fostering Panel Coordinator and Child Care Reviews. This should be recorded on LCS.

Post Permanence Reviews

For children who continue to be 'looked after' these are required at least once a year, where a child is living with someone who has parental rights and responsibilities in relation to them (such as where carers have had PRR vest in them by virtue of a PO).

Routinely, these should take place 6 monthly. They may continue when a child has been placed with prospective adopters, up until the point a final adoption order is granted.

Additional review requirement

If a POA is granted a child has not yet been placed for adoption a Child Care Review must take place to consider the long term needs of the child, consider why an adoption placement has not been made, and agree what needs to happen to safeguard and promote the child's welfare.

Adoption Support Plans

The provision for Adoption Support Plans is contained in Section 45 of the Adoption and Children (Scotland) Act 2007 and applies where a Local Authority has, by virtue of Section 9(1) of the Act, assessed the needs of a person for adoption support services, decided that such services are necessary, and the person is a member of a relevant family. The term relevant family is defined in Section 45(7) of the Act and includes:

- A child who is placed for adoption
- The person(s) with whom a child is placed for adoption and any child treated as a child of these person
- A child who has been adopted
- The person(s) who have adopted that child and any child treated as a child of these persons and
- Any other child who has been treated by the person(s) as their child, who is living in the same household as them

The Local Authority may, with the consent of each member of the relevant family aged 12 years and over, prepare a single adoption support plan in respect of all members of the relevant family instead of preparing adoption support plans in respect of each of them. Adoption support plans are usually compiled by the Social Worker from the Family Placement Team in conjunction with the Social Worker of the child or children being placed for adoption. The plan must:

- Specify the needs of the person(s) identified as a result of an assessment
- Record details of the adoption support services being provided
- Specify any other needs of the person
- Set out how the needs may be met
- Record details of any assessment of needs in respect of the person made under Section 12A(1) of the Social Work (Scotland) Act 1968 (where it appears to a Local Authority that any person for whom they are under a duty, have a power to provide, or to secure the provision of, community care services)
- Where the person has been adopted, record details of any care plan prepared by a Local Authority
- Record details of any adoption support services which were provided to the person before the plan was prepared or are being provided to the person when the plan is prepared
- Specify any other matter which, in the opinion of the Local Authority preparing the plan, is relevant to the provision of adoption support services to the person and
- Where there is no information to be included in the plan under any of the bullet points above (the paragraphs in Section 45(3)(a to i) of the Act), record that fact.

Adoption support plans must be completed by the time the final adoption order is granted and before the local authority ceases any involvement. There may be one for the child, and one the family.

Where a child has been placed outwith the local area, Falkirk Council will hold responsibility for the provision of adoption support for the first 3 years post-adoption.

An adoption support plan ceases to have effect where it has been superseded by the preparation of a further adoption support plan or the date on which the adopted child reaches the age of 18 years.

See the Adoption Support Plans process map for further details.

Non-Agency Adoptions

Non-agency adoption is a private application to adopt a child. It is called 'non-agency' because the plan to adopt was not made by a registered adoption agency (local authority).

Non-agency adoptions mostly involve a child who has not been placed with the prospective adopter(s) by an adoption agency. This is the case for step-parent adoptions, for example. In these situations prospective adopters must still notify the local authority. The court requires a local authority social work report before it can consider an adoption application. These are usually completed by social workers in the Family Placement Team and include information about the child as well as the prospective adopter(s).

On some, rare, occasions non-agency adoptions are progressed for children who are 'looked after' and who were placed with their carers by the local authority. This generally applies where the child was placed by the local authority but the agency plan is/was not adoption. It might be the case that the child's carer(s) – kinship or foster carers – wish to pursue adoption when it has not been considered and agreed on by the local authority. ie when that plan has not been agreed at an adoption panel and decided on by the ADM and then considered and advised on by a Children's Hearing. The carers are unlikely to have been assessed and approved as prospective adopters, as would have to be the case for an agency adoption. Carers may still apply directly to court for an adoption order. This remains a non-agency adoption, and should not be confused with the 'direct petition' route which is agreed as part of agency planning procedures. The local authority has not made an adoption plan for the child. A non-agency adoption cannot be a recommended route to achieving permanence by an adoption agency. There are no provisions for financial support for a non-agency adoption application.

