

CORPORATE PARENTING SUB-COMMITTEE

Agenda Item 17

Brighton & Hove City Council

| | | | |
|--------------------------|-----------------------------------|--|---------------------------|
| Subject: | Family First | | |
| Date of Meeting: | 17 October 2012 | | |
| Report of: | Strategic Director, People | | |
| Contact Officer: | Name: | Karen Devine | Tel: 295546 |
| | Email: | karen.devine@brighton-hove.gov.uk | |
| Ward(s) affected: | All | | |

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 As a result of several key drivers including the transformation of social work agenda; the government's adoption action plan; and the family justice review, BHCC Children and Families Service is required to refocus social work intervention and planning in accordance with explicit Family First principles. The high numbers of looked after children in Brighton and Hove requires a robust 'Family First' approach to social work that achieves emotional, physical and legal permanence for children in a way that either avoids them coming into care or moves them out of care in a timely way. Children move out of care when a special guardianship, residence order or adoption order is granted by a court to an extended family member or friend, unrelated foster carer, or approved adopter. 'Family First' principles prioritise children remaining with or returning to their family, or being secured in the care of family and friends, local authority foster carer, or adopter via the aforementioned legal orders. 'Family First' principles must inform all social work practice and decision making in Brighton and Hove.

2. RECOMMENDATIONS:

2.1 That the Corporate Parenting Sub Committee endorses the 'Family First' approach to social work as detailed in this report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The commitment to maintain children in their family of origin or in their wider network of family and friends underpins all children in need and care planning for children in Brighton and Hove. Children who cannot safely be cared for by their immediate or extended family become children in care.

3.2 The overarching purpose of Care is to support children to find permanence (Care Matters 2007). Guidance and Regulation define permanence as:

The framework of emotional permanence (attachment to primary caregiver), physical permanence (stability of placement) and legal permanence (the carer can exercise parental

responsibility for the child) which gives a sense of security, continuity, commitment and identity and lays the foundation for the child's future development.

The objective of planning for permanence is therefore to ensure that children have a secure, stable and loving family to support them through childhood and beyond.

3.3 Routes to Permanence for a child subject to Local Authority intervention in family life:

- Remaining with or return to birth parents where it has been possible to address the issues which led to the child becoming looked after or subject to legal proceedings. Birth parents retain legal parental responsibility for their child.
- Placement with family and friends carers who assume legal parental responsibility through a Residence Order. Legal parental responsibility is shared equally between carers and birth parents.
- Placement with family and friends carers who assume parental responsibility through a Special Guardianship Order. Parental responsibility is shared with the birth parents but the special guardian is able to exercise this to the exclusion of birth parents. The Local Authority provides varying levels of support to the special guardians according to the Special Guardianship Support Plan.
- Placement of child in care with approved adopters who obtain legal parental responsibility for the child which is initially shared between birth parent, Local Authority and adopters until the making of an Adoption Order at which point the parental responsibility of the birth parents and Local Authority is extinguished, leaving the adopters as sole holders of parental responsibility for the child.

3.4 Placement of a child in care with foster carers where legal parental responsibility is shared between the birth parents and the Local Authority as a result of a Care Order is **NOT** considered to achieve permanence for the child as the carers have no legal relationship with the child and cannot exercise parental responsibility for her/him.

3.5 The high numbers of children in care in Brighton and Hove place a significant financial burden on BHCC. This is a key driver in ensuring social work practice moves children out of the care system on to permanence in a timely and appropriate way. The Family First approach emphasises the importance of securing early permanence for children as being both in their best long term interests whilst also ensuring most effective use of council resources.

3.6 Research shows that age at time of a child's most recent entry into care correlates with the stability of permanent placements. It also correlates with the severity of children's emotional and behavioural problems, which themselves correlate with placement stability and endurance. So, whilst Family must be First, there is an imperative to make timely interventions and decisions within

family support and child in need provisions before legal proceedings are issued to maximise successful outcomes for children.

