

S U F F O L K A D O P T I O N A G E N C Y

Guidance for social workers on presenting children's cases to permanence panel

Introduction

This paper provides guidance to social workers and their managers on getting ready to present children to the adoption panel with a recommendation that their best interests are met by adoption. Adoption and permanency planning is everybody's core business in childcare.

However, some social workers do not present children to adoption panels on a frequent basis. In the circumstances, social workers have told me that they would appreciate some written guidance in an area of work in which they practice only from time to time.

This is provided below in the form of a checklist with a commentary on the right.

The documents mentioned in underlined bold italics below can all be accessed by going to the Adoption and Permanence A-Z page.

The **Policies of the Suffolk Adoption Agency** are referred to along with legal and administrative points. Click on the hyperlinks to go to the documents referred to.

New to this edition are the requirements of the Adoption Support (Local Authorities) Regulations 2003. These regulations require the outline assessment of the adoption support needs of children and their birth relatives at the "best interests" stage. The notes below tell you what to do.

Do make an early start on your form!

*In most cases the likelihood of an adoption panel "best interest" item can be foreseen for several months in advance. You'll see from this guidance that writing a good form E means carefully assembling a lot of detailed information (even more since the arrival of new adoption standards!) and putting your case for adoption thoughtfully. The key thing is to give yourself plenty of time to do it by starting immediately after the review which identifies adoption as one of the parallel plans. **In particular, get the medical process started now!** (see below)*

If medicals aren't done and other key things are missing you might end up having to explain to the court why there is an adoption plan but no "best interests" recommendation. The new Court Protocol makes it even more critical to have your Form E ready at the right time.

Practice Checklist for Best Interests

Tick Here	What to do	Why?
	Call an LAC review to endorse your Care Plan for adoption.	<i>The review is the place where any Care Plan for a child or young person has to be endorsed. It is inappropriate for a Child Protection Conference to do this.</i>
	Where the child is accommodated, arrange a "best interests" Permanence Panel item within two months of the review agreeing the plan for adoption	<i>To avoid delay and to meet the National Adoption Standards our Policies say that we will bring a child's case to "best interests" panel within 2 months of a review decision that adoption is the plan or one of the parallel plans for the child. Phone Christine Prescott on 700 3414 or Andrea Mooney on 700 1739 for admin help and John Clifton on 700 1636 for professional advice. See Who's who in adoption.</i>

	Where the child is in care proceedings, arrange a “best interests” item as soon as possible after the completion of assessments within care proceedings but before the final hearing.	Local Authority Circular LAC (99) 29 and the new “ Court Protocol ” give more detailed guidance about this.
	Refer the case to the Adoption Team before the review and call it at a time when a social worker from that team can come.	<i>The adoption team member’s role is to be a resource to you in working out the adoption plan in detail from the start right through to placement. Who are your link adoption team members? See <u>Who’s who in adoption.</u></i>
	Arrange with your adoption team social worker for a permanency planning meeting to be held within 2 weeks of the review	<i>There is a lot of detailed planning involved in finding the right placement and preparing the child. See the separate <u>permanence planning meeting format</u> for more details of what you need to do to prepare. To avoid delay and to meet the National Adoption Standards our Policies say that we will hold a permanency planning meeting within 2 weeks of a review decision that adoption is the plan or one of the parallel plans for the child.</i>
	Arrange for the child’s adoption medical early in the process by sending off the appropriate forms	<i>The medical must be carried out before the panel date and medicals can sometimes take 4 or 6 weeks to arrange. The Panel can’t approve a “best interest” recommendation without the medical. See <u>Medical Guidelines</u></i>
	Fill in the Adoption Agency Front Sheet and indicate on it what recommendation you are seeking from the panel and key milestones for the child’s plan.	<u>Adoption Agency Front Sheet</u> <i>Usually you are asking the panel to recommend that the child’s best interests will be met by adoption. You may also be asking the panel to consider an adoption allowance or freeing. The National Adoption Standards now oblige the Adoption Panel to monitor the time it takes for children to arrive at key milestones and comment on this to the Department. That’s why you are asked to fill in dates and times taken and state reasons for any slippages. The panel now routinely notes this in the minutes and will ask for this information if it is not provided.</i>
	Use the electronic version of the BAAF form E. Answer all the questions fully and as accurately as you can.	<i>The BAAF form E provides the framework for If you are not sure what to write, there is question-by-question guidance from BAAF on completing forms E . Or phone or email John Clifton. Bear in mind that the form has to be an accurate record not just for the Panel but also for the child in later life and prospective adopters. It is a key tool in getting a match right for the child. When disruptions happen a common factor has often been the adopters’ lack of information about the child or misleading information on the form E.</i>