The Adoption Children (Scotland) Act 2007 stipulate that for non-agency adoptions 'at all times during the period of 12 months immediately preceding the making of the order the child's home was with the applicants'. This would apply, for example, to foster carers who pursue an adoption application without it being an agency plan.

Where the application is made by a 'relative' (as defined in s119) - a grandparent, brother, sister, uncle or aunt – the child must be 19 weeks old and have been residing with the carers for 13 weeks with the applicants before the making of the order.

The court will still require a local authority social work report before it can consider an adoption application. In these circumstances the carer(s) are likely to have been approved as kinship carers or as foster carers (by Falkirk Council or by an independent fostering agency). The Court report should, therefore, be a shared responsibility between the child's social worker and the assessing/supervising social worker for the carer(s).

Road map to securing lived permanence away from home



Lived Permanence

Securing a sense of lived permanence for child may run concurrently to pursuing legal permanence. It may be pursued beyond the making of a permanent legal order, or it might be that children are already living, from the outset, with people who can care for them until they are adults.

The permanence recommendation review and subsequent permanence planning meetings should support planning for how and when actions are required to secure lived permanence for a child.

Staying Put

Staying put with existing foster carers

What it means?	This will be considered where a Permanence Order (PO) route has been agreed. Sometimes foster carers (from Falkirk Council or independent fostering agencies) who are already caring for the child will offer to care for them permanently. It is possible for them to share in having parental rights and responsibilities if this is determined as part of the ancillary provisions to a Permanence Order.
What needs to be done?	<p>Carers should be encouraged to make their offer in writing.</p> <p>What needs to be done will depend, partly, on the foster carers' approval. Some may already be approved to care for child permanently and others will not have this as part of their general fostering approval.</p> <p>Usually there should be a professionals-only linking meeting. This helps determine if the carer is considered a likely match and if (where necessary) they will be formally assessed as a permanent carer.</p> <p>Falkirk Council should have a matching panel to make a formal match. For independent providers, the carers would need to be approved as permanent carers at their agency's panel (<i>they are considered good enough to provide permanent care for this child</i>) and a matching panel would be held by Falkirk Council (<i>this is considered the right match and plan for the child</i>).</p> <p>For Falkirk Council carers, if they are not approved yet as permanent carers, this would likely be a combined panel to formally consider the assessment and approve carers as permanent ones as well as to match them.</p> <p>NB - A CSRG referral may be required in advance to agree ongoing funding where permanence is being considered with carers from an independent fostering agency.</p>
Things to think about	Rights and Responsibilities can be shared with carers as part of PO ancillary provisions. Foster carers would need to be willing and agreeable to holding PR and R – the Court will not impose PR and R on them, but will

	<p>agree to vest PR and R in them via the ancillary provisions if the foster carers understand and are agreeable. There are discussions which need to take place. If sharing rights and responsibilities with carers you may need to think about how this will work practically, and whether there should be any provision in the final order for Falkirk Council to have 'the final say so'. It is unlikely that sharing parental rights and responsibilities will be considered as part of Falkirk Council's application unless the carer is already approved and matched.</p> <p>For some (usually older) children and young people there is no plan to seek a permanent legal order in court. This means that carers would only need to be approved as 'long-term' carers and a formal match would not be required.</p>
Staying put with kinship carers	
What it means?	Sometimes existing (usually already approved) kinship carers agree that they'll care for a child permanently.
What needs to be done?	<p>At the point that a review makes a recommendation that an alternative permanent plan is needed the kinship carers should be referred for a permanence assessment.</p> <p>This assessment will be presented at a kinship panel and this becomes effectively like a combined approval and matching panel.</p> <p>If approved, Falkirk Council may provide support for their application to Court for a Kinship Care Order.</p>
Things to think about	If there has been a delay in assessing and approving a kinship carer then their panel might need to consider their initial approval as a permanence one.
Staying put in a residential home	
What it means?	For some children and young people their needs are best met in a residential home. For some children it will be agreed that this will be where they are cared for permanently.
What needs to be done?	This should be confirmed at a multi-agency review and clearly recorded.
Things to think about	<p>Children's needs change over time and may be that other options can be explored later in a child's life.</p> <p>The legal plan may be a PO (which allows Falkirk Council to determine where a child lives and so this can change) or it may be that there is an understanding that a child will not return home but this is legally secured by short term orders such as a CSO, or by a s25 parental agreement.</p>

