



Approved Foster Carers Who Wish to Adopt

Policy and Procedure

‘Communication is important, so information should be accessible to everyone. People with sensory communication disabilities may need documents in easy read, large print, audio or Braille formats for example. Others may need face to face communication support through a British Sign Language Interpreter, deafblind interpreter, lip speaker or note taker (as recommended by the NHS Accessible Information Standard). If someone speaks (or reads) a language that is not English, they will need to have the appropriate language-spoken language interpreter and / or text translator’.



1 Purpose

- 1.1 The purpose of this policy is to identify the opportunities where Foster Carers can seek to adopt a Looked After Child in their care and provides guidance on the procedures and processes that need to be followed to enable a decision to be reached.

2 Underpinning legislation and guidance

- 2.1 Children Act 1989
Adoption & Children Act 2002
Care Planning, Placement and Case Review (England) Regulations 2010
Care Planning & Fostering (Miscellaneous Amendments) Regulations 2015
Equality Act 2010
National Minimum Standards for Adoption 2014
Statutory Guidance on Adoption 2013 and draft 2014
Fostering Services (Miscellaneous Amendments) Regulations 2013
Adoption Agency Regulations 2005
Children & Families Act 2013
Fostering Services (England) Regulations 2011
Family Procedure Rules and Practice Directions updated July 2015
Court Rules (Family Procedure) Adoption 2005
Adoption Support Regulations 2005
Family and Social work Act

3 Recruitment of Foster Carers

- 3.1 In recruiting potential foster carers, the alternative option of being approved as a prospective adoptive parent should be explored and, if necessary, the foster carers should be redirected to the adoption service for further discussion and consideration. It is therefore anticipated that in recruiting and assessing prospective foster carers their potential and intentions are clear at the point that they are presented to the Fostering Panel for recommendation and to the Agency Decision Maker for approval.
- 3.2 Given the thoroughness of the fostering assessment and the necessity to avoid unnecessary delay in securing permanence for children in care it is anticipated that there will only be the exceptional circumstance in which Local Authority foster carers may express a wish to adopt the child they are fostering.
- 3.4 The Local Authorities within the Regional Partnership recognises that the plan for every Looked After Child must be to achieve permanence and for some children this can best be achieved by the foster carers with whom they live becoming their adoptive parents.
- 3.5 Independent Agency foster carers may express an interest in adopting a child from the Regional Partnership. This will have financial implications for the Independent Agency and likely for the placing Local Authority, and therefore requires a discussion with the Adoption Assessment & Support Team Manager

of the Locality hub and the Child's Team Manager in the first instance for advice on how best to proceed. If agreed the information below applies.

- 3.6 A referral form/request for service form should be completed and directed to the relevant Adoption Team. They will allocate an Adoption Social Worker.

4 What are the routes available for foster carers to adopt a child in their care?

- 4.1 There are essentially two possible routes for foster carers to be able to adopt a child in their care:

1. Direct application to Court –referred to as **non-agency adoption** or
2. Through approval as **Agency adopters**.

- 4.2 In either case it is important that the foster carers discuss their intentions with their Supervising Social Worker in the first instance. Careful consideration of their situation will be needed to determine the viability of both possibilities. If adoption is already the plan for the child and the Local Authority considers that the foster carers may be suitable to be approved as adoptive parents, the foster carers can, and in preference, should be assessed using the fast-track agency adoption procedure.

What is Non agency adoption?

Link to the full non-agency policy

- 4.3 In the case of a non-agency adoption the foster carers can make a direct application for an Adoption Order to the Court after the child has been living with the foster carers for a year or more.

- 4.4 When foster carers determine to make such an application, the implications of doing so must be fully discussed with them by the Child's Social Worker and their Supervising Social Worker, since it may well be that the Children's Team considers that a Child Arrangement Order or a Special Guardianship Order may be an alternative and more appropriate option for the child, together with other Section 8 Orders (Contact Orders in respect of Child Arrangement Orders and Special Guardianship Orders). However, the child's care plan must take precedence.

- 4.5 It is expected that foster carers must be given the same information about the child in their care as if they were adopters. If this is not the case it should be remedied immediately. If a notice of intention to adopt is received in respect of a child known to be looked after by another Local Authority the Adoption Assessment & Support Team Manager must inform the other Local Authority in writing within 7 days that they have received the notice. Additionally, an acknowledgement of the notification will be sent to the applicant.

