

## The carers

***It is however important that all professionals involved in the case are aware that while they are foster carers and are expected to fulfil all the obligations of foster carer, their need for support, confidentiality and training will differ from other foster carers as there are aspects to their role that are very different.*** Thus, for example, these carers are being asked to make a long term emotional commitment to the baby/child while at the same time not only managing the uncertainty of the outcome but also to actively support the planning for the possible rehabilitation to birth family.

It is likely that the early permanence carers will meet the birth parents and take the child to and from contact. This has been common practice in other agencies such as Coram and Barnardo's and can provide an opportunity for birth parents and foster carers to develop a relationship during handovers. They can use this opportunity to develop a clear understanding of the people in the child's life.

If the court decides the child should be rehabilitated with birth parents the carers will support the child being returned. If the court decides the plan is for adoption then the child will remain with the foster carers who will go on to adopt the child.

This avoids the child being moved at a crucial stage and minimises the negative impact of separation for the child.

## Key Messages

The child's needs are central to all decisions made.

Children have the right to grow up in their birth families whenever it is safe for them to do so and this should always be the desired outcome.

Birth parents have a right to a fair process, including the opportunity and support required to help them to make the important changes required to enable them to safely parent their child.

Children should not spend any longer in temporary care than is absolutely necessary and should not carry the burden of risk to their development caused by moves in temporary care.

The judiciary, solicitors and guardians need to know that 'fair process' is the baseline for Early Permanence Placements.

Birth parents should be offered post order/final placement services and support to help them address the underlying symptoms/issues and to try to prevent a repeat of what has happened to them.

**If you have any further questions please contact  
Doncaster Adoption Team – Thank you  
Telephone: (01302) 734333**

Doncaster Children's Trust

# Early Permanence Legal

Information Booklet 2017



Doncaster Children's  
Services Trust

## Introduction

The aim of Early Permanence Placements is to place babies/children who cannot be safely cared for within their own families with a substitute family on a fostering basis who can then adopt the child on the making of the appropriate legal order and the approval of the match by the adoption agency. These placements will be made at birth or as soon as possible after the babies have been removed from the care of their birth family. This will ensure that they do not endure the moves experienced by babies/children when Local Authorities follow the traditional sequential route to adoption.

EPP will protect the children from the risk of harm to their emotional and general development caused by the disruption to their attachment as a result of the moves of placement often built into sequential planning.

The emotional uncertainty associated with possible and actual placement moves is held by the adults rather than experienced by the child. In other words, the adults take the risks.

## Legal Basis

Under s22C Children Act 1989 ("CA 1989), Local authorities are under a duty to place a child in the most appropriate placement available. Since 25 July 2014, Local authorities are now also under a duty to consider placing a child with Local Authority foster carers who are also approved prospective adopters, when they are considering adoption for a child or have decided that the child ought to be placed for adoption but are not authorised to do so and where they have determined that a family, friend or connected person placement is not suitable (s22C (9B) (c) CA 1989).

The carers may be dually approved at the outset, or might be approved prospective adopters who have been temporarily approved as foster carers for a named child under regulation 25A of the Care Planning, Placement and Case Review (England) Regulations 2010 (the 2010 regulations).

The statutory guidance, "Early Permanence Placement and Approval of Prospective Adopters as Foster Carers" (July 2014) sets out the statutory basis for these placements: <http://dera.ioe.ac.uk>

These placements will not be suitable for all children and situations but should be considered in cases where a Local Authority identifies that adoption is likely to be the most appropriate long term permanence plan based on its assessment and available evidence. In these situations, other options are also likely to be under consideration including rehabilitation with family, although this will be thought to be highly unlikely to succeed and adoption is the most likely option.

It is also acknowledged that although the Local Authority will have considered all possible placements known to them with family members and concluded that

these placements are unlikely to be able to care for the children prior to placement, it is possible that a suitable family placement might come forward following placement under section 22C(9B)(C).

In this situation, these family carers will need to be assessed as it a continuing duty of the Local Authority to place the child in the most appropriate placement for that child (Sec 22C of the Act).

The statutory guidance clearly states that section 22C (9B) (C) placements may not lead to adoption and this may mean the child returns home or is moved to another permanence arrangement.

The placement will only become agreed as an adoption placement when;

- A final care plan for adoption is approved by the court
- A Placement Order is made
- The Local Authority approves the match between the foster carers and the child in their capacity as prospective adopters.

## The Carers

The early permanence carers are very aware that their role is part of a process that is working towards the best outcome for the child, whether this is rehabilitation or adoption. They will need to remain child focused whatever the eventual plan and work to ensure that the uncertainty for the adults involved does not impact on the child. There is no difference in law between the status and legal obligation to a child and their birth family whether the child is placed with foster carers under early permanence or through mainstream foster care. Early permanence does not reduce the chances of the parents resuming the care of their child.

The Local Authority will be working with birth parents and a multi-disciplinary team, often pre-birth, in order to support and enable them to care for their baby. Should the risk of the child being cared for by birth parents or family members be deemed as too high then the Local Authority will consider the viability of an early permanence placement and place the child with temporary foster carers.

Birth parents will be invited to be part of this process, support including written and verbal information will be offered. It is important to be explicit why their child is in care, what the expectations are of them and the role of early permanence carers.

If appropriate they will be given the chance to meet the foster carers before the placement is made. It is important that the birth parents know that the carers are in a position to adopt their child if the courts decide but equally are not looking to prevent their child from coming to contact or being returned to them.

The early permanence carers will be carefully prepared and supported to undertake this emotionally challenging role -