	Type your answers in bold type.	<i>This makes the information on the child you are presenting stand out from the headings and guidance on the form. This assists Panel members greatly.</i>
	Clearly describe attempts that have been made to engage the parent or parents in work that could lead to restoration and the outcome of all assessments, which have been carried out of the parents' ability to care for the child.	<i>Unless this is evidenced, the Panel are not likely to be able to agree a "best interest" recommendation. The permission of the Court in Care Proceedings is needed to attach an expert report to your form. Usually, it is more appropriate to summarise the main points of assessments. This does not usually require leave of the Court.</i>
	Attach a genogram for the child. Describe attempts to identify and assess members of the child's kinship group as permanent carers.	<i>Genograms are particularly valuable in identifying all wider family members who might be considered as permanent carers. Free genogram software from www.Genopro.com is now available. Ask ITSolutions to install it in your team. The Panel has to be satisfied that there are no likely permanent carers for the child within the kinship group before they can make a "best interest" recommendation.</i>
	Attach a chronology.	<i>This will tell the panel a lot about what the care problems have been, over what period and what has been attempted with what results. It could save you a lot of effort in describing the history and background to the application. Use the same chronology that you submit to court in care proceedings.</i>
	Provide a comprehensive and detailed future contact plan within the form E.	<i>This should include arrangements for indirect and direct contacts with parents, siblings and other family members. The plan should cover the transition towards adoption from the current level of contact; post care proceedings contact to post placement contact.</i>
	Ensure that the child's views (having regard to their age and understanding) about their situation, who they live with in future, whether they are adopted and who they continue to have contact with are recorded on the form E	<i>Now required by our Policies (3.14.2) and by the National Adoption Standards. Children capable of having a view (even quite an immature view) cannot be placed for adoption without being properly consulted!</i>
	Arrange, where appropriate, for the child to be invited to attend the Permanence Panel to express their views.	<i>Policy (3.14.7) now states: "children of sufficient age and understanding who wish to present their own views in person may be invited to attend panel meetings considering best interests". Where children wish to attend or have their views heard in some other way please read the procedures for involving young people in panel recommendations. Then phone or email John Clifton to discuss how we can best achieve it. (See Who's who in adoption) If the child is not of sufficient age and</i>

		<i>understanding to attend or does not wish to attend, this should be clearly stated in the section dealing with the child's wishes and feelings on the form E.</i>
	Seek the views, if any, of the Child's Guardian. If they don't want to comment, say so on the form.	<i>Go to Statement of the <u>Views of the Child's Guardian</u> form. Local authorities need to do this following the reported case: Re:R (1999) 2 FLR 1123 in which the court held that the Child's Guardian should always be given the opportunity to comment to the adoption panel on a plan for adoption. If the court case is no longer live, you don't have to do this.</i>
	Attach foster carer's comments.	<i>Ask the foster carer to complete the <u>Child Portrait Form</u></i>
	Arrange for the foster carer to attend panel with you.	<i>Their day-to-day detailed knowledge of the child is often invaluable and unless there are particular contraindications, panel members will want to hear from them. If the foster carer doesn't attend, the panel will want to know why they are not there.</i>
	Complete an assessment of the child's needs for adoption support. Consider whether you are asking the panel to agree regular financial support (previously an adoption allowance). If so, why does this situation meet the criteria? Why do you think an enhanced allowance should be paid if applicable? Complete form and attach to form E. Is there a proposal that before the child is adopted their name should change or they should be known by a different name? If so, you must seek a Panel recommendation and follow the Agency Policy. Flag the issue up in this assessment of child's needs.	<i>The need to assess the child's need for adoption support at the time of the "best interests" application and the provision of regular and "one off" financial support is governed by the Adoption Support Services (Local Authorities) Regulations 2003. An adoption agency can only provide regular financial support in the specific circumstances described in the Regulations. These are set out on the <u>Assessment of the child's need for adoption support form</u> for you to tick if you think they apply. (see form attached). Note: This form kills 2 birds with one stone! You can use it later instead of the Matching Matrix for matching purposes at County Matching Meeting. Agency Policy (3.22.1) on name changes changed in November 2003.</i>
	Include a recent school report for school age children; an educational statement or psychologist's report if there is one.	
	Give clear concise reasons (in bullet point form) for your recommendations to the adoption panel.	<i>Why can't the birth parents look after the child now and in future? What other alternatives have been considered? In particular, care by kinship? Why were these ruled out? See this <u>example of concise reasons for "best interests"</u> (below). Giving clear reasons for decisions is required by the Adoption Agency Regulations and implicitly by the Human Rights Act. Social workers who do not spell out clear reasons for the plan risk having their applications misunderstood or having to think up reasons on the spot</i>

