



ADOPTION & PERMANENCE PANEL

CONSTITUTION AND TERMS OF REFERENCE

Fostering & Adoption Services
Moulsecoomb Hub South
Hodshrove Lane
Brighton
BN2 4SE

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BRIGHTON AND HOVE CITY COUNCIL ADOPTION & PERMANENCE PANEL CONSTITUTION AND TERMS OF REFERENCE

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1. INTRODUCTION

- 1.1 Brighton and Hove Children's Services is a local authority Adoption Agency and a Fostering Service Provider.
- 1.2 All Adoption Agencies and Fostering Service providers are legally required to have adoption and fostering panels.
- 1.3 The Regulations ensure that Adoption and Permanence Panels have an independent role separate from the agency.
- 1.4 The duties of an Adoption Agency for establishing and operating an Adoption Panel are set out in the Adoption Agency Regulations 2005 (as amended). Guidance is provided in the First revision of the Adoption and Children Act 2002 : February 2011. Further detailed guidance and best practice advice is also available in the BAAF publication Effective Panels.
- 1.5 The Brighton and Hove Adoption & Permanence Panel considers the approvals of applicants as suitable to adopt, suitable to foster/adopt, suitable for concurrency foster caring, adopter approvals, reviews of adopter approval with a negative recommendation, recommendations for termination of adopter approval, placements (matches) for adoption and permanent fostering within the terms of the Brighton and Hove Council Permanence Policy. It also considers family and friends fostering arrangements. Accordingly the Adoption & Permanence Panel must comply with regulations and guidance relevant to both adoption and fostering.
- 1.6 The composition of Fostering Panels, terms of reference and functions are set out in the Fostering Services (England) Regulations 2011.
- 1.7 This constitution and terms of reference provides the framework for the operation of the Adoption & Permanence Panel. It is reviewed annually.

2. AIMS AND OBJECTIVES

- 2.1 The aim of the Brighton and Hove Children's Services Panel is to ensure the provision of a high quality adoption and permanence service that safeguards and promotes the welfare of children looked after by the local authority.
- 2.2 The Adoption and Permanence panel will carry out its responsibilities in accordance with the, Adoption and Children Act 2002, Adoption Agency Regulations 2005 and other associated Adoption Guidance and Regulations, Fostering Service Regulations 2011 and departmental policy and procedure.
- 2.3 The Adoption and Permanence panel is committed to practice which promotes inclusion and diversity and it carries out it's duties in accordance with Brighton & Hove City Council Celebrating Diversity policy. It will not discriminate on the grounds of gender, race, religion, sexuality, age or disability in its provision of a service which meets the needs of children in need of adoption and permanent fostering.
- 2.4 In all matters the Adoption & Permanence Panel will hold the welfare of children to be paramount. The welfare checklist provided in section 1(4) of the ACA 2002 will be considered when any recommendation in relation to adoption is being made. The welfare checklist provided in the Children Act 1989 will be considered in cases relating to foster care and family and friends care.

3. ROLE AND RESPONSIBILITIES

- 3.1 The role of the Adoption & Permanence Panel is to consider ;
- Whether an individual child with a plan for adoption should be placed for adoption with particular adopters. At the same time panel is required to consider:
 - a) the local authority proposals for the provision for adoption support services.
 - b) the arrangements the agency proposes to make for allowing any person contact with the child and

- c) whether the parental responsibility of any parent or guardian or the prospective adopters should be restricted and if so, the extent of any such restriction.
- Whether applicants are suitable as prospective adopters. When the panel recommends that the prospective adopter is suitable to adopt a child the panel may also give advice about the number of children the prospective adopter may be suitable to adopt, their age range, gender, likely needs and background.
- Whether applicants are suitable as concurrency foster carers or foster to adopt foster carers. Both categories require approval under fostering and adoption regulations.
- Whether applicants are suitable as long term Foster Carers in relation to a child under nine years-.
- Whether Foster Carers who have been approved as suitable to provide a permanent placement are the appropriate permanent placement for a specific child.
- Whether applicants are suitable to adopt the child they have been fostering as part of a concurrent plan.
- Whether family and friends applicants are suitable to provide foster care on an interim basis to a child on a legal order further to such an arrangement having been made on a temporary basis in accordance with Regulation 24 (The Care Planning, Placement and Case Review Regs 2010).
- The appropriateness of granting an extension via Regulation 25 (The Care Planning, Placement and Case Review Regs 2010).to an assessment being conducted under Regulation 24
- —
- Whether family and friends carers should be approved as carers for a looked after child not yet in their care.

Reports regarding placement disruptions.

- Reports regarding reviews of adopters approved and waiting for matching with a child where the Agency considers that there have been significant changes to the lives of the adopters since their approval.

- Recommendations by the Agency for termination of approved adopter status for adopters where the review process indicates to the Agency that this is the appropriate plan..

In addition to the above the Adoption & Permanence Panel should participate in the preparation and the review of agency procedures and policies in relation to adoption and permanence.

- 3.2 The Adoption & Permanence Panel's role is to provide thorough and critical consideration of all cases presented to it and to make sound and appropriate recommendations to the agency decision-maker. The panel will not make any conditional ('in principle') recommendations in relation to recommendations subject to Adoption Agency Regulations, but may defer a recommendation (see section 16) where more work is indicated.
- 3.3 The panel will offer consultation and guidance on cases and about adoption and permanence where appropriate.
- 3.4 The panel will monitor the standards and quality of assessments and reports and give feedback to the appropriate managers via the agency adviser. The panel will be rigorous in their approach to quality assurance and will contribute to the development of good practice.
- 3.7 The Panel is committed to inclusive practice which promotes diversity and will be transparent in its process of arriving at a recommendation.

The Panel will welcome comments and suggestions, which will improve both its practice and operation. Questionnaires are sent to all those who have attended panel to assist in gathering the views of the different service users.

The Panel will make use of service user feedback in its annual appraisal processes in order to inform service and individual member development. This process will include the Agency Decision Maker.