- 4.6 Foster carers who do not have the support of the Local Authority may apply for an Adoption Order and give notice to the relevant Together4Children Locality Hub. (even if the Local Authority is not authorised to place the child in their care for adoption) The Local Authority must give this serious consideration; ascertain the child and birth parent's wishes and feelings. This is dealt with as a 'Non-Agency' application by the Adoption Team. In such a case the Local Authority will not make any contribution to the Court Application fee or any legal costs incurred.
- 4.7 If the foster carers apply directly to the Court for an Adoption Order and the Local Authority opposes the application, if the Adoption Order is granted by the Court they and the child will be limited in their eligibility under the Adoption Support Services Regulations 2005 to counselling, advice and information only. However, if the Local Authority supports the application to the Court for an adoption order for a looked after child, the Local Authority has the discretion to extend the availability of adoption support services beyond that of providing counselling, advice and information services subject to an Adoption Support Assessment (see Statutory Guidance 2013).
- 4.8 If foster carers decide to undertake the non-agency adoption route the adoption team Social Worker is required to complete an Annex A report with the assistance of the Child's Social Worker. This report analyses the strengths and weaknesses of the foster carers' adoption application.
- 4.9 The views of the following should also be obtained to influence the recommendation of the Local Authority in the Annex A Report:
- Child's Social Worker's team manager
 - Independent Reviewing officer (IRO),
 - Birth parents and
 - Significant others e.g. Child's Guardian, to determine what the recommendation of the Local Authority in respect of the application should be.
 - Child's views where appropriate.
- 4.10 In exceptional situations it may be appropriate to encourage foster carers to pursue the non-agency adoption route. This means that:
- There is no need to assess the foster carers as prospective adopters;
 - There is no necessity to return to Court for a Placement Order if the child is not already subject to one;
 - It is likely that the adoption can be secured faster, particularly if the child is not subject to a Placement Order
- 4.11 These factors must be carefully balanced by Social Work staff when discussing options with the foster carers. Social Workers need to ensure that they are aware of the regulations around non-agency adoptions and provide counselling

and information to the foster carers accordingly. Advice may also need to be sought from the Legal Department, the Adoption Team and the Adoption Support team.

4.12 It is important to note that if foster carers apply to the Court for an Adoption Order:

- The child may not be removed from them by the Local Authority or birth parents without the permission of the Court until the Court Hearing;
- Or until 3 months have elapsed and the foster carers have not made an application to the Court.
- If the notice lapses, the foster carers cannot serve a fresh notice until a further 28 days have passed. This gives the Local Authority time to move the child if they consider a move to be in his/ her best interests.

4.13 **Immediate legal advice** should be sought if foster carers apply to the Court for an Adoption Order to prevent the child being removed.

What is Agency Adoption?

4.14 The alternative approach is an agency adoption where the child concerned has a plan of adoption confirmed at a statutory review meeting and confirmed by the Agency Decision Maker (ADM).

What factors are used to assess the suitability of a foster carer to become a prospective adopter?

4.15 Foster carers who express a wish to be assessed as prospective adopters for a specific child in their existing care will only be considered where they have a significant and positive relationship with the child. This will be judged by the following:

- The duration and length of time the child has been in placement.
- There is evidence of an emotional and reciprocal attachment between the child and the foster carers.
- The foster carers have demonstrated a commitment to the child's overall welfare and development during placement.
- The foster carers can demonstrate a clear understanding of the key differences between adoption and fostering.
- The foster carers are willing and able to accept the full range of responsibilities for the child for their lifetime.

4.16 In determining whether the foster carers should be considered as prospective adopters there are a number of factors that will influence the decision making:

- The nature of the relationship and emotional attachments between the foster carers, their extended family members and the child.
- The range of skills and experiences that that the foster carers can utilise in continuing to address the child's needs if secured in their care via adoption.

