

London Borough of Ealing: Fostering for Adoption Procedures

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Legal Context

'Adoption is one of the Government's top priorities. Ministers want to create a more effective and user friendly adoption system – a system which is truly fit for purpose. They are determined to ensure that adoption is available for children where this is in their best interests, and they want it to happen without undue delay.' (Department for Education)

During 2012 and 2014 there were various amendments to existing legislation and guidance to facilitate this. The major changes pertinent to Fostering for Adoption are:

- a new duty under section 22C(9A) of the Children Act 1989 (the Act) on local authorities to consider placing a looked after child, for whom the local authority is considering adoption, with foster carers who are also approved prospective adopters following consideration in accordance with section 22C(9B)(c).
- The carers may be dually approved at the outset (Concurrent carers), or they might be approved prospective adopters who have been temporarily approved as foster carers for a named child under regulation 25A of the Care Planning, Placement and Case Review (England) Regulations 2010 (the 2010 Regulations), **(referred to as 'Fostering for Adoption carers' for the purposes of this procedure)**
- new regulation 22A of the 2010 Regulations providing for a decision to place a child in accordance with section 22C(9B)(c) to be approved by a nominated officer of the responsible authority, and the duties he or she must comply with before approving the placement decision, and
- a widening of regulation 14 of the Adoption Agencies Regulations 2005 (requirement to provide counselling and information for, and ascertain wishes and feelings of, the parent or guardian of the child and others) requiring the adoption agency to explain to the birth parents (which includes fathers without parental responsibility for the child) or guardian the legal implications of their child being placed following consideration in accordance with section 22C(9B)(c) of the Act.
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This procedure refers to the following legislation which provide the legal framework for 'Fostering for Adoption' and concurrency:

- The Children Act 1989 (as amended by the Children and Families Act 2014)
- The Care Planning, Placement and Case Reviews (England) Regulations 2010 (as amended by The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013 – which include Reg 25A the temporary approval as foster carers for a specified child of approved adopters) and (as amended by the Adoption and Care Planning (Miscellaneous Amendments) Regulations 2014)
- The Adoption Agencies Regulations 2005 (as amended by the Adoption and Care Planning (Miscellaneous Amendments) Regulations 2014)
- Statutory Guidance on Adoption. For local authorities, voluntary adoption agencies and adoption support agencies. (July 2013)
- Early permanence placements and approval of prospective adopters as foster carers. Statutory Guidance for local authorities and adoption agencies. (July 2014)

Difference between Concurrency and Fostering for Adoption

Concurrency should be considered for children for whom rehabilitation is highly unlikely however the local authority has yet to finalise the care plan because the parents and or relatives/friends are still being assessed.

The Concurrent carers will be approved foster carers under The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013 amend the Fostering Services (England) Regulations 2011 and adopters. They will act as foster carers, promoting and supporting contact between the child and their birth family. If the care plan is for the child to return home to the birth family and the court endorses this then the Concurrent Carers will support the child's transition to their birth family. However If the care plan becomes adoption and this is endorsed by the court, following the matching process the placement become regulated under Adoption Regulations.

Fostering for Adoption should only be considered for children for whom the care plan of adoption has been made by the Agency Decision Maker (ADM) or in the case of a relinquished child the parent has either given their written consent for the child to be placed for adoption or have maintained their intention to do so. In these cases all assessments of the birth parent and known relatives/friends would have been concluded with them being deemed as unsuitable long term carers for the child.

The 'Fostering for Adoption' carers, who **must** be approved adopters, will be approved as temporary foster carers by the ADM for a specific child (Regulation 25A). They however do not have to be assessed as foster carers under the Fostering Services (England) regulations 2011 as amended by The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013.

Children for whom Fostering For adoption should be considered

Fostering for Adoption should be considered:

- Where a decision has been made by the ADM that the care plan is adoption but the local authority does not have the authority to place the child for adoption through either a Placement Order or parental consent,
- Section 22C of the 1989 Children Act requires the local authority to consider placement of the child with a relative, friend or other Connected Person who is also a local authority foster carer or,
- Where they decide that such a placement is not the most appropriate placement, then they **must** consider placing the child with a local authority foster carer who has been approved as a prospective adopter. (See the Statutory Guidance Children Act 1989 Guidance and Regulations: Volume 2: Care Planning, Placement and Case Review).