The Panel provides quality assurance feedback to the Agency Decision Maker within each set of Panel Minutes, the Chairs Feedback Report which assists in Agency Decision Making meetings and at least every six months in a formal meeting between the Panel Chair, the Agency Decision Maker and the Agency Advisers for Adoption and Permanence and Fostering (Adoption National Minimum Standard 17.2)

4 MEMBERSHIP

4.1 As an Adoption & Permanence Panel, the membership must satisfy regulations related to both adoption and fostering panels.

4.2.1 Membership of Adoption Panels is prescribed by The Adoption Agencies and Independent Review of Determinations (Amendment) Regulations 2011.

4.3

The membership of the Brighton and Hove Adoption and Permanence Panel and the Brighton and Hove Fostering Panel is drawn from “the central list”.

4.4

The Central List is a list of persons whom the Agency considers have the appropriate qualifications and /or experience to consider the cases submitted to the adoption and permanence panel for its consideration. There is no limit to the number of people on the central list and the same people do not have to be appointed to every panel meeting.

The Central List is compliant with Adoption Agency Regulations in its composition and includes;

- Adoption Social Workers with at least three years’ relevant post qualifying experience in child care social work, including direct experience in adoption work. The adoption social workers do not need to be employed by the agency.
- The medical adviser to the adoption agency.

Other persons. These are persons whom the agency consider suitable including social workers for the agency and those not employed by the agency to reflect the independent nature of the panel. These include people with personal experience of adoption as adopted people and adoptive parents, foster carers independent of the Agency, education and health professionals, elected members.

The Adoption and Permanence Panel has a core membership of no more than ten members. This core group is supplemented by other members from the central list in order to ensure quoracy of Panel meetings. This core membership comprises;

- the Interim Chair who is also an adoptive parent and therefore, independent of the Agency, (pending further anticipated amendments at the time of writing within the Action Plan for Adoption, to Panel membership and quoracy)
- The Vice Chair, an independent Adoption Social Worker
- a foster carer for another agency,
- an adopted person,

- an adoptive parent,
- an education professional,
- an elected member,
- a childcare social work manager.

It is permissible to appoint a second vice chair.

Quoracy of Panel Meetings is achieved with five members being present at the meeting. These five members must include the chair or vice chair and the adoption social worker. Where the second vice chair has to chair the meeting, if she is not an independent member given her previous employment by the Agency, at least one independent member will also need to be present.

4.4 Fostering Panel membership is prescribed by the Fostering Services Regulations 2011. The requirements of panel membership is as above except that it stipulates that four independent members are required and that this should include at least one person who is, or within the previous two years has been a foster parent for a fostering service provider other than the one whose fostering panel is being established.

4.5 The panel endeavours to be gender balanced and reflect the composition of the community that the agency serves whilst ensuring a broad range of relevant experience and skill remains available to the panel process.

4.6 All panel members have suitable qualifications and/or experience and are expected to comply with the panel protocol.

4.10 There is no fixed term of office for Panel members and tenure will be reviewed with Panel members as part of their annual appraisal with the Chair and the Agency Adviser.

Panel members will be recruited, by the Agency Adviser (and for the Independent Chair Person, The Agency Decision Maker), via advertisements either within the agency (for agency nominated representatives) or via relevant publications (for independent members). The exception to this is the agency medical adviser who will be nominated by the Primary Care Trust.

Applicants will be required to submit a completed application form and attend an interview with the Agency Advisor and Independent Chair. Verbal and written references and an enhanced Criminal Records Bureau enquiry and a Child Protection Register enquiry will be obtained for each panel member prior to their being appointed.

5. PROTOCOL FOR MEMBERS

- 5.1 All panel members are required to sign a Panel Members Agreement (appendix B)
- 5.2 There is no formal minimum attendance requirement for Panel members however, members who wish to participate within the Core Group are requested to attend a minimum of 75% of meetings in a year. All Panel members are required to arrive on time for all panel meetings. Members unable to attend a panel meeting must ensure that apologies are sent in advance to the agency adviser and Panel Administrators. The Agency Adviser will have discussions privately with any panel member where attendance is proving to be a problem.
- 5.3 Panel members will be committed to inclusive practice which promotes diversity and will consider each case on its own merits.
- 5.4 Each panel member has a duty to maintain the confidentiality of the information to which they have access. The agreement that panel members sign includes a section on confidentiality.
- 5.5 Panel members should have read all panel papers carefully before panel and should come prepared to contribute to panel discussions.
- 5.6 Panel members are expected to keep up to date with developments in fostering and adoption and to avail themselves of training opportunities. The Agency Adviser will offer advice and support on this.
- 5.7 Panel members will be kept informed about current practice, issues and legislation in relation to adoption by means of updates from the agency adviser, consultations etc. and will also be provided with access to the Agency membership of BAAF including online access to the BAAF quarterly journal.
- 5.8 A minimum of 2 annual training events are offered. There is an expectation that panel members will attend 50% of the training events. Members will be consulted on the content and format of the training.
- 5.9 Panel members must declare any personal or professional interest in any matter for consideration by the panel.
- 5.10 All panel members will have a current enhanced disclosure from the Criminal Records Bureau, which will be updated every three years. Panel

members must inform BHCC at once if they are convicted or cautioned for any criminal offence.

- 5.12 Each panel member will have a file held by BHCC with details of recruitment, references, full name, date of birth, home address, proof of identify, photograph, qualifications and experience and any complaints and allegations made against the panel member including details of any investigation and its outcome.
- 5.13 All new panel members will be expected to observe at least one panel and to shadow at least one panel prior to full membership. Where new members have previous panel membership, it may be agreed that they need only to observe one panel prior to membership.
- 5.14 All new panel members will receive a comprehensive induction pack and will have an induction programme. The Agency Adviser will offer support regularly to independent members in a way which is agreed with individual members.
- 5.15 All panel members will take part in the annual review of their performance
- 5.16 A panel member may resign at any time by giving 28 days notice in writing to the panel chair or agency adviser. If BHCC is of the opinion that a member is unfit or unable to hold office, the agency may terminate his or her office by giving him or her notice in writing of the reasons.
- 5.17 The agency adviser, in consultation with the panel chair, will informally approach any panel member whose behaviour is considered inappropriate or ineffective. If the matter cannot be resolved at the informal stage by further individual training and/or advice and guidance, a letter addressing the issue will be sent to the panel member with a copy to the agency decision maker and panel chair. If there are no substantive changes and difficulties persist then consideration will be given to terminating their membership. If this course of action was to be undertaken and the panel member was dissatisfied then appeal could be make in writing to the Agency Decision Maker whose decision is final.
- 5.18 Panel members who do not attend panel as part of their employment will receive an expense payment of £110 per panel attended. This will be paid on receipt of an invoice. This payment will cover all transport, childcare and other costs associated with panel preparation and attendance.