- Where the agreed plan for the child is adoption no lesser order will be considered that will compromise the child's planned permanency requirements e.g. a Child Arrangements Order, Special Guardianship or long-term foster care.
- The preparation and assessment of the foster carers as prospective adopters will be to the same standard as that required of all prospective adopters. As existing foster carers however, and in line with the Adoption Statutory Guidance, the assessment process will be undertaken within the shorter period of 4 months.
- The location of the foster carers does not compromise the safety and security of the child and themselves in the long term, and that confidentiality of the adoptive placement can be preserved where this is considered necessary.
- The assessment of the child's needs and the foster carers' characteristics and abilities to meet those needs via adoption.
- The availability of other prospective adopters for the child, particularly for young children under 3 without complex needs.
- The length of placement, quality of the attachment and risks to the child's emotional wellbeing of disrupting the attachment.
- The contact plans for the child.
- The foster carers' intentions regarding continuing as short-term carers for other placements and the likely impact of this on the child needing permanence.
- Where there is evidence that the foster carers are able to offer high quality, ethnically, gender identity appropriate and culturally sensitive lifelong care which evidence suggests other approved adopters would be unable to meet.
- If approved as Together4Children prospective adopters, the foster carers would be approved as prospective adopters for any child, with a recommendation in respect of age range. It is only the matching process that may confirm a match with the specific child in their care.
- The views of the Independent Reviewing Officer (IRO) and the Child's Guardian if care proceedings are ongoing should also be sought at an appropriate point.
- Whilst not able to determine the placement plan for the child the views of the parent should be taken into consideration.
- Depending on the child's age and level of understanding, the child's wishes and views will be an important consideration in deciding whether the foster carers' interest in adoption should be progressed.
- The plans for adoption should be discussed fully with the child according to his/ her level of understanding. It is essential that sensitive planned work is carried out prior to an adoption application to ensure that the child understands his past and the foster carers understand the child's need for information about his birth family.
- The foster carers will not be presented to a matching meeting for a competitive match with other prospective adopters.

The foster carers and the child should not receive any positive confirmation as to the foster carers suitability to be assessed to adopt the child until after the formal process outlined below is undertaken.

- 4.17 If a decision is made to consider this request further, then the Supervising Social Worker for the foster carers and Child Social Worker will need to arrange a viability meeting to the carers.
- 4.18 The Supervising Social Worker will make the necessary arrangements for the viability meeting to take place. This meeting will include:
- The foster carer(s) in their home,
 - Allocated adoption Worker,
 - The Child's Social Worker,
 - The Supervising Social Worker for the foster carers.
- 4.19 The purpose of this meeting is to discuss the implications arising from the foster carers' interest in adopting the child in their care, offering counselling and information. A viability assessment form should be completed by the adoption Social Worker within **5 working days** of the viability meeting taking place. This should be added to the foster carer's record.
- 4.20 A professionals meeting will be arranged to discuss the information gathered at the viability meeting. The adoption Social Worker should organise the professionals meeting which will include the Team Managers of the Adoption Assessment & Support Team or delegated other and child's team manager and the relevant Social Workers. This meeting should be recorded.
- 4.22 Where the conclusion of this discussion is that the foster carers could potentially meet the long term, permanency needs of the child through adoption and where the contra-indications are assessed as manageable and would not make the proposed placement vulnerable in the short or longer term. The Supervising Social Worker will inform the foster carers of the agreement for them to be assessed as prospective adopters within 2 working days and a Registration of Interest form will be sent to the foster carers by the Adoption Team to complete and return. On acceptance of the ROI the adoption team will begin the fast track prospective adopter assessment of the foster carers.
- 4.23 If there is clear reason that an Agency Adoption assessment cannot be undertaken then the Adoption Assessment & Support Team Manager will write to the foster carers, explaining the reason within 2 working days of this decision being made.

5. What is the Adoption Process for approved foster carers?

- 5.1 The Child's Social Worker is to inform the Independent Reviewing Officer, and where appropriate the Children's Guardian if the decision is to progress the foster carers' expression of interest to adopt. This should not be undertaken at an earlier stage as a formal view would not have reached prior to this
- 5.2 If the outcome of the professionals meeting is that the foster carers appear able to meet the child's essential needs, but that they will require some financial support a discussion with the Adoption Assessment & Support Team Manager should happen and refer to the individual Local Authority's financial procedure.
- 5.3 The need for the checks, medicals and references usually completed within Stage 1 of the adopter approval process will be considered in each individual case. The previously completed fostering assessment should also be obtained for reference to complete the Prospective Adopters Report (PAR)
- 5.4 The Adoption Social Worker will make a reservation for the foster carers to attend a pre-approval training course during the assessment period, and ensure the foster carers have access to any additional training which will assist them in caring for a child in their care.
- 5.5 The Adoption Social Worker will also ensure the foster carers are given a copy of the Adoption Passport (which can be found on the First4Adoption website).
- 5.6 On the availability of a draft of the Prospective Adopter Report (PAR) a Matching meeting will be held to ensure that the proposed match between the foster carers and child remains viable. This will be arranged by the Adoption Social Worker and involve:
- The Child's Social Worker,
 - The Child's Social Workers' manager (if required)
 - The Adoption Worker
 - Permanency Coordinator / delegated other

The meeting will be chaired by the Permanency Coordinator. See the Matching Policy for more details.