Finding a New Home

Family finding – permanent foster carers

What it means?	Sometimes children will need a permanent fostering family and this is not able to be provided by those who are caring for them. Family finding will be necessary.
What needs to be done?	<p>A referral to the Family Placement Team, with a child's profile, will need to be made.</p> <p>They will search for appropriate carers from within Falkirk Council carers and outwith, if necessary.</p> <p>Where prospective carers are identified there should be a professionals-only formal linking meeting. This helps determine if the carer is considered a likely match and if (where necessary) they will be formally assessed as a permanent carer.</p> <p>Falkirk Council should have a matching panel to make a formal match. For independent providers, the carers would need to be approved as permanent carers at their agency's panel (<i>they are considered good enough to provide permanent care for this child</i>) and a matching panel would be held by Falkirk Council (<i>this is considered the right match and plan for the child</i>). For Falkirk Council carers this would likely be a combined panel to formally consider the assessment and approve carers as permanent ones as well as to match them.</p> <p>NB - A CSRG referral may be required in advance to agree ongoing funding where permanence is being considered with carers from an independent fostering agency.</p>
Things to think about	<p>You do not need to have determined where a child will live in order to progress with a Permanence Order application. It can cause a bit of a delay where a child doesn't live with the matched carer, who is only matched after the petition is lodged, and the Court is not willing to entertain a move of the child to the matched carer on an interim basis.</p> <p>If sharing rights and responsibilities with carers you may need to think about how this will work practically, and whether there is any provision written in for Falkirk Council to have 'the final say so'. It is unlikely that sharing parental rights and responsibilities will be considered as part of Falkirk Council's application unless the carer is already approved and matched.</p> <p>For some (usually older) children and young people there is no plan to seek a permanent legal order in court. This means that carers would only need to be approved as 'long-term' carers and a formal match would not be required.</p>

Family finding – prospective adopters	
What it means?	Where adoption is the confirmed plan then prospective adopters will be sought for the child.
What needs to be done?	<p>After a panel decision there should be discussion with the Family Placement Team to establish if there are any appropriate Falkirk Council or Forth Valley adopters.</p> <p>If a resource cannot be identified within the 3 Council consortium or it is clear from the outset a child requires to be placed outwith Forth Valley a referral can be made to the Scottish Adoption Register. Children must, legally, be referred to Scotland's Adoption Register within 3 months of being registered for adoption if a family is not already identified.</p> <p>The Scottish Adoption Register is now hosted on a website called Linkmaker which allows access to families through both the Scottish Adoption Register and other UK Registers. There is a "How To" Guide to help you sign up to Linkmaker.</p> <p>Once prospective adopters are identified there is a formal linking and matching process required. A linking meeting may consider more than one possible link. A matching panel would be arranged for only the family that are considered the best match.</p>
Things to think about	<p>If an application for a Permanence Order with Authority to Adopt has been made then children cannot be moved to prospective adopters without the permission of the court.</p> <p>At the point of being able to move, a coordinator will be appointed to help plan around this and series of meetings will take place to arrange the move and consider what supports are needed.</p> <p>Adopters will become a child's legal parents. Any provisions stipulated within a CSO or POA may not be continued by an adoption order and will become the decision of the adopter. The Court can make a determination in the final adoption order so this may not be solely for adopters to determine.</p>

Linking

Linking is the process of investigating the suitability of one or more prospective adoptive or permanent fostering families in relation to whether they have the potential to meet the needs of a certain child or sibling group. The 'link' can be described as the initial step in thinking that this family may be suitable for this child; the point when, out of all the families and all the children, the two halves are first placed side by side. (Cousins, 2011)

Linking Meetings are chaired and minuted by the Family Placement Team Manager or a Locality Manager and involve the child's social worker, their manager and the assessing social worker for the prospective carer(s)/adopter(s) and sometimes their manager. The process of linking should be distinguished from matching.