6 PANEL CHAIRPERSON

- 6.1 The Chair of the Adoption and Permanence Panel is independent of the Agency. The most significant qualities that the independent panel chair must demonstrate are;
- The authority and competence to chair a panel
 - The ability to analyse and explain complex information
 - The ability to identify key issues, problems and solutions
 - Excellent interpersonal, oral and written communication skills.

The Chair should have a sound understanding of the adoption process, significant experience of social work and adoption work; including at a senior management level and the necessary skills to ensure that the panel's work is carried out efficiently and sensitively.

The Agency Decision Maker will be responsible for the recruitment of the Panel Chair in liaison with the Agency Advisor. When a vacancy arises for a Panel Chair, advertisements will be placed in relevant publications.

- 6.2 The chair will ensure that panel meetings are conducted in a professional and proper manner and that all items of business are covered and to assume responsibility for co-ordination of discussion and time keeping. The chair will ensure that all applicants, social workers and managers attending panel will be treated with respect and courtesy.

- 6.3 The responsibilities of the chairperson include:
- Deciding who will attend panel in addition to panel members
 - Ensuring that all panel members contribute fully to the panel's recommendation and to ensure that where panel members have serious reservations these are recorded in the minutes of the panel's meetings.
 - Ensuring that all panel records are accurate
 - Involvement when a panel member appears unfit, unwilling or unable to continue
 - Involvement in deciding when a matter is urgent and when an additional panel meeting may need to be convened.
 - That there is clarity concerning the reasons for panel's recommendation and accurate recording of such.
 - The promotion of good practice and consistency of approach and fairness by panel members in assessing carers.

- 6.4 The chair of the panel will be responsible for producing a report of the panel's work for Brighton and Hove Children's Services every six months in accordance with Adoption National Minimum Standard 25.6.
- 6.5 The Agency Decision Maker undertakes an annual performance review of the Chair person. The views of panel members and those attending panel will be asked to contribute to this process by completing attendance questionnaires and the time of attendance and by the Agency Adviser canvassing their views at the time of the performance review..

6 Panel Vice Chair

In order to avoid cancellation of Panel meetings and the resulting delay in adoption planning for children and families, Brighton and Hove Adoption and Permanence Panel has two vice chairs.

The first vice-chair will be another independent Panel member., reflecting the requirement for an Independent chair.

The second vice chair is not required to be independent of the Agency but, if they chair the panel meeting, there must be an independent member present to achieve quoracy.

The vice chair should have the skills and experience necessary to deputise for the chair. These should be similar to the qualities for the panel chair.

7 INDEPENDENT MEMBERS

A member of a local authority adoption and permanence panel may not be considered independent if:

They or a relative have been employed within the last year within the Agency's children and family services. This includes elected membership. An adoptive parent cannot be considered independent of the Agency if they have been approved by the Agency or had a child placed with them by the Agency unless at least 12 months has passed since the making of the adoption order. They are also not considered independent if they are receiving adoption support through the agency.

Independent members will have personal or associated professional experience of adoption and fostering.

8 MEDICAL ADVISER

- 8.2 The medical adviser is a member of the Central List and is therefore required to make a recommendation in relation to each of the cases considered. He/she is not confined to commenting solely on medical issues and is encouraged to make an active contribution on all matters.
- 8.3 The medical adviser will be a senior member of the community child health service and will have an in-depth knowledge of child health and development and the consequences of abuse and neglect.
- 8.4 The medical adviser is available, where appropriate, to children, social workers, foster carers, adopters and birth family members. The medical adviser will provide a written report to the panel on adopters, foster carers and children presented and will be available to discuss resulting issues. Where appropriate he/she will also be available for consultation and advice on emerging medical issues post placement.

9 LEGAL ADVISER

- 9.1 The legal adviser is a lawyer employed by BHCC and is experienced in family and child care law and in adoption work.
- 9.2 The legal adviser will give specific legal advice to panel members on each individual case presented to the panel.
- 9.3 The legal adviser will give general advice to panel members on the legal functions and duties of the panel.
- 9.4 If the legal adviser is unable to attend panel they will ensure that alternative arrangements are made in order that the panel can have legal advice.
- 9.5 The Legal adviser can be contacted by social workers for advice.

10.0 AGENCY ADVISER

- 10.1 The Agency Adviser to panel must be a senior member of staff with at least five years post qualifying experience and relevant management experience. The Agency Adviser does not have line management responsibility for social work staff within the fieldwork or fostering and

adoption service and plays a key quality assurance, advisory and developmental role within the department.

- 10.2 The Agency Adviser will advise the chair and panel as required on matters relating to Brighton & Hove Children's Services practice, policy and procedure.

The Agency Adviser is responsible for ensuring that paperwork submitted to panel by the Agency is compliant with the relevant legislative and regulatory framework, and that it is of sufficient quality and detail to enable the panel to reach a recommendation and the Agency Decision Maker to make an Agency Decision.

- 10.3 The Agency Adviser is responsible for ensuring comprehensive and appropriate papers are sent to panel members at least five working days before the panel meeting and for reporting back to the agency any concerns or issues raised by panel members.

- 10.4 The Agency Adviser is responsible for ensuring that accurate and timely minutes of panel are produced and that verbal and written notifications of the Agency Decision are forwarded within the agreed timescales.

