

Permanence Procedure Addendum

Timeline and Task List



Timeline / Statutory Timescale* (highlighted in colour)	Stage/Action	Social Worker Quick Checklist
<p>From the start of the child's care journey</p> <p>Within one week</p>	<p>Child starts being cared for away from home</p> <p>Agree child's plan in advance, or within 72 hours. All kinship option should have been explored prior to any fostering or residential arrangement. Priority should be given to siblings being cared for together or for them to be supported to stay connected.</p> <p>Visit to child and their carer.</p> <p>The expectation is there are frequent visits in the early days of a child experiencing care away from home and that there are not less than monthly visits thereafter. Legislations requires that the child and their carer is visited a minimum of 3 months.</p> <p>A referral for a health assessment is required.</p> <p>An ongoing assessment should be undertaken of how a child could be supported home and what services are required. This includes an assessment of parenting capacity.</p>	<ul style="list-style-type: none"> ○ Consider, again, any kinship options if this is not a kinship care arrangement ○ Notify Child Care Reviews that child has started to experience care away from home ○ Update LCS with placement details and care pathway ○ Visit child and carer within first week ○ Request health assessment ○ Assess and provide support for a potential return home ○ Establish who has PR&R ○ Ensure fathers without PR&R are considered ○ Consider siblings
<p>Within 6 weeks of the placement, then within 3 months of the first review, then six monthly</p>	<p>Looked After Away from Home Reviews</p> <p>The team around the child, led by the Child Care Review Coordinator, will agree a Child's Plan.</p>	<ul style="list-style-type: none"> ○ Continue to assess and provide support for a potential return home ○ Consider long-term needs and how these will be met ○ Consider, again, any kinship options if this is not a kinship care arrangement ○ Plan for siblings being together / connected – assess if require to be apart

<p>Monthly</p> <p>Then not later than 6 weeks prior to Permanence Recommendation Review</p>	<p>Ongoing social work assessment and worker supervision</p> <p>Social workers, supported by their supervising manager should establish how the assessment is progressing and consider options for permanent away from home care 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</p>	<ul style="list-style-type: none"> ○ Request allocation of a Falkirk Council solicitor at the earliest opportunity once permanence is under consideration if not already appointed ○ Solicitor has access to child's file, completed assessment, and has discussed potential routes to permanence with SW ○ Request early review / notify Child Care Reviews that next review should be a Permanence Recommendation Review ○ Confirm legal advice will be provided to Chair of the Review
<p>Within six months of starting to be cared for away from home and not later than the first six month review (10.5 months after starting to be cared for away from home)</p>	<p>Permanence Recommendation Review</p> <p>A Looked After Away from Home Review agrees that there is no possibility of a return home and that alternative permanent care planning should progress. To confirm a referral to Panel or a Kinship Care Order, the review must be provided with a full lead professional assessment which includes the outcome of the assessment of parenting capacity, reasons for why a child cannot return home, and the proposed future plan and legal route to achieving this (see procedure for full details)</p> <p>Where applicable, a referral to the Adoption and Fostering Panel will be made (PO / POA / Direct Adoption Routes).</p> <p>Where applicable, confirm kinship carer(s) have a panel approval (KCO route) / and financial agreement for court application from a Locality Manager.</p> <p>Where a Kinship Care Order is the agreed route there are no further timescales other than those pertaining to looked after review timescales.</p>	<ul style="list-style-type: none"> ○ Confirm chair has referred to Adoption and Fostering Panel ○ Seek panel date from panel administrator ○ Refer for Permanence Medical (Adoption or PO route) – complete consent and health forms with parent ○ Arrange for carer to complete form (CR-C or CR-YP) ○ Start completing additional panel paperwork including FCYPAPR <p>Or</p> <ul style="list-style-type: none"> ○ Confirm kinship approval in place ○ Check finance has been agreed for funding carer's solicitor