The point at which planning for Fostering for Adoption will be appropriate will vary from case to case – in some cases it will be appropriate for this to be pursued at a very early stage while in other cases it will not be appropriate for it to be pursued until later in the planning process or the legal proceedings.

Where the child is subject to court proceedings careful consideration should be given to the timing of placing a child in a Fostering for Adoption placement. This should not happen close to the final hearing

Before considering Fostering for Adoption for any child the local authority **must** discharge its responsibilities as set out in the pre-proceedings requirements of the Public Law Outline and Section 22C of the 1989 Children Act, which is to explore and evidence the exploration and assessment of birth family and other connected persons. Due consideration must be given to whether any connected person may be a suitable carer even if the plan for the child is adoption. Subject to their approval as adopters these connected person/s could also be considered as Fostering for Adoption carers.

The decision to remove the child from the birth parent/s's care **must** be in the best interest of the child and is proportionate and justifiable under the applicable legal test for removal.

Majority of the children for whom Fostering for Adoption will be suitable are likely to fall into the following scenario:

- the birth parent/s have had one or more children previously placed for adoption or in another form of permanent placement and the evidence strongly indicates that their circumstances have not changed and pose the same risks as they did for the previous child/ren. The local authority does not have a pro-active plan to rehabilitate the child as the circumstances of the parent/s are such as to pose a serious on-going risk
- the child is the first child of his/her birth parent/s, however the circumstances of the parent/s and the perceived risks to the child are such that there is no proactive plan to return the child to the care of his/her parent/s or to other family members
- The birth parent/s have indicated that they may want to place their child for adoption but have not yet formally consented (Section 52(3) Adoption and Children Act 2002).

The ADM, in making their decision that the child should be placed for adoption and placed with carers under Fostering for Adoption arrangements, should be highly confident that the court will grant a Placement Order.

Legal advice **must** be sought by the child's social worker.

The child's Independent Reviewing Officer (IRO) **must** be involved in the consideration of whether the child is suitable for a Fostering for Adoption placement prior the ADM agreeing the Fostering for Adoption plan for the child.

Circumstances in which Fostering for Adoption would not be suitable

- The child is likely to return home;
- The Local Authority is aware that there are family or friends who can care for the child;
- A permanent placement other than adoption is more appropriate for the child.

Benefits of Fostering for Adoption

For the Child

- The child is placed with his/her potential adopter/s at the earliest possible stage thus enhancing the likelihood of him/her developing a secure attachment.
- The potential damage to the child caused by having to terminate his/her relationship/s with foster carer/s to whom he/she has become attached is reduced.
- The child experiences the minimum number of placements and changes of carer/s.
- Potential 'drift' is avoided.

For the Adopters

- The child will be placed at the youngest possible age thus maximising the chance of him/her developing secure attachments.
- The carer/s will have the opportunity to provide stability and security for the child from an earlier stage of his/her development.
- The carer/s will be part of the child's early life experiences.

Potential disadvantages of Fostering For adoption

For the Child

- The impact of uncertainty on the bonding and relationship between the child and the carers
- The court decides that the child's long term needs can be better met through a different permanence plan and does not endorse the plan of adoption and grant a Placement Order resulting in a placement move for the child

For the Adopters

- The impact of uncertainty on the bonding and relationship between the child and the carers
- In the case of children subject to proceedings the child may be placed very early on in the legal proceedings and will certainly be placed before the Care Proceedings have been concluded and a Care Order or Placement Order is in place.
- In the case of a relinquished infant/child the child may be placed before the birth parent/s have been interviewed by a CAFCASS officer and given formal consent to adoption.
- Where Care Proceedings are ongoing the birth parent/s will have the right to appeal against any Care Order or Placement Order that are granted, in the usual way.

- Where the infant/child is relinquished the birth parent/s will retain the right to reclaim the child should they change their mind/s about the adoption plan.
- Due to the young age of the child there may be limited information available about their future development.
- The child is likely to continue to have ongoing contact with his/her birth parent/s and possibly with wider birth family members up until the Final Hearing with arrangements then being made for contact to be reduced over an agreed period, in line with the Adoption Plan, rather than the child experiencing an abrupt cessation of contact.
- Following the making of the Placement Order the LB Ealing/Adoption & Permanence Panel / ADM may not endorse the placement of the child with them under Adoption Regulations.