Purpose

The purpose of a linking process is to:

- Understand the needs of the child as thoroughly as possible, especially the impact of early experience on their development
 - Listen to the child's wishes and feelings and involving them as much as possible
 - Keep an open mind about the type of family that might best meet the child's needs
 - Consider the capacity, or potential capacity, of the prospective carer(s)/adopter(s) to meet the child's needs
 - Consider the preparation the prospective carer(s)/adopter(s) have received to equip them to meet the child's needs
 - Consider the views of any children or other adults in the carer(s)/adopter(s)' household and the nature of any preparation work which has been carried out with them in respect of the proposed placement
 - Assess how far the needs and expectations of the prospective carer(s)/adopter(s) would be met by the proposed placement
 - Look at aspects of the wider world of the child and the prospective carer(s)/adopter(s) which may impact on a potential placement
 - Identify what needs to happen next before a proposed match can be presented at the Adoption and Fostering Panel
 - Start to identify potential areas where support may be needed pre- and post-placement.
- (Adapted from Byrne, 2000)

Timing

There are two stages in permanence planning where a linking meeting may be held, depending on the type of placement offer:

1. Where there is an expression of interest from an adult who already knows the child but who is not yet approved as a permanent carer or adopter, such as a current or previous carer, a linking meeting should be held for the purposes noted above and to decide whether to progress to a full permanence assessment (and to identify any areas of vulnerability or concern which should be addressed in an assessment). Any such expression of interest should be explored fully before other resources are considered.
2. Where there is an expression of interest from approved prospective adopter(s)/carer(s) who are not known to the child (usually via their approval agency with the provision of background papers) a linking meeting should be held for the purposes noted above.

The child's social worker and/or the supervising social worker for interested carers should refer to the Family Placement Team manager or family finding social worker in order to arrange a linking meeting.

Multiple Expressions of Interest

Sometimes the process of linking involves considering more than one family and weighing up which family have the most capacity to meet the child's needs. The linking meeting process can be repeated where more than one family are offering a placement and may be suitable. Only one family should be presented as a potential match at the Adoption and Fostering Panel. The only exception to this is where more than one kinship carer is approved and offering a permanent placement in which case recommendations about which family are most suitable will be taken by the Child Care Review and Children's Panel.

The Meeting

Linking Meetings are chaired and minuted by Family Placement Team Management. They involve the child's social worker, their manager and the assessing social worker for the prospective carer(s)/adopter(s) and sometimes their manager. All workers should have received relevant paper work in advance of a meeting. The child's social worker and manager should have received a copy of the assessment report on prospective carer(s)/adopter(s) as well as their approval panel minute. The carer(s)/adopter(s) worker should have received all relevant background information on the child(ren).

The Minute

As well as recording the discussion, the minute of the linking meeting will:

- identify what needs to happen next before a proposed match can be presented at the Adoption and Fostering Panel; or
- identify what needs to be addressed in a permanence assessment, and
- start to identify potential areas where support may be needed pre- and post-placement (for adoption placement, this will form the basis of a draft adoption support plan)

The minute will be submitted to any matching panel which is subsequently arranged.

Matching

Matching can be described as the outcome of a considered assessment of the potential link by social work staff and eventually the panel and the agency decision-maker. It is a conclusion reached that this child and this family are indeed suited to each other, and that the connection should be formalised. The process of assessing the compatibility of the two parties involves a careful exploration of whether the child's needs could be met by these carers; whether the family's needs could be met by the child; and what supports might be necessary to ensure a long-lasting relationship (Cousins, 2011).

Matching Meetings take place as formal matching panels at the Adoption and Fostering Panel. Where a match is in relation to an adoptive placement, it is legally required that an adoption panel make a formal recommendation which is then considered by the agency decision-maker. In Falkirk matching for children who are registered as needing a permanent fostering family will follow the same process. The prospective adoptive/fostering family would usually be involved, along with their social worker, the child's social worker and, where appropriate, relevant managers.

Purpose

The Adoption Agencies (Scotland) Regulations 2009 require that recommendations about whether a prospective adopter is suitable for a particular child are made at the Adoption Panel; this is known as a matching recommendation (reg 6(2)(d)). In Falkirk, the Adoption and Fostering Panel will also consider matches for permanent fostering care placements.