- 3.7 In order to maintain a shared and robust process for planning for permanence, consultation is provided to the child's social worker by the **Permanence Planning and Tracking Forum**. Cases are presented for consultation prior to the four month Child in Care Review meeting when a plan for permanence through adoption or long term fostering is recommended by the Social Work team, and reviewed by the child's Independent Reviewing Officer. The consultation focuses on the appropriateness of the plan for the child drawing on the assessment of the child's needs. The Permanence Planning and Tracking Forum tracks all cases where a child has a plan for permanence outside of their family until permanent placement is achieved ensuring drift and delay is avoided.
- 3.9 Adoption offers children the highest degree of legal security and should always be considered for young children who are not able to be cared for within their family or extended family networks. Placement for Adoption is the permanence option with the best longer term associated outcomes for children and young people and with least cost to the LA. However for some older children adoption may not be appropriate as it severs all legal links to the birth family. Adoption may not be achievable for some children with very particular difficulties or behaviours and permanence will need to be achieved via Special Guardianship.
- 3.10 BHCC will endeavour to place children where possible with in house foster carers if potential foster placements are available and able to meet the needs of the child. Fostering arrangements must where possible lead to foster carers being encouraged and supported to apply for Special Guardianship Orders in respect of children with a plan for permanence. As with adoption any plan for special guardianship needs to include a full support plan that has been agreed with the prospective special guardians and which is kept under review.
- 3.11 Whilst remaining in foster care in the longer term is not considered as achieving permanence for children and young people, where all other plans have been explored and exhausted, BHCC will continue to provide a high level of care to those young people through to independence.
- 3.12 During 2010/11 **27** children left Care via Adoption in Brighton and Hove. **13** children left Care through Special Guardianship to an extended family member. In 2011/12 **27** children left Care via Adoption and **22** via Special Guardianship to an extended family member. Since 1.4.12 **12** children have left care via Special Guardianship (**9** to an extended family member and **3** to existing unrelated foster carer), **22** children left Care through Adoption. A further **32** children have been matched with prospective adopters and will leave care through Adoption in the coming year once their adoption proceedings are concluded. In total **71** children have been placed for Adoption in the past 18 months and have either left care or are due to leave care at the conclusion of their adoption proceedings. There have been no disruptions of adoptive placements in Brighton and Hove for the past three years.
- 3.13 Key barriers to foster carers pursuing legal permanence via SGO or Adoption are identified in the Adoption Research Initiative study as being the foster carer's feelings about stepping into the role of managing relationships with birth family

members including complex contact arrangements; availability of financial support to match existing allowances; and a fear that they will not receive the same practical support once the child is no longer fostered.

- 3.14 In order to achieve the best outcomes for children who remain in the care of their extended families, capacity for support to SGO and RO carers needs to be built. Research tells us that family and friends placements have the potential to be more longstanding and stable in part because there is an existing emotional connection between the child and carer, there is a lived sense of belonging for the child from the outset of the placement, and carers who are related to the child tend to maintain a higher threshold of tolerance for more challenging behaviours than stranger foster carers. It is also likely, that there is meaning for older children and young people that their carer is not “doing it for the money”. Kinship carers are better able, with support, to manage direct relationships with birth parents than non related foster carers who in effect have to create new relationships with birth parents. Support and training for family and friends carers is essential to build capacity to manage the challenges ahead and this must continue to be available throughout the process of placement and beyond in order for them to feel confident in making a permanent legal commitment to the child.
- 3.15 Key challenges for BHCC in securing SGO by existing foster carers include:
- Foster carers require SGO Allowance to continue to match existing financial arrangements (this will reduce potential budget savings despite reducing numbers of children in care)
 - Reduction in the pool of available foster carers and consequent need to recruit more.
 - Development of the Contact Service to include services for children subject to special guardianship and residence orders.
 - Increase capacity within the Family and Friends Team to offer a support service to increasing numbers of special guardians and residence order holders.
- 3.16 Currently negotiations are taking place regarding the support package that existing foster carers can be offered in order to secure SGOs for the children in their care. BHCC is looking to match carer’s existing financial and social work support package. Any financial savings to the authority will be made in time by being able to reduce the social work/independent reviewing officer resource base as the numbers of children in care reduce and the numbers of children subject to special guardianship orders increase.
- 3.17 BHCC Children and Families Service aims to achieve special guardianship for 10 children currently in BHCC unrelated fostering placements by the end of this financial year. 28 children are expected to leave care via special guardianship to Family and Friends carers and 40 children are anticipated to move from care to adoption this year. In total BHCC anticipates 78 children leaving care via adoption or special guardianship during 2012-13.
- 3.18 Promoting Family First principles with Independent Fostering Providers has been placed on the agenda of the next Independent Providers Forum in November.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Appropriate consultation has taken place with BHCC foster carers and Family and Friends carers in promoting Special Guardianship as a preferred permanence option for Children in Care.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no financial implications as a direct result of the recommendations of this report. The Family first principles forms part of the Value for Money programme which underpins the budget strategy within children's services. There will be no direct budget savings as a result of the move to Special Guardianship Orders as it is a stated principal that no carers should be financially disadvantaged by the move. It is important that robust monitoring of this policy is undertaken within the VFM methodology to ensure costs are maintained within current resources and that good value for money is achieved for the council.