- 10.5 The Agency Adviser will assist the agency in the appointment, termination and review of panel members. The Agency Adviser is responsible for the induction and training of panel members and for monitoring the performance of panel members and panel administration.

- 10.6 The Agency Adviser is available for consultation and advice on matters relating to the panel and permanence practice, and attends a briefing meeting with the Agency Decision Maker after every panel meeting. If the Agency Adviser is unavailable alternative arrangements will be made to ensure that panel has agency advice.

- 10.7 The Agency Adviser will provide panel members with specialist advice and access to appropriate training materials as necessary; this will include giving particular advice on such areas as inter country adoption.

11 OTHER ADVISERS

- 11.1 If other specialist advice is required for any other reason the Agency Adviser to panel will source this appropriately.

12. CONFIDENTIALITY

- 12.1 All information presented to the Adoption & Permanence Panel is confidential and panel members must respect this.
- 12.2 All panel members (and any observers) will be required to sign a confidentiality agreement. For panel members this is included in the panel member's agreement.
- 12.3 All panel members must be able to indicate what arrangements they have for ensuring that confidential papers sent to them are kept in a secure place.
- 12.4 All documentation and reports must be returned to the panel administrator at the end of each panel meeting. If a panel member is unable to attend a panel meeting it is their responsibility to ensure that the papers are returned safely to the agency adviser.
- 12.5 Any breach of confidentiality by a panel member will be considered as serious and will be taken up by the agency adviser and the Chair of the Panel.

13. CONFLICT OF INTEREST

- 13.1 It is possible for a panel member to have some knowledge, either in a professional or personal capacity, of a case under consideration.
- 13.2 If a panel member believes they may have personal knowledge they should not read the papers before seeking advice from the Agency Adviser or panel chair.
- 13.3 Professional knowledge should be declared at the panel meeting.
- 13.4 The chair will decide whether a declared interest in a case is such as to debar the panel member from the discussion relating to that case and/or participation in the panel recommendation.
- 13.5 Declaration of an interest, personal or professional, may not of itself preclude a panel member from being involved in considering the item. Any declaration of interest will be recorded in the Panel minutes.

14. ADMINISTRATION OF THE PANEL

- 14.1 An experienced administrator will support the work of the panel.
- 14.2 Cases will be booked to Panel agendas in good time by Social Workers to ensure that the requirements of the panel processes do not cause delay to decision making and planning for children and their families.
- 14.3 Cases will be confirmed on the Agenda once the relevant paperwork has been received and it is agreed by the Agency Adviser that they meet the required standards. If Social Workers require particular times for their panel appointment they must submit this request at the time of submitting their paperwork.
- 14.4 Panel Papers will be collated, indexed and sent to Panel Members at least five working days before the Panel meeting.
- 14.5 Late submissions will be tabled further to discussion with the Agency Advisor and Panel Chair
- 14.6 The panel must keep minutes of its meetings and a written record of its recommendations and reasons. The minutes must accurately reflect the discussion and cover the key issues, rather than be a verbatim record of the meeting. The Panel Chairperson is responsible for ensuring the accuracy of the panel's minutes in terms of the recommendations made and reasons for them before they are shared with the Agency Decision Maker.
- 14.7 The Adoption & Permanence Panel administrator will minute panel meetings. The minutes will record:
 - Date of panel
 - Attendance at panel
 - Apologies for absence from panel
 - Name of applicants/adopters/foster carers/child
 - Purpose of presentation to panel
 - The paperwork submitted to panel
 - Issues raised by panel members
 - Areas discussed with social workers and applicants/carers/children
 - The positive factors and potential difficulties/risk factors
 - Any legal advice given including whether the paperwork presented to panel in relation to a child is compliant with the re B judgement (17.07.2008)
 - The Agency's compliance within each case presented with National Minimum Standards

- Recommendation reached together with the reasons for the recommendation including detailing the reports read by panel
 - Any advice to the agency from the Panel
 - Any reasons and reservations of those not able to support the recommendation.
 - Any request from panel for further information, amendments to reports or reporting back to panel
 - Any practice issues formally identified by panel to be feedback to the Agency.
 - Any business for discussion
- 14.8 The chair person will sign all panel minutes to confirm their accuracy before they have been through the Agency Decision Making Process and these will be shared with the Panel at the next Panel meeting when Panel Members are able to comment on the minutes as matters arising.
- 14.9 The panel minutes and recommendation made when the plan for a child is considered, and in respect of matching a child with adopters or foster carers, will be placed in the child's Adoption Case Record to be available to him or her. The child will only have access to the parts of the minutes relating to them, not to the foster carers or adopters.
- 14.10 The panel minutes and recommendation relating to the approval or review of approval of adopters and foster carers will be placed on the adopters'/foster carers' file. Adopters and foster carers do not have the right to see panel minutes, however they will receive the list of the positive factors and areas of vulnerability identified by panel with their letter informing them of the Agency Decision.
- 14.11 A central record of all minutes of the Adoption & Permanence Panel is kept electronically by the Agency and archived in the permanent council archive on a quarterly basis.
- 14.12 The panel administrator will collate relevant statistical data within the Fostering & Adoption service.
- 14.13 The tabling of reports and agenda items is co-ordinated by the Panel Administrator in consultation with the agency adviser. Panel members will receive copies of the agenda and all reports/papers at least one week in advance of the meeting. An agenda is sent to all panel attendees.
- 14.14 The panel administrator will be responsible for the booking of rooms for panel meetings and all practical arrangements relating to panel business.