The purpose is for the panel to consider whether, taking all factors into account, this is the best available option for the child at the point when it is important to progress the plan, and whether there is sufficient evidence to recommend that the match is therefore in the best interests of the child. This does not require a choice to be presented at the panel. Panel discussion should focus on the needs of the child and the capacity of the identified carer(s)/adopter(s) to meet those needs.

For an adopted or fostered person looking back on this part of the process there should be clear reasons why this particular family was chosen for them.

Types of Recommendation

Matching panels can be convened to make two different kinds of recommendations, depending on the kind of link which has been made:

1. Where the link has been made with prospective carer(s)/adopter(s) known to the child and an assessment as permanent carers or adopters has been undertaken thereafter, their assessment in relation to this specific child needs to be considered for approval at Panel, alongside the matching consideration and recommendation; an approval with match panel.
2. Where the link has been made with prospective carer(s)/adopter(s) who are not known to the child, and who are already approved, only the match needs to be considered at the panel, and a recommendation given; a matching panel.

It should be noted that it is entirely legally competent to consider registration for the child, alongside approval and matching at one Adoption and Fostering Panel where this is required (Regulation 6(7) The Adoption Agencies (Scotland) Regulations 2009).

Arranging a Matching Panel

The child's social worker (in collaboration, where necessary, with the assessing social worker) should arrange a matching panel by contacting the panel administrator. An appropriate timescale within which a panel should take place should normally have been discussed at the linking meeting. A placement coordinator for adoption placements will be identified by the Family Placement Team.

Information to be presented at a Matching Panel

Regulation 18 of the Adoption Agencies (Scotland) Regulations 2009 stipulates what information must be presented to panel at the time of an adoption match.

The following information should be provided:

- The assessment report on the prospective carer(s)/adopter(s) – this would usually be a CoraamBAAF PAR-S/Form F, or equivalent, and the minutes of the approval panel should be included where the prospective carer(s)/adopter(s) are already approved
- The assessment report on the child and their family – this would usually be the integrated assessment and permanence report and the minutes of the registration panel should be included
- The work that has continued with both child and prospective adopters since they were considered individually
- The compatibility between the needs of the child and the assessed capabilities of the adopters – this should be covered in the linking minute
- Confirmation that medical assessments have been undertaken on both the prospective carer(s)/adopter(s) and the child(ren) within the previous 12 months
- The draft adoption/permanence support plan

The child's social worker should collate all the information and reports and submit to the panel administrator two weeks before the panel. Some paperwork may have been retained by the panel administrator after, for example, registration panels so workers should check what further information needs to be prepared and submitted by them.

Adoption Support Plans

Although there is no requirement to present an adoption support plan to the panel which is considering the match between a child and a particular family, there is a legal requirement that requests for support will be assessed. Crucially, support services for children who may be adopted, their birth parents and prospective adopters may be provided without first having to carry out an assessment of needs. Additionally, where there are known elements that will require ongoing adoption agency involvement after the granting of an adoption order, an adoption plan should be formally considered by the panel and by the Agency Decision Maker. For example, where adoption allowances have been agreed, or support for post adoption contact will be required on an ongoing basis.

The plan should set out:

- The needs of the child, their birth parents and prospective adopters for adoption support
- Who will be responsible for meeting those needs
- Timescales involved
- How and when the plan will be reviewed

Finalising the plan should take place via the coordination process at the point of the adoption order being granted and it should provide an agreed contract about how supports will operate.

The following is of note: where Falkirk Council has placed a child for adoption, or the child has been adopted after placement by them, there is a duty to continue to provide adoption support, as required, to the child, their birth parent, their adoptive parent and any other child of the adoptive parent. This duty continues for a period of three years from the date of the adoption order, or when the child reaches the age of 18. This includes where the child is placed outwith the local authority area.

Matching Decisions

After the Agency Decision Maker has reviewed the panel recommendation and made a decision, the prospective carer(s)/adopter(s) will be notified in writing within 14 days of the decision being made (which will be within 14 days of the recommendation).

It is good practice for the child's social worker to let the child's family (if they still have PRR) know about the decision – they will not be formally notified in writing.

The prospective carer(s)/adopter(s) can appeal the decision within 28 days of being notified and the case must then be considered at another 'differently constituted' panel and by a different agency decision maker.