		<i>at the panel!</i>
	Ensure that the panel can see a compelling link between the facts in your form E, the concise reasons given and the best interests recommendation you are seeking from them.	<i>Is there the evidence in your form to justify the reasons you state? Are the reasons fairly stated? Do the reasons lead ineluctably to the conclusion that adoption is in the child's best interests?</i>
	Ensure that your form E has been signed off by your social care manager and either your assistant locality manager or your locality manager. Give them plenty of time to read it properly.	<i>This is to ensure that the plan being put forward is not just your plan but that of the Department. It also constitutes the quality assurance check of your work and the form and attachments.</i>
	Ensure that your form and attachments arrives <u>no later than two weeks before the permanence panel date.</u>	

If you have a problem and need advice please contact me. I will do my best to avoid unnecessary delays. However, there is a bottom line.

NB: If your form arrives late, is missing necessary key elements laid out above or no pre adoption medical has been carried out it is likely to mean that the panel item will be postponed regardless of court timetables.

*John Clifton
Professional Adviser (Permanence)*

Date: 7 October 2005

SUFFOLK ADOPTION AGENCY

Example of concise reasons for recommending a “best interests” decision:

“Reasons for the recommendation that adoption (or long term fostering as the case may be) is in the best interest of X

- 1) X has been repeatedly neglected and physically abused on more than one occasion whilst in the care of his mother.
- 2) In spite of outside monitoring and assistance, his care has been dangerous and neglectful over a considerable period of time.
- 3) His mother has been unable to be a consistent and reliable attachment figure for him. She is currently unable to meet his needs to a good enough level.
- 4) His mother has not been willing or able to consistently take-up counselling offered to her to assist her to address her alcohol problem and to parent X satisfactorily.
- 5) Even if she were now to do so, departmental assessments and psychiatric assessment suggests that she is unlikely to be able to address her own issues satisfactorily within a timescale relevant to X's need for secure care.
- 6) X needs to receive secure, consistent and permanent care as soon as possible.
- 7) No other member of X's family is able to give him suitable care. His paternal grandmother is unwilling to be assessed. His maternal aunt is unclear in her motivation, already has 3 children (including one of X's age) and a new partnership. She would be unable to safeguard X from unplanned visits by mother and father. In these circumstances, she is clearly unable to provide suitable care.

- 8) X's birth father *David Y*, does not have parental responsibility; has had no contact since before June 2000; has been subject to concerns about his previous handling of X; has a volatile personality, a history of domestic violence associated with illegal drug use. Although expressing an interest in X's care he is clearly unable to provide care, which meets his needs.
- 9) No other family member has been identified who has the potential to care for X.
- 10) X needs permanent secure care from a family able to accept that he has had a troubled previous care history. In view of his young age only adoption is appropriate as a means of securing permanent family life for him (provide other reasons for long term fostering).
- 11) In view of the above factors, the panel is invited to recommend that adoption (or long term fostering) is in X's best interest."

*The **reasons for the recommendation** should appear as the last paragraph of the form E Part II, just before the signatures.*

THE ABOVE EXAMPLE IS FICTITIOUS