Within 4 weeks and 4-6 weekly thereafter	<p>Permanence Planning meetings</p> <p>These are chaired by management within the locality team and should continue until lived/legal permanence is completed.</p> <p>These meetings are about tracking and progressing the permanence plan for the child/children. As a minimum, these meetings will include locality management, Family Placement Team and may include other key partners to the plan, including legal services.</p>	<ul style="list-style-type: none"> ○ Appropriate paperwork is being completed ○ Legal timescales are being adhered to ○ Appropriate assessment is ongoing ○ Views of the family/child are being considered ○ Siblings are being considered ○ Necessary placement/legal fundings have been agreed
During the 12 weeks after a Permanence Recommendation Review	Preparation of report for Adoption and Fostering Panel	<ul style="list-style-type: none"> ○ Panel paperwork to Solicitor/Panel Legal Adviser to provide written legal advice for the Panel
2 weeks prior to Panel	Submission of all panel paperwork	
Within 12 weeks of permanence recommendation review	Adoption and Fostering Panel	<ul style="list-style-type: none"> ○ If panel recommendation is to proceed with a PO/Adoption permanence plan, work with Falkirk Council solicitor on draft agency report which is submitted with the legal petition. ○ Ensure you have a copy of the child's full extract birth certificate and any relevant death certificates for deceased parent ○ Consider if family finding for adoption / permanent fostering is required

Within 14 days of the Adoption Panel recommendation	Agency Decision Agency Decision Maker to sign and date a final minute indicating their decision.	
Within 7 days of decision	Notification to parents (and others) of decision For adoption: Issues memorandum, certificate of receipt and form for agreement/non-agreement For POs as a final destination: no further statutory timescales apply . Good practice is to follow the prescribed timescales as per adoption planning.	<ul style="list-style-type: none"> ○ Panel administrator sends – copy to be saved to LCS / Child's file
Within 28 days of notification	Parent(s) return signed certificate stating agreement or non-agreement with the Agency decision. Different rules apply depending on whether consent is given or not, and whether the parent(s) respond or not.	<ul style="list-style-type: none"> ○ Update solicitor ○ Update LCS / upload form
No further timescale if parent agrees and child is not subject to CSO or within 7 days of receiving the response	Parent agrees If a parent returns a signed certificate stating agreement and the child is not subject to a CSO then no further timescales apply. Good practice would be to follow the prescribed timescales as if consent had not been provided ie lodging within 28 days of receipt.	<ul style="list-style-type: none"> ○ Refer to Principal Reporter for Advice Hearing if child subject to a CSO
Within 7 days of receiving the response or within 7 days of the end of 28 days from notification with no response	Parent does not agree / Parent does not respond If the parent responds or does not agree then the notification to the reporter should be made within seven days of receipt. If the parent does not respond then at the end of 28 from notification, Regulation 20 of the Adoption Agencies (Scotland) Regulations 2009 requires the agency to make a determination that the place will proceed. Notification to the reporter should be made within seven days of receipt. If the child is not subject to a CSO then the Children's Hearing timescales do not apply but the adoption petition or POA application must be lodged within 28 days of receipt or of the regulation 20 determination.	<ul style="list-style-type: none"> ○ Refer to Principal Reporter for Advice Hearing if child subject to CSO <p>Or</p> <ul style="list-style-type: none"> ○ Ensure adoption petition or POA application is lodged
Within 21 days of notification that parents don't agree, or haven't responded, for a child subject to a CSO	Children's Hearing must be convened	<ul style="list-style-type: none"> ○ Share outcome with Solicitor and/or Prospective Adopter's Solicitor