Moving

Legal Routes

There are a number of different legal routes through which a child might be placed, depending on the timing and the child's circumstances:

- Where a child is subject to a compulsory supervision order (CSO), and no form of permanence order application has been lodged in court, a children's hearing may vary the terms of the CSO in order that the child may be placed.
- Where a child is subject to a compulsory supervision order (CSO), and any form of permanence order application has been lodged in court, a children's hearing cannot vary an existing CSO, or make a new one, without the permission of the court dealing with the application. There is a procedure, however, through which the court and the children's hearing can consider variations which may allow the child to be placed. It is of note that the Court is under no obligation to agree to moving a child and that there are a number of factors which would be considered including the parents' views, the level of contact between the child and their family and whether their current placement is at risk.
- Where a child is not subject to a Compulsory Supervision Order, a child can only be placed with parental consent. Once any form of permanence order application has been lodged in court, this matter must be considered by the Court. Again, however, there are a number of factors which would be considered including the parents' views, the level of contact between the child and their family and whether their current placement is at risk.
- After the granting of a permanence order, or permanence order with authority to adopt, the local authority is granted the mandatory provision to regulate the child's residence, and the child may be placed.

Timing

There are a number of considerations in relation to timing a move for the child, particularly in relation to whether it is appropriate to make a permanent or adoptive placement prior to a PO or POA being granted. This should be discussed and agreed with the Team Manager and Falkirk Council Solicitor.

The following considerations should be made:

- What are views of the child and their birth family?
- Is the child prepared for a move?
- Would delay in moving be particularly damaging?
- Could unnecessary moves be avoided? For example, placing a child directly on a fostering basis with approved adopters while concurrent planning is undertaken?
- Where the child is continuing to have contact with contesting birth parents, how would the prospective carer(s)/adopter(s) cope with this? How would the child cope?
- If the case is being contested how might the carer(s)/adopter(s) cope with feeling in direct conflict with birth parents? This is particularly relevant for direct petitions.
- What would be the impact on the placement, the child and their prospective carer(s)/adopter(s), if the anticipated legal outcome is not achieved?

Additional considerations

- Does the child have a Life History Book / photos / cards / items, e.g. birth tags?
- Has reflective, coherent life history work been done? By whom?

- Who, how and when should we counsel the child about the 'permanency' decision (the agency must obtain the views of the child if they have the capacity to express them)? The sense of abandonment and uncertainty this can generate needs to be considered in this.

Move of Placement Coordination

The Adoption Agencies (Scotland) Regulations 2009 set out stipulations which apply after a matching decision and in relation to coordinating an adoption placement for a child. It is the responsibility of the Placement Coordinator to ensure that all of the required tasks are undertaken.

The following should be considered as a checklist:

- After a matching decision the adoption agency must ensure that the prospective adopters are provided with a matching certificate and written information about:
 - The child's background, parentage, health and mental and emotional development
 - The need to inform the child of their adoption and origins
 - The adopted person's right to obtain information linking the adoption birth certificate with the original birth certificate, along with the right to receive counselling
 - The availability of adoption support services for the adopters and their family
- Before the placement:
 - A written report as to the health of the child and the history of the child's health must be sent to the prospective adopter's registered medical practitioner.
- At the point of placement, notifications need to be sent to:
 - The local authority where the prospective adopter resides, if different from Falkirk Council
 - The health board where the prospective adopter resides (where the medical adviser considers the child to have a problem of medical significance or additional support needs within the meaning of the Education (Additional Support for Learning) (Scotland) Act 2004, notification to the health board must be made prior to placement
 - The parent(s) who have parental rights and responsibilities
 - Any parent of the child who do not have parental rights and responsibilities if there whereabouts are known and it is considered to be in the child's best interests
 - The guardian of the child Regulation 24, The Adoption Agencies (Scotland) Regulations 2009
- After the child is placed:
 - The social worker must visit the child within one week of the placement starting
 - The social worker must visit thereafter on such other occasions as the adoption agency considers necessary in order to supervise the child's wellbeing.
 - Written reports must be kept on these visits and retained in the child's case record.