Finance Officer Consulted: David Ellis *Date:* 3.10.12

Legal Implications:

- 5.2 In considering the report it will be important for Members to understand the different legal status afforded to different types of carer.
- 5.2.1 Where children are the subject of final care orders parental responsibility is shared between the local authority and the birth parents. Under S33 of Children Act 1989 it is however a matter for the discretion of the LA as to the extent that the parents are able to exercise their parental responsibility, and so effectively the day to day responsibility and decision making for the child rests in law with a corporate body. Thus despite offering a child a home and their day to day care, a foster carer has no direct legal relationship to the child for whom they are caring.
- 5.2.2 Were the child to be adopted the adoption order has the effect of ending the legal status of the birth parents, who are then not afforded any rights to the child or legal recognition as parents in law. Thus this order is not suitable in every case.
- 5.2.3 A way of establishing a legal relationship with the child which falls short of adoption is by the carers for the child obtaining a Special Guardianship Order. This is a relatively new order which was brought in with the Adoption and Children Act 2002. It gives the recipients, known as Special Guardians, parental responsibility for the child, and allows the Special Guardians to exercise it to the exclusion for all others with parental responsibility, save for very limited exceptional circumstances. The order lasts for the child's minority.
- 5.2.4 The report correctly identifies the challenges to the authority in ensuring that more foster carers feel able to become Special Guardians to their foster children. In addition to the issue of financial support, all Special Guardians are entitled as a matter of law to a Special Guardianship Support Plan. Orders are unlikely to be granted by the court unless the potential Guardians and the Court can be

satisfied that the support plan is appropriate. The plan will reflect the needs both of the individual child, and the capacity of the potential Special Guardians.

- 5.2.5 Given the range of challenges faced by foster carers in caring for children who may have suffered serious abuse or have a range of special needs, including in particular the management of contact arrangements with the birth family, for some children even with the granting of a Special Guardianship Order they may continue to be children in need, and require ongoing support services from the local authority. Nothing in the “Family First” approach outlined in the report undermines the duties of the local authority in this respect.

Lawyer Consulted: Natasha Watson Date: 03.10.2012

Equalities Implications:

- 5.3 Achieving permanence for children positively affects their life chances and prioritising Family First principles ensure that where possible children remain in their birth family and where this cannot happen they are secured permanence via carers with whom they have developed a trusting and positive relationship or are carefully matched with adopters who can meet their needs.

Sustainability Implications:

- 5.4 Securing permanence either via adoption or special guardianship for children in the care system optimises their future outcomes and decreases demand on high cost care services.

Crime & Disorder Implications:

- 5.5 Securing permanence for children and young people maximises their potential and minimises the likelihood of them becoming not in employment, education or training.

Risk and Opportunity Management Implications:

- 5.6 Risks relevant to the process of securing permanence for children both within and external to their family are carefully considered and scrutinised within the permanence processes of BHCC.

Public Health Implications:

- 5.7 Achieving permanence for children and young people optimises their life chances including health and well being.

Corporate / Citywide Implications:

- 5.8 Achieving permanence for children in care removes them from the care system, maximises their potential and contributes significantly to Corporate Value for Money objectives.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The alternative of not actively promoting the achievement of permanence for children in care will lead to poorer outcomes for children and young people and continued pressure on the resources of the council.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To improve the ability of BHCC to achieve permanence for children within their extended families, foster families and prospective adoptive families, thereby maximising their life chances and reducing the cost of the disproportionately high numbers of children in care in Brighton and Hove.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

1. None