15. PANEL MEETINGS

- 15.1 The panel meet every 2 weeks usually from 10.00am – 4.30pm
- 15.2 The panel will consider cases with the following minimum timings:
- Approval of prospective adopters or foster carers: 1 hour
 - Placement of children with particular adopters/foster carers: 1hour – 1.5 hours (at the discretion of the adviser in discussion with the panel chair)
 - Approval of Family and Friends Carers – 1 hour
 - Disruption reports: 15 - 30 minutes
 - Review foster carers: 30 minutes
 - Termination of approval: at discretion of adviser
- 15.3 Panel members are expected to read the panel papers in advance of the panel meeting and come prepared to contribute to the discussion. All panel members have an equal role in reaching a recommendation. However the Chair does hold the casting vote.
- 15.4 Panel members will discuss the issues they wish to explore with the social workers and applicants and the chair will co-ordinate the discussion and ensure that all areas are covered and questions assigned to Panel members.
- 15.5 The Chair will brief the applicants / social workers prior to their entering the Panel meeting, about the nature of the questions to be asked and the areas to be explored by the Panel.
- 15.6 Where there are questions to be answered about confidential references, third parties, or particular practice issues, the Chair will invite the Social Workers into the panel meeting without the applicants present. Once those issues are dealt with, if the matter can proceed the applicants will be invited in, and if the matter is deferred, the Chair and the Agency Advisor will explain this to the applicants with the relevant social workers for the case..
- 15.7 The chair will ensure that the social workers and applicants have the opportunity to present any other relevant information when they are invited in to the Panel meeting.
- 15.8 Panel members will endeavour to reach a consensus and the chair will ensure that all members have the opportunity to express their views. Every panel member must express a view about whether or not they support the recommendation.

- 15.9 If a consensus cannot be reached then a majority view will prevail with the dissenting member's views being recorded and attributed in the minutes. The view of those not able to support the recommendation will be communicated to the Agency Decision Maker. The chair will make the final decision on the recommendation and may seek advice from the Legal Advisor and the Agency Advisor. The Chair holds a casting vote.
- 15.10 If there is insufficient information available for panel to reach a recommendation, they will defer the case (see section 16) until the additional information is provided by the relevant social worker.
- 15.11 At the end of each case the chair will summarise the recommendation made and the reasons for it, detailing strengths and areas of vulnerability. The chair will also advise all attendees of the decision making process and when the agency's decision will be made.

16. PROCEDURES FOR DEFERMENT OF CASES

16.1 Guiding principles

- 16.1.1 All cases presented to the Adoption and Permanence Panel should comply with National Minimum Standards. Panel minutes will note where this has not been the case and the reasons for those standards not being met.
- 16.1.2 The responsibility of the Panel is to ensure that all available pertinent information is taken into account when considering its recommendation to the Agency Decision Maker. The responsibility for ensuring “readiness” for Panel rests with the Practice Manager for the Social Worker for the child or adoptive or fostering family. In work being completed under the Adoption Agency Regulations 2005, where a worker has been qualified for fewer than three years, or has not had three years practice experience of adoption placement work, the Practice Manager is additionally responsible for the submission and “ownership” of all written reports to the Panel.
- 16.1.3 The relevant Practice Manager should work to meet the National Minimum Standards and all regulatory requirements of the work, whilst maintaining a focus on the primacy of the welfare of the child and the principle of no delay as set out in the Children Act 1989.
- 16.1.4 The Agency Advisor is responsible for providing advice and consultation to Practice Managers and their social work staff to ensure that they have the best opportunity to work in a timely way. The Agency Advisor is also responsible to ensure through careful scrutiny that the reports submitted to

the Panel is of the required standard and that the care planning reflected in those reports is also sufficiently robust for the Panel and the Agency Decision Maker to complete their respective processes.

- 16.1.5 Any decision to defer a case prior to the Panel meeting must be made in consultation with the relevant Practice Manager or Team Manager for the case. Cases should only be deferred as a very last resort in order to ensure minimal delay for children. Panel administration processes will remain as flexible as possible within the available resources to ensure that deferment of a case is the last resort.
- 16.1.6 Once Panel papers have been circulated to panel members, any decision to defer a case before the panel meeting should be made as early as possible by the Chair and/or agency adviser. The Chair will liaise with the Agency Advisor before they make a decision to defer a case in order to ensure that the opportunity to gather any missing information is offered to the Social Workers.
- 16.1.7 Deferring a case at a Panel meeting should be avoided if at all possible as this leads to additional delay in legal proceedings and where considering approvals of adopters or foster carers, or placements for adoption, causes much distress to applicants/carers. Deferring at the panel meeting also prevents time being available for other cases.
- 16.1.8 The Fostering and Adoption Team Managers, the Agency Adviser and the Chair have the power to defer a case before Panel. However consideration at a Panel meeting may reveal a significant gap in information, evidence or analysis that was not clear before an individual contribution is made or a pattern or theme emerges from collective discussion. This could lead to a case being deferred at a panel meeting. This underlines the value and purpose of an Adoption & Permanence Panel with its different professional and lay perspectives carrying out a quality assurance role.

If a regular pattern of deferment were to occur this would be a matter of serious concern. Panel would need to arrange urgent discussions with the Team Manager of the Adoption and Permanence Service and the Agency Decision Maker and scrutinise its own performance.

16.2 Deferment before a Panel meeting

- 16.2.1 Once papers have been circulated to Panel members, if the Chair considers a report has significant gaps in information, evidence or analysis or is of a poor quality s/he will contact the Agency Adviser (or Panel

Administrator in the agency adviser's absence) to discuss the concerns. The Chair should either:

- 1) ask for the case to be deferred or
- 2) if there is sufficient time available ask the Agency Adviser to ask the responsible social worker, in consultation with their manager, to write a supplementary report for tabling at the Panel meeting. It is understood that the latter will not normally be a feasible option because of time constraints.

16.2.2 Normally the decision to defer a case before a Panel meeting will be made by the Chair in consultation with the Agency Adviser or the Agency Adviser in consultation with the Chair and relevant manager. If a Panel member has concerns about the adequacy of a report prior to a Panel meeting and considers the item should be deferred s/he should contact the Agency Adviser to discuss their concerns. If, after discussion, serious concerns are maintained the Agency Adviser should contact the Chair to recommend the case is deferred prior to the Panel meeting. The Chair will decide whether to accept or reject the recommendation. It is understood that because of members' time constraints this option would be rarely used.

16.2.3 Once the Chair or Agency Adviser has made a decision to defer a case prior to a Panel meeting the Agency Adviser should contact the supervising social worker and their manager immediately so as the applicant's/carer's attendance at Panel can be postponed and explanations and future plans discussed with them.