- When the Adoption Order is Granted:
 - The Adoption Support Plan should be finalised and saved on file
 - LCS should be updated with legal status and registered name. A new LCS contact should be opened with the child's new adoptive details and linked to their birth LCS records. Case summary should be updated and 'add a notice' (via restricted access tab) to the record to highlight adoption status.
 - Notification to Child Care Reviews of change of legal status notifying that no further reviews are required.
 - Notification to Family Placement Team if the payment of adoption allowances is to begin.
 - Notification to the Local Authority in which the child resides (by allocated Social Worker).

Alongside ensuring that the above requirements are met, the process of placement move coordination will include:

- A plan for introductions and moving
- Plans for transferring school or nursery, where appropriate
- Work being undertaken with, or on behalf of, the child (life story work / life story book / memory box / later life letters) NB – guides are available supporting how to write a later life letter
- Any immediate support needed (including financial issues in relation to 'settling in' allowance or expenses for introductory visits / provision of equipment etc)
- Ongoing family time agreements (with birth family, siblings or with the current carer)

The child's social worker and the Placement Coordinator should discuss the frequency of meetings and who should be involved in each meeting.

Reviewing

The Looked After Children (Scotland) Regulations 2009 stipulate the statutory timescales for reviews and these apply to any child who continues to be 'looked after', even with legal and lived permanence having been achieved.

Regulation 45 stipulates that reviews for children placed with foster carers, or living in residential care, should be 6 monthly (after the initial 6 week and subsequent 3 month review). Regulation 44 stipulates that reviews for children being cared for by a parent or persons with parental responsibilities and parental rights must be a minimum of annually (after the initial, but might be more frequent if that's the agreement). That means that, in theory, children who're subject to permanence orders – only where their carers have parental rights and responsibilities - could have their plans reviewed annually. It should be noted, however, that Falkirk Council have not indicated that this will be applied and they continue to review plans for children looked after at home on a six-monthly basis.

The Adoption Agencies (Scotland) Regulations 2009 stipulate that where no placement is made within 6 months of a permanence order granting authority to adopt is made then a review must be held. This must consult and take the views of the child and any person with PRR. The review must assess the child's long-term needs and the reason why no placement has been made. The review should determine what action, if any, should be taken to safeguard and promote the child's welfare. It may be that there needs to be a return to the Adoption and Fostering Panel to consider a change of route. The review should determine this and the Chair should refer to the panel using [this form](#) if required.

Relinquished Children

For children who are relinquished for adoption by their birth parents, they will initially be looked after by the Local Authority and may require slightly different planning towards securing permanence.

It is of utmost importance that birth parents who are considering relinquishing their child are given the opportunity to reflect on:

- the options available and the implications of these.
- any barriers perceived by the parent(s) in considering caring for the child themselves.
- the life-long needs of adopted children and the implications of this for a relinquishing birth parent.
- practical arrangements in preparation for the birth.

Birth parents in these circumstances may not wish to undertake any significant work with the local authority and it therefore important for social workers to undertake essential elements of care planning at the earliest stage.

The key tasks in relation to care planning for the child are:

- **Seeking and discussing consents.**

The parent(s) should be encouraged to contribute to the completion of an initial assessment and to sign consent to the placement as well as for medical assessment/treatment. In addition, it is essential, at the earliest stage possible, that birth parents are asked to complete the Birth Parent(s) Health Report and to provide consent on the [IHA-C/IHA-YP](#) form. This will allow the child to have a permanence medical and for essential information about their genetic heritage to be known. This will be significant for the child in later life but is also significant in relation to matching the child with prospective adopters. 'Missing' health/genetic information in relation to the child or either parent can be a barrier to matching. The parent(s) should be supported to understand the process of consenting to the adoption for the child. After a registration Adoption Panel the parent(s) will be notified of the decision in writing and asked to complete two forms indicating that they understand adoption as a legal process, and that they agree to their child being placed for adoption. This agreement is not their formal consent to adoption, but if they change their mind after they have signed the form the Social Work Service and possibly the Court may be involved in deciding whether their child can return to their care or not. This consent cannot be sought any earlier than six weeks after the birth of the child. Formal consent to their child's adoption will then be sought at the point of an adoption application or POA application being considered in court.