- 5.7 Additional support requirements identified at the matching meeting will be met through services arranged by the Child's Social Worker. These could be provided by Together4Children's Permanency Support Team or from another provider who is Ofsted approved. Such services, where there is a financial implication, will need to be included in the Adoption Support Plan.
- 5.8 The issue of equipment needed by any prospective adopter to enable them to continue to care for the child should be addressed in the matching meeting.

- 5.9 If the outcome of the matching meeting is negative and the foster carers are shown to be unable to meet this child's essential needs, the Adoption Social Worker will inform the foster carers verbally and discuss their options going forward. Options may be withdrawal from the assessment process or to continue to adoption panel for approval as generic prospective adopters. The Adoption Social Worker will provide support and counselling to the foster carers as appropriate.
- 5.10 If any difference of view emerges within the matching meeting which cannot be resolved this should be escalated to Senior Managers where a final decision will be made.

6. What is the Adoption Panel?

- 6.1 If the foster carers are recommended and approved as adopters, the requirement as to the approval of the match to the child in their care and to the provision of information and notification of the placement must be followed. Consideration will be given as to whether recommendation of adopter approval and matching to the child in their care can occur at the same Adoption Panel. This will require the completion of the Adoption Placement Report and the Adoption Support Plan in preparation for the agreed Adoption Panel
- 6.2 It is not within the remit of Adoption Panel to make recommendations about the carers' future fostering career. However, they will take into account how the foster carers understand and take account of the child's needs in relation to their future fostering intentions when making a recommendation about their suitability to adopt the child. The foster carers need to be aware of this. If necessary, arrangements will need to be made for the foster carers to be presented to the fostering panel for deregistration by their Supervising Social Worker or potentially a change of approval to care for fewer children.
- 6.3 There will need to be a meeting during the assessment process to explore the foster carers' future fostering plans. Where the adoptive parents previously fostered the child they are adopting and received an element of remuneration in the fostering allowance paid to them, the element of remuneration can continue to be paid for up to 2 years (from the date that the ADM confirms the recommended match at Adoption Panel), without the carers having to take foster placements. It is in effect "protected" and was introduced into the Adoption Support Regulations to enable foster carers who adopt and the children they adopt to be afforded time to adjust and settle into the new family arrangements.
- 6.4 As part of the adoption assessment the issues below would need to be considered:
- The benefits for the adopted child of a period when the carers are not fostering,

- What ages of children they currently care for and/or intend to care for in the future?
 - How many children.
 - Gender should they be approved for.
 - What are the needs of the children who could be placed with them?
 - Any of the matching issues which are part of a fostering assessment.
- 6.5 If the foster carers are matched with the child at Adoption Panel, a foster carer review will need to be held. It is at this review that the conclusions reached within the PAR assessment in relation to their future fostering are formalised through the review and Fostering Panel processes.
- 6.6 If the foster carers terms of approval changes in terms of numbers of children - i.e. there is a reduction or they decide to have a break from fostering, the Supervising Social Worker must make the necessary arrangements to ensure their fee payment is adjusted or protected.
- 6.7 The child's placement status changes after the Adoption Panel's recommendation that the child can be 'placed for adoption' with the carers has been endorsed by the Agency Decision-Maker. The child in their care is now placed under the Adoption Regulations 2005 and becomes subject to review under these regulations.
- 6.8 Adoption Panel administration should notify the newly approved prospective adopters and birth parents in writing of the date of this change of placement status and place a copy of the notification on the child's adoption file and the prospective adopter's file.
- 6.9 It is the Child's Social Workers responsibility to notify the relevant people of the child's change of status and ensure that any prior approved adoption support allowances will now be paid and fostering allowances will cease.
- 6.10 It is essential that sensitive planned work is carried out prior to an adoption application being made to ensure that the child understands their past and the foster carers, now approved prospective adopters, understand the child's need for information about their birth family.