16.2.4 At the Panel meeting, after minutes and matters arising, the Chair will inform members that the case has been deferred and, where the Agency Adviser and the Chair agree that this will not prejudice the later hearing of the case, give the reasons for the deferment. The Chair will clarify any questions or queries members may have and in consultation with the Agency Adviser inform Panel, if known, when the deferred item will be presented to Panel.

16.2.5 The Agency Advisor will inform the Agency Decision Maker that the case has been deferred to ensure that the Agency Decision Maker does not read the case prior to the required additional information being obtained.

16.3 Deferment at a Panel meeting

16.3.1 If during the Panel's initial consideration of case serious concerns arise about the adequacy of a report in terms of insufficient information,

evidence or analysis the Chair, in consultation with the agency adviser, should either:

- a) clarify through questions and discussion with members whether they wish to recommend deferment or
- b) on the basis of the concerns expressed make a decision to defer consideration of the case and give the reasons for the decision.

16.3.3. There may be some occasions when, prior to the Panel deciding to defer an item, members may wish to try to clarify certain queries or issues with the supervising social worker and their manager within the Panel meeting. Panel may consider that further clarification could confirm that the case should be deferred or that queries can be answered sufficiently and clarify that the assessment work was carried out satisfactorily but not fully recorded in the report. On such rare occasions, prior to this discussion, the Chair or Agency Adviser will leave the meeting and ask the supervising social worker and manager to join the meeting and leave the applicants/carers in the waiting room explaining to them that a number of points in reports need to be clarified before the Panel decides to invite them in. If the verbal responses the supervising social worker and manager give to the Panel's queries are sufficient to fully answer the concerns raised the Panel will ask for the assessment report to be amended and the application can be considered fully and not deferred. If the responses clarify that there is still significant assessment work to be carried out the Panel will confirm the item is deferred until the outstanding work is completed. The Chair and Agency Adviser will leave the meeting and with the supervising social worker and their manager explain to the applicants/carers that the item has been deferred for further information to be obtained.

16.3.2. Once the Panel has made a decision to defer considering the case and has clarified their reasons for doing so, the Chair and Agency Adviser will leave the meeting and explain briefly to the applicants/carers and supervising social worker and manager (if present) that the item has been deferred for further information to be obtained.

The Chair and Agency Adviser will then meet the supervising social worker and manager separately in a confidential setting and explain the reasons for the deferment and clarify what further information the Panel will require. It will also be clarified with the supervising social worker and their manager which future Panel the item has been deferred to; normally the deferred item will be considered at the next Panel meeting.

16.3.4 After the Panel meeting the relevant Agency Decision Maker should be informed.

16.4 Review of deferment procedures.

16.4.1 These procedures will be reviewed by the Panel in March of each year as part of the Adoption Agency annual report process or when necessary. Numbers of deferments at the panel meeting will be included with the reasons for these.

17. REPORTS FOR PANEL

17.1 The panel will require the following reports

- **Approval of prospective adopters:** Prospective Adopters' Report, chronology, financial verification, written references and other supporting documents.
- **Approval of prospective foster carers:** BAAF Foster carers' Assessment Report and supporting documentation.
- **Placement of a child with particular prospective adopters:** Child's Permanence Report (updated to within six weeks of the Panel date.), Record of Agency Decision Making, Child's family finding profile, a completed Adoption Placement Report, all relevant panel minutes and the Adoption Support Plan, Prospective Adopter's Report (PAR), any subsequent adopter review reports, Parental Responsibility Checklist.
- **Placement of a child with particular prospective foster carers:** foster carer's Assessment Report, most recent foster carer's review, Child's Permanence Report (updated to within six weeks of the panel meeting), most recent IRO report from LAC review meeting, a Brighton and Hove Council Matching Report and all relevant panel minutes.
- **Review of approved adopters awaiting placement where the Agency is recommending termination of approval:** a completed Adopters Review Report, all supporting documentation, the adopters' written response to the Review report, the original Prospective Adopters Report and all relevant panel minutes.
- **Adoptive placement disruptions:** Summary of disruption meeting, action plan, recommendations and all relevant panel minutes
- **Review of foster carer approval - annual foster carers review report**
- **Family and Friends paperwork for panel,** the completed family and friends assessment report including the viability report, written references, and a written statement by the carer if they choose not to attend the panel meeting.

17.2 The Agency Adviser to the panel will be available to offer advice to social workers on the completion of reports and the standards required by panel.

17.3 Reports to the Adoption and Permanence Panel in relation to adoption matters upon which the Panel are asked to make recommendations must be prepared by qualified social workers with at least 3 years post-qualification experience. This must include direct experience of adoption work whether in assessing prospective adoptive parents or implementing an adoption plan for a Looked After child. Where the author of the report does not have the requisite qualifications and experience, he or she must have either a qualification in social work or be a social worker in training and supervised by a qualified social worker with 3 years' relevant experience who is to be held responsible for the report.

17.4 Where those preparing reports are not employed by the adoption agency, they must always be suitably qualified and experienced and supervised by a member of staff with the suitable qualifications and experience.

The same qualifications and experience are required for social workers undertaking visits of children placed for adoption.

18. ATTENDANCE BY SOCIAL WORK STAFF

18.1. All social workers must attend with their managers if the case entails adoption and they have been qualified less than three years. Where the social worker does meet the qualification requirements, managers will attend. Social Workers present their cases to panel as follows, this expectation also applies to social workers attending from other fostering or adoption agencies and Independent Social Workers commissioned within Legal Proceedings where they have undertaken an assessment in place of BHCC social workers.

- Approval of prospective adopters or foster carers: supervising social worker and his/her supervisor.
- Placement of a child with particular adopter or foster carers: child's social worker and his/her supervisor and the prospective adopters/foster carers supervising social worker.
- Disruption reports: attendance not required unless requested by Agency Adviser or chair.
- Review/re-approval/termination of adopter's approval: supervising social worker and his/her supervisor.
- Foster carer review of approval: supervising social worker

18.2. The Agency Adviser must be notified as soon as possible regarding any problems with staff attending panel. The agency adviser, in liaison with the panel chair, will then decide whether it is appropriate for the case to be considered by panel.