Making the Fostering for Adoption plan

Role of the Child's Social Worker

- The Child's Social Worker is responsible for ensuring that this process is progressed in a timely manner.
- For all children who are Looked After and for whom adoption is the likely to be the Care Plan, work should be started on compiling a Child Permanence Report (CPR). The CPR **must** evidence the enquiries, assessments, analysis and evaluation of why adoption is the plan for the child
- Consideration should be given to whether the child is suitable for Fostering for Adoption at the same time as considering the care plan of adoption
- Any plan for adoption **must** be considered at a Looked After Children Review or by the Independent Reviewing Officer (IRO) and by the Agency Decision Maker or in the case of relinquished child, by the Adoption & Permanence Panel.
- The birth parent/s **must** be provided with written information about adoption.
- The Fostering for Adoption plan should be identified via the local authority's usual Permanency Planning Process involving the Court Team/LAC Team/ Adoption Team
- A plan for Fostering for Adoption should also be confirmed by the Looked After Children Review or by the Independent Reviewing Officer (IRO) and by the Agency Decision Maker.
- There must be an early referral, **including pre-birth**, to the Adoption Team for family finding by the Child's Social Worker.
- The Child's Social Worker and allocated Family Finder may wish to consider joint sessions with the birth parent/s and or family members to explain about the Fostering for Adoption arrangement and related process.
- The permission of the Court is not required (where Proceedings have been initiated) in order for the local authority to be able to place the child with prospective adopter/s on a Fostering for Adoption basis, however, within the proceedings the Children's Guardian and the Court should be informed at the earliest opportunity: this should also be included in the social worker's statement.

Children who are voluntary accommodated

- If the parent/s are not in agreement with the plan of adoption then the local authority should review the care plan and consider either initiating care proceedings and/or applying for a Placement Order. The parent/s agreement **must** be informed of the proposal to place their child in a Fostering for Adoption placement under Section 22C(9B)(C), though their agreement for this is not required,

The birth parent/s

- Whilst the agreement of the child/rens' birth parent/s and any other adults/s who hold parental responsibility for the child/ren is not required for either the plan of adoption or Fostering for adoption, it is a regulatory requirement and compliant with Article 8 of the European Convention on Human Rights to ensure the views and wishes of those with parental responsibility and significant others are sought throughout the process and duly considered. It should be evidenced how their views and wishes were considered and why their views have or have not been acted upon.
- The Child's Social Worker **must** ensure that the birth parent/s are kept fully informed of the local authority's intentions verbally and in writing and it **must** be fully explained to them why Fostering for Adoption is perceived to be a positive option for the child. Every effort **must** be made to ensure that the child's parent/s and significant others fully understand their own position and the actions being planned by the local authority. They should be advised to discuss their position, views and circumstances with their legal representative.
- It **must** be made clear to the birth parent/s and significant wider family members that the placement of the child on a Fostering for Adoption basis **does not** pre-empt the outcome of any Court Proceedings or, in the case of a relinquished child, alter their right to make a decision to reclaim their child at any point prior to them signing consent to placement. It should be explained to them that while the local authority believes that adoption is the right plan for the child, this does not interfere with the parent/s' right to have their evidence presented and heard before the Court if that is what they decide that they want to do.
- The birth parent/s **must** be provided with the local authority's Information Sheet regarding Fostering for Adoption – **see Appendix 1 (A guide for parents whose child is subject to Care Proceedings) and Appendix 2 (A guide for parents who are considering placing their child for adoption)**. If the parent/s have literacy difficulties time should be spent reading and discussing the information with them. In the case of relinquishing parents they **must** be asked to sign written consent to the placement – **see Appendix 3 (Parental Consent to Placement of child with FfA Carer/s)**

Role of Agency Decision Maker

- Regulation 22A requires the ADM to approve any decision that a Child in Care be placed in a Fostering for Adoption placement before the placement is affected.
- Regulation 25A enables the ADM to approve an existing adopter/s (approved by LB Ealing, any other Local Authority or Voluntary adoption agency) as Temporary Foster Carer/s for a named child who is Look After by the LB Ealing.