- **Gathering the information in Schedule I of The Adoption Agencies (Scotland) Regulations 2009.**

This is the information which is required to complete an integrated assessment and the adoption and permanence report required by the Adoption Panel. Particularly significant is the need to record clear information about the parents' history (including medical/genetic issues for them and wider family members). As far as possible, specific explanations for the birth parent's decision to relinquish the infant should be sought, as should any views or aspirations they have in relation to the child's upbringing. The subsequent need that the adopted child will have to make sense and understand the parent's decision should always be kept in mind.

- **Considering the involvement of the birth father (if not already involved) and other family members.**

Where the birth mother is resistant to sharing information about the pregnancy with the birth father or family members every effort should be made to encourage her to think about the importance of this to the child and support her in managing this, including whether they could/should be made aware of the birth and whether they could contribute information about the child's origins or be given the opportunity to care for the infant. The outcome of these discussions should be carefully recorded. It may be appropriate to seek legal advice. The birth parent(s) need to be aware of the possibility of adopted children tracing birth family relatives later in life.

- **Discussing with the parent(s) what part they wish to play in selecting adopters** including offering the opportunity to meet with adopters.
- **Identifying any matching considerations.**

This includes potential issues arising from the information about a child's ethnicity or any genetic or medical concerns and any views expressed by the birth parent.

- **Encouraging the birth parent(s) to prepare letters, photo albums, videos etc. for their child's life history.**

It might be that birth parents will need additional support in order to provide any of these items for their child. The significance, for the child, cannot be underestimated. It may be that parents will be willing for a worker to take their photograph even if they feel unable to engage in work to provide anything else. This should always be considered when working with relinquishing parents.

- **Discussing the options for post-adoption contact.**

The birth parent(s) may wish ongoing contact, including indirect contact, and their wishes should be thoroughly considered. Their wishes in relation to contact, both up until the point of adoption (when they retain the right to have contact), and after the child is adopted should be considered.

- **Confirming birth parents' rights to post-adoption support.**

Birth parents are entitled, at any point in the future, to request post-adoption support services from their local authority in Scotland, whether or not this was the local authority who assisted in placing their child or not.

- **There needs to be consideration, for relinquished infants, about placement options.**

It may be that direct placement with prospective adopters, on a fostering basis, will be the most appropriate plan for the child. This does, however, bring a number of uncertainties for prospective adopters and will require careful consideration and preparation, particularly as the placement would take place prior to the formal matching process and much about the child will be unknown at the point of planning such a placement. Direct placement with adopters, however, should always be considered and explored.

Depending on the circumstances, referral to the Adoption and Fostering Panel may be appropriate, and confirmed, at the 72-hour initial care planning meeting or it may be more appropriately confirmed at the first six week Looked After Away from Home review meeting, if parents are requiring some time to further consider their options.

Normal reviewing procedures should continue, in tandem with consideration at the Adoption and Fostering Panel, regardless of the point at which the referral is made. It is possible to match prospective adopters at the same Adoption and Fostering Panel which is considering the planning and registration of the child.

It would be anticipated that in these adoptions all the stages would move forward with the agreement of the parents and that there would be no need to apply for a POA. Point 3 in the memorandum in Schedule 2 of 2009 Adoption Agencies Regulations does, however, include reference to this possibility if the birth parent does not consent to the adoption.

If challenges to the plan emerge and a PO with authority to adopt is considered the best alternative route, this can only be sought by the local authority.

Addressing Drift and Delay

Falkirk Council is committed to ensuring that we achieve permanence for all our care experienced children and young people in a timely way. There will be a regular permanence tracking meetings of all children in each locality who have been cared for away from home for longer than six months, where permanence has not been achieved. This will be reviewed by the Locality Manager and will involve the Team Manager, Review Coordinators and Family Placement Team.

Legislation

The Adoption and Children (Scotland) Act 2007
Looked After Children (Scotland) Regulations 2009
Children Hearing (Scotland) Act 2011
Children and Young People (Scotland) Act 2014
The Children (Scotland) Act 2020
UNCRC Incorporation (Scotland) Act 2024
The Adoption Agencies (Scotland) Regulations 2009
The Adoption Support Services and Allowances (Scotland) Regulations 2009
The Scotland's Adoption Register Regulations 2016
The Children (Scotland) Act 2020

References

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Cousins J (2011) *Making Matches*, London: BAAF

Scottish Government (2011). Guidance on the Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007. Edinburgh: Scottish Government