- 18.3. Staff attending panel will be asked to complete a feedback form regarding their experience of the panel process.

19. ATTENDANCE OF CHILDREN, APPLICANTS, ADOPTERS AND FOSTER CARERS AND OBSERVERS.

- 19.1. Brighton and Hove is committed to user involvement and transparent decision-making. Prospective adopters and foster carers are strongly encouraged to attend panel when their initial application is being considered and when their suitability for a specific child is being considered. However, there is no obligation for the prospective adopter or foster carer to meet with the panel; if they decline to do so this in itself will never be considered as a reason for recommending that they are not suitable.
- 19.2. Family and Friends carers should have it explained to them that they may submit a written statement to panel if they prefer in order to have their own voice included even if they do not wish to attend the Panel meeting. Social Workers must emphasise to family and friends foster carers that any decision not to attend Panel will not influence the panel recommendation.
- 19.3. It may often be appropriate for current foster carers to attend panel with the social worker for the child when information on a child is being presented with a recommendation that adoption should be the plan for the child. Panel would welcome and encourage such attendance where this is likely to be helpful to the process.
- 19.4. Attendees will be given a panel leaflet explaining the panel process and what to expect when they attend. Attendees will also be sent a feedback form so that their views on their experience at panel can be gained and fed back on a regular basis to panel members.
- 19.5. All applicants will be given sufficient notice to enable them to attend. The responsibility for this lies with the supervising social worker who should not book the case to a Panel that the applicants cannot attend.
- 19.6. A letter of invitation will be sent to applicants by the panel administrator confirming the date and time of the panel meeting at least one week beforehand.
- 19.7. When applicants attend they will be invited into the panel meeting with the social work staff after the panel has decided upon the areas it needs further discussion or clarification on. The applicants will be introduced to the panel, and will also have the opportunity to ask any questions they

- may have of panel, give any further information they may want panel to be aware of or make a statement to panel.
- 19.8. The applicants may remain in the panel meeting with the social work staff whilst the panel asks its questions and will then be asked to briefly leave the meeting whilst panel reaches its recommendation.
 - 19.9. When the recommendation is positive and unanimous the applicants will then return to the panel meeting to be informed of the recommendation and be advised when the decision will be made by the agency decision-maker. Applicants will be informed of the strengths in their application and any areas of potential difficulties/risks.
 - 19.10. When the recommendation is positive but not unanimous or is negative or is to defer, the Chair of the Panel will confirm with the Panel what she is to share with the applicants and, with the Agency Advisor, will meet privately with the applicants and the social worker in order to inform them of the recommendation. She will report back to Panel the outcome of this private meeting and this information will be included in the minutes of the Panel.
 - 19.11. Approved foster carers will be encouraged to attend the panel meeting when their first foster care review, subsequent review or any other relevant information regarding the care they provide is being considered. Carers are welcome to bring a representative or friend with them if they so wish.
 - 19.12. Birth parents are encouraged to make written or recorded representation to panel and their opportunity to do so is contained within the child permanence report. They should in any event be shown and be fully aware of the information about them which is presented to panel.
 - 19.13. Children should be supported and encouraged to write or record their views for panel or, when appropriate to attend in person. Arrangements for a child to attend panel should always be discussed in advance with the agency adviser. When the plan for a child is adoption they will be given relevant publications (i.e. Younger Children's Guide to adoption).
 - 19.14. Usually no more than two people at a time will be allowed to observe at panel. Panel attendees will be informed that observers are often at panel; if they have any objection to this they must notify the Agency Adviser in advance of the panel meeting. Observers are required to sign an undertaking regarding confidentiality.

20. DECISION MAKING PROCESS AND NOTIFICATIONS

- 20.1. The chair will provide immediate feedback to all attendees of the panel's recommendation.
- 20.2. The Social worker will verbally convey the panel recommendations to children, birth parents and applicants (if they did not attend) within two working days. However, applicants, children and birth parents must be clear that whilst panel make a recommendation the decision is made by the Agency Decision Maker.
- 20.3. A Service Manager within Brighton and Hove Council Children's Services has delegated responsibility for making the decision on behalf of Brighton & Hove Council Children's Services and is the designated Agency Decision Maker.
- 20.4. The Agency Decision Maker must take into account the panel recommendation when making the decision. However, the local authority cannot delegate the decision making to the panel and no panel member can take part in any decision made by the agency.
- 20.5. The Agency Decision Maker will be sent a copy of all the papers presented to panel. He/she will be notified of all recommendations made by the Adoption & Permanence Panel via draft panel minutes which have been agreed by the Chair of the Panel and a verbal briefing session with the Agency Adviser within five working days of the panel meeting.
- 20.6. Where the Agency Decision Maker is minded to disagree with a Panel recommendation, before making a final decision he or she must consult with a senior colleague with the relevant experience and record the discussion and outcome; a copy of the record must be passed to the Agency Advisor for placing on the child's or prospective adopter's Adoption Case Record.
- 20.7. The Agency Adviser will notify the social workers of the agency decision within one working day. Social Workers will orally inform adopters, birth families and children of the agency decision within two working days of the decision being made. The Agency Decision Maker will write to the applicants/carers, and birth family confirming his/her decision within 5 working days. The Agency Decision Maker will include the reasons for the decision and, where the agency decision is different from the recommendation of the panel, information about the panel's recommendation. Letters to birth parents will be sent via the child's social

worker who should either forward the letters by recorded delivery or hand deliver them.

22. PROTOCOLS FOR EMERGENCY AND ADDITIONAL MEETINGS

- 22.1 Additional or longer meetings may be required when there is sufficient pressure of business and the organisation of any additional/longer meetings will be undertaken after consultation with Panel members.
- 22.2 An emergency Adoption & Permanence Panel meeting is not for use as an extra or additional meeting and will only be used in exceptional circumstances. Where the next scheduled panel date would incur unacceptable delays for a child and/or proposed placement consideration will be given to amending the agenda of an earlier meeting if possible before an emergency panel is arranged.
- 22.3 The normal panel procedures will apply to emergency panels. Panel members will, whenever possible, receive the papers at least 24 hours in advance of the panel meeting. If this is not possible reading time will be given at panel before the case is discussed. Panel members will be contacted by telephone or email to ascertain their availability and the Agency Adviser will liaise with the chair to arrange the meeting.