- If the court subsequently grants a Placement Order or the parent gives their written consent for the child to be placed for adoption and the Adoption Panel subsequently makes a recommendation that the child be placed for adoption with their Fostering for Adoption carer/s, the ADM will then also have responsibility for agreeing the proposed placement as per the procedures.
- If the Fostering For adoption Placement period lasts for more than 24 weeks, once the Agency Decision Maker has approved adopters as temporary foster carers under Regulation 25A it is not necessary to present the case to the fostering panel for full approval of the adopters as foster carers

Role of the Adoption and Permanence Panel (A&P Panel)

- Whether a child should be placed for adoption, where there is parental consent
- Suitability of prospective adopters or the termination of prospective adopter/s and
- Whether a child should be placed with specific prospective adopter/s. This will include proposed placement of children who are already in placement with their prospective adoptive family under the Fostering for Adoption arrangements.
 - In such cases the Panel must not consider its task to be 'rubber stamping' the 'match'
 - Panel will have evidence of how the placement has progressed and how the prospective adopter/s have met the needs of the child/ren whilst managing the uncertainties and possibly contact with the birth family
 - Panel must acknowledge and consider the evidence and explore whether the child's current and future holistic needs can be met by these adopter/s.

Progressing the Fostering for Adoption Plan

- An early referral **must** be made by the Court/LAC Team manager with the Adoption Team Manager to enable a Family Finder to be identified for the child at an early stage.
- An early Adoption Medical should be arranged for the child by the Child's Social Worker. The Agency will need to obtain the written consent of the child's birth parents (or one of them) for the child to be examined if they retain sole parental responsibility for the child. If the medical cannot be arranged before the child is to be placed in his/her Fostering for Adoption placement as much medical/health information as is available **must** be shared with the proposed carer/s and they **must** be made fully aware of the additional risks that they are taking on in this situation: i.e. that the child may have health, medical or developmental issues not yet apparent/identified but that which may be identified through a future medical. (This information will also need to be shared with the ADM in the absence of a completed Adoption Medical – see below).
- Legal advice should be sought if lack of co-operation or the availability of medical or other information is hindering or delaying the implementation of the plan.
- The birth parent/s must be offered the opportunity of being referred to PAC (Post Adoption Centre) for independent counselling about adoption.
- It is expected that most children for whom Fostering for Adoption is deemed to be appropriate will be under two years of age, however if the process is to be instigated for an older child, if they are of sufficient age and understanding for it to be appropriate their views and wishes on their Care Plan **must** be sought, taken into account and recorded.
- The A&P Panel and the Agency Advisor (A&P) do **not** have any role in agreeing the Fostering for Adoption plan for a child.

- The ADM will make the Agency Decision as to whether the child should be placed in a Fostering for Adoption arrangement; in order to do so they will need to receive:
 - the CPR
 - the BAAF Supporting Information Report – Information on the child and the plan for the child (Fostering for adoption)
 - medical Advisor’s report on the child.
 - legal advice.

When the decision has been made by the ADM that the child should be placed with identified Fostering for Adoption carers the birth parent/s **must** be notified in writing – **see Standard Letters 1** (child/ren subject to proceedings) **and 2** (voluntarily relinquished child/ren)

If the ADM’s decision is that the child should not be placed with Fostering for Adoption carers the child will be placed in or remain placed in a mainstream fostering placement and the authority’s usual permanency planning procedures followed including a parallel planning process.

Assessment and approval of Fostering for Adoption carer/s

Role of Assessing Social Worker (Adoption Team)

Fostering for Adoption carers will be approved adopters (see Assessment and Approval of Adopters Procedure)

During their assessment discussion should take place with all prospective adopters, at the earliest stage to ascertain if they are able to consider a Fostering for Adoption placement – where applicants are open to considering this option they **must** be offered the opportunity to complete additional training session aimed at educating them about the additional tasks and risks involved in taking on the care of a child on a Fostering for Adoption basis.

In assessing their suitability as Fostering for Adoption Carers the workers **must** consider the following:

- The applicant/s’ understanding of the uncertainties regarding the final outcome?
- How will the applicant/s manage the anxiety this uncertainty will generate for themselves and their family?
- What is the applicant/s’ understanding of the difference between adoption and fostering and the respective roles and responsibilities?
- Do the carers have sufficient practical day-to-day child care experience to be able to care for the child to the standard expected of a local authority foster carer?
- Do applicants understand that they may be expected to promote contact and support the child during direct contact with their birth family
- If the local authority and or the court decide that the child should return home or move to another placement, how will the applicant/s manage this?