Within 28 days from date agency receives advice from the Children's Hearing not supporting the plan	Agency must review decision If proceeding, then an adoption petition or POA application must still be lodged within the same 28 days from receiving the advice.	<ul style="list-style-type: none"> ○ Notify Reporter of outcome of reviewed decision
At least 4 weeks before POA is lodged or as soon as practicable after knowing that an adoption order application is to be made (direct petition)	Notification must be made to any father who does not have PR&R. Reasonable and practicable steps should be taken to find out their identity and whereabouts – legal advice may be required for this. NB – it makes sense that this is done when parents with PR&R are notified after panel (above)	<ul style="list-style-type: none"> ○ Confirm notification was sent after the ADM decision
28 days from date agency receives the report from the Children's Hearing giving advice in support of plan (whether agreeing or not)	Adoption Agency must make an application to the Court for a POA or an adoption application (direct petition) must be lodged by prospective adopters. This ought to be lodged in the Sheriffdom where the child ordinarily resides or in the Court of Session if the child lives in England or Wales, or the local authority otherwise considers that it would be appropriate to instigate permanence proceedings in the Court of Session. If the proceedings are not in the Sheriff Court but in the Court of Session then legal advice will be forthcoming about the procedure that will be followed by the Court. Legal will advise, where siblings are living in separate Sheriffdoms.	<ul style="list-style-type: none"> ○ Confirm with Solicitor ○ Record on LCS
Not more than 3 months from registering for adoption (date of ADM decision)	Refer to Adoption Register Child's social worker must register and complete a child's profile	<ul style="list-style-type: none"> ○ Liaise with FPT for support ○ Confirm child's profile uploaded to Linkmaker
Not less than 6 weeks and not more than 8 weeks after application lodged	If in the Sheriff Court then the Sheriff Clerk must fix a preliminary hearing date.	<ul style="list-style-type: none"> ○ Permanence planning meetings to continue to review progress ○ Prepare to give evidence in court if required
To be lodged within 21 days of intimation	Form of response opposing application – this is an action for parents, if they choose this The parents will likely be allowed further time if they seek it.	
4 weeks from date of appointment or other period in Sheriff's discretion	Production and submission of reports from Reporting Officer and curator ad litem	

Continuation for not more than 4 weeks No earlier than 12 weeks and no later than 16 weeks after preliminary hearing No more than 6 weeks and no less than 2 weeks before the proof hearing To be lodged within 21 days or other period at Sheriff's discretion	At preliminary hearing, if case not completed: <ul style="list-style-type: none"> • preliminary hearing may be continued once • proof hearing fixed • pre-proof hearing fixed • Answers may ordered by the Court to be lodged on or behalf of any party who opposes the application for a PO/POA and any other documents my be ordered to be lodged by the Court as the Court may deem appropriate 	
Within 4 weeks of Proof Hearing	Proof hearing completed Judgement must be issued.	<ul style="list-style-type: none"> ○ Update legal status on LCS – attach judgement. ○ Notify Child Care Reviews if child is adopted and ceases to be looked after/require reviews ○ Finalise adoption support plan before ceasing involvement ○ Complete later life letter ○ Prepare further court report if this is not a 'final destination order' ie a POA where adopters will still have to apply to court to adopt the child.
After a child is placed with prospective adopters, where a POA has been granted.	Final adoption order application The prospective adopters (via their solicitor) must apply for a final adoption order. This can be applied for any time after the child has been placed with them but cannot be granted until the child is at least 19 weeks and has lived with them for the 13 weeks preceding the making of the order. A social work report must be submitted along with the application. The child's social worker completes the information on the child and the adopter's supervising social worker completes the part about them.	<ul style="list-style-type: none"> ○ Update legal status on LCS – attach judgement. ○ Notify Child Care Reviews if child is adopted and ceases to be looked after/require reviews ○ Finalise adoption support plan before ceasing involvement

Continue 6 monthly for duration of child's care journey until they cased to be 'looked after'	Looked After Away from Home Reviews 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.	<ul style="list-style-type: none"> ○ Child's Plan confirmed and shared with all necessary people
6 months after POA granted where the child is not placed for adoption	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 terms 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.	<ul style="list-style-type: none"> ○ Confirm Chair has referred to Adoption and Fostering Panel if change of route consideration is required ○ Seek panel date
Up to three years post-adoption	Ongoing responsibility for adoption support 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, whichever is soonest. This includes where the child is placed outwith the local authority area.	<ul style="list-style-type: none"> ○ Adoption Support Plan to be kept on file ○ New approaches for adoption support must be assessed