23. MONITORING ROLE /FEEDBACK TO AGENCY

- 23.1. Progress report - panel will review individual cases of children approved for adoption or long term fostering at not less than 6 monthly intervals in order to promote their timely placement.
- 23.2. The Agency Adviser will take responsibility for reporting back to the local authority any concerns or issues raised by panel members and will meet with the Agency Decision Maker after each panel meeting. Examples of good practice will similarly be fed back. The Agency Decision Maker will take forward practice issues as necessary within the agency.
- 23.3. An annual report on the work of the adoption agency/fostering service provider will be published in June of each year and presented to elected members. This report will include the annual panel report prepared by the chair and the updated adoption agency statement of purpose for endorsement by elected members. In October of each year the Agency Adviser will prepare an interim report for elected members. Both of these reports will include statistical information about the work of the panel. Summaries of these reports will be available to prospective adopters, foster carers, birth parents and children as required.

- 23.4. The Agency Decision Maker will be invited to panel for an agenda item on an annual basis. This will enable a dialogue to take place between panel members and the Agency Decision maker on general practice and quality assurance issues. The Agency Decision Maker will also be invited to take part in at least one of the two annual Panel training days.
- 23.5. The panel will be consulted on any proposed changes to permanence policy and practice guidance to enable them to contribute

24. DISRUPTIONS

- 24.1 A disruption can occur at any time over the course of an adoptive placement. However, in terms of the remit of the Panel, a the term is used to describe a placement which ends after the match has been recommended by the panel; before placement, after placement up to the point of the adoption order.
- 24.2 Disruptions should be notified to the panel via the Agency Adviser as soon as practicable.
- 24.3 A disruption meeting should be held, no earlier than 28 days and no later than 42 days, after any disruption. A summary of the disruption meeting, the relevant reports, an action plan and recommendations will be presented to the Adoption & Permanence Panel as soon as possible after the disruption meeting has taken place.
- 24.4 Panel, through the Agency Adviser, will ensure that any broader practice issues from disruption meetings are disseminated appropriately through the department.

25 COMPLAINTS AND REPRESENTATIONS

- 25.1. Any complaint specifically about the Adoption & Permanence Panel should be directed to the Agency Adviser or Chair in the first instance to assist resolution. If the matter cannot be resolved at stage one then the usual complaints procedure for BHCC will be used.
- 25.2. Where an applicant/carer is not in agreement with the decision made regarding their suitability as an adopter or foster carer, and/or the Adoption & Permanence Panel's recommendation, the following representation procedure will be followed.
- The prospective adopter(s) or foster carers or family and friends foster carers may choose to make a representation directly to BHCC **or** to the Panel of the Independent Review Mechanism (IRM) If a

representation is made directly to BHCC the prospective adopters must write directly to the Agency Decision Maker within 40 working days. The Agency Decision Maker may meet with them to discuss their concerns and may then refer the matter to the Adoption and Permanence Panel of a neighbouring local authority. The panel will consider the matter taking into account the applicant(s) comments and concerns and will make a recommendation. This recommendation will be communicated to the BHCC Agency Decision Maker who will make the final decision. If the applicant makes a representation to the IRM he/she should directly notify the IRM of his/her wish to do so within 40 working days from the date of the qualifying determination. BHCC will forward all relevant information to the IRM within 10 working days of being informed of the need to do so. The IRM will determine the relevance of information and may require additional information to that presented to the Brighton and Hove Panel. The IRM will review the matter and notify the BHCC Agency Decision Maker of its recommendation and the reasons for it. The BHCC Agency Decision Maker decision maker will make the final decision.

- 25.3 Where a practitioner is not in agreement with a recommendation made by the Adoption & Permanence Panel and wishes to pursue the matter, he/she should do so directly through their line manager and the Agency Adviser (who will inform the Chair of the panel).
- 25.4 A Prospective adopter cannot make use of the IRM or make any formal representation in relation to the agency decision regarding the proposal to place a particular child with him/her.

26. ANNUAL AND HALF ANNUAL REPORTS

- 26.1. The panel chair will produce an annual and half annual report on the work of the Adoption & Permanence Panel in April of each year.
- 26.2. The reports should include:
- number of children approved for adoption and permanence, age, gender, ethnicity
 - number of adoptive applicants approved, ethnicity, family structure, geographical location
 - number of foster carers approved, ethnicity, family structure, geographical location
 - number of matches of children with families approved
 - compliance with the National Minimum Standards governing adoption work
 - work of the panel and the service
 - strengths and weaknesses of current provision

- quality of work presented to panel
- specific issues arising for panel over the past year
- recommendations regarding the operation of panel and the provision of adoption and permanence services in Brighton and Hove.

26.3. The annual and half annual report will be presented to panel.

26.4. The annual report will be presented to elected Councillors as part of the Annual Adoption Agency Report.

27. REVIEW

27.1. The function, role, policy, procedure and operation of the Adoption & Permanence Panel will be formally reviewed annually.

27.2. After each panel a questionnaire will be sent to all attendees (applicants, adopters, social workers, foster carers and children) seeking their views and feedback. The outcome of these questionnaires will be presented on an annual basis to panel members within the formal process of appraisal. Feedback within the questionnaires will be presented to panel members by the Chair of the Panel or the Agency Advisor throughout the year. Summaries of this feedback is incorporated into the annual report.

REFERENCES

Adoption and Children Act 2002

Adoption and Children Act 2002 Guidance (DfES)

Adoption Agency Regulations 2005

The Adoption Agencies and Independent Review of Determinations (Amendment) Regulations 2011.

Children Act 1989

The Care Planning, Placement and Case Review Regulations 2010

Fostering Services (England) Regulations 2011