- Are the applicant/s practically able to accommodate a child under the Fostering to Adopt arrangements in respect of their work and financial commitments?
- How will the applicant/s deal with limited information about a child's health history and lack of information about future development?
- If there is a child/ren, birth or adopted, within the household, what is their understanding of the impact of a placement under Fostering for Adoption arrangements?

The Prospective Adopter/s' Report (PAR) should evidence the above or attaching to the PAR the BAAF Form PAR (Concurrent planning and FfA carers) England 2015 (See Appendix ??) and the worker's analysis and state whether or not the applicant/s are able to consider Fostering for Adoption and whether the worker recommends that they would be suitable for Fostering for Adoption.

In considering their suitability to adopt the Adoption and Permanence Panel (A&P Panel) will also consider their interest in Fostering for adoption. However the Panel does not make a recommendation about their suitability to become Fostering for Adoption Carer/s only noting their interest as part of the recommendation of their suitability to adopt.

Following the Agency Decision Maker's decision to approve the applicant/s as suitable to adopt, and noting their interest in considering Fostering for Adoption, they will be considered for all children who become available for placement who fit within their placement criteria.

Where the prospective adopter/s are identified as potentially providing a suitable 'match' for a child who has a 'Fostering for Adoption' plan a matching report will be completed and the proposed 'match' will be presented to the local authority's Adoption Agency Decision Maker (ADM). The ADM **must** agree the approval of the prospective adopter/s as temporary foster carers for the named child under Regulation 25A of the 2010 Regulations before the child is placed with them (**see Standard Letter 3**).

Where the child is subject to Care Proceedings, if a Care Order and Placement Order are subsequently granted to the local authority the proposed 'match' **must** then be presented to the Adoption Panel for consideration in the usual way, in line with the local authority's Adoption Procedures and A&P Panel Procedures.

Matching process for Fostering for Adoption placements

- In order to minimise delay the matching process **must** run in parallel with the process of approving the Fostering for Adoption plan for the child:
- An individual list of placement needs **must** be drawn up for each child – responsibility for this rests with the social worker for the child, however, the family finder for the child should be pro-active in supporting this process
- A draft Adoption Support Plan **must** also be drawn up at this early stage as this will need to be available to be shared with the child's potential carers prior to the Fostering for Adoption placement being agreed. Responsibility for compiling this report is shared between the child's social worker and the family finder, however, in practice, it is usually the family finder who compiles the report. The plan **must** detail all financial arrangements in respect of the

placement including whether or not an adoption allowance will be payable if the child's placement becomes a placement for adoption

- The child's contact needs **must** be clearly identified and a written contact plan drawn up detailing the proposed contact arrangements by the child's social worker :
 - Up until the Final Hearing in Care Proceedings **or** in the case of a relinquished child the birth parent/s signing their witnessed consent for the child to be placed for adoption
 - During any subsequent period of reducing contact
 - and the local authority's proposals are re:
 - Wish You Well contacts
 - Post adoption contact (*see Planning for Contact in Permanent Placements Procedure*).
- The matching process will follow the local authority's usual matching process but **only** prospective adopters who are able to consider a Fostering for Adoption arrangement will be considered (*See The matching and linking process procedure*).
- First consideration will be given to whether prospective adopters who are approved by LB Ealing and for whom the A & P panel has noted their interest in Fostering for Adoption are able to meet the child's identified needs and then to those from within the West London Consortium in order to avoid undue delay. However it may be necessary to approach other local authorities which are outside of the consortium as well as Voluntary Adoption Agencies. This process must not contribute to any delay in progressing the Fostering for Adoption placement for the child/ren.
- Once one or more potentially suitable families have been identified a formal Linking Meeting **must** be held chaired by a senior member of staff, usually the Adoption Team Manager or Deputy Team Manager.
- The matching process **must** take into account the fact that there may be much that is unknown about the child at the stage of linking and more information may be discovered about the child and/or their birth parent/s and/or their birth family's background that could have implications for the child and their future developmental and parenting needs. In addition to considering all the usual issues relevant to matching a child with prospective adopter/s the linking process **must** consider:
 - the potential carer/s' ability to manage the demands of short-term fostering – including any planned contact arrangements
 - their likely ability to understand the plan for the child and to work with the local authority and other agencies as required
 - their ability to remain child focussed
 - their likely ability to manage uncertainty, loss and change (including the possibility of the child being returned to the care of their birth parent/s or another relative/carer.
- The geographical location of any proposed placement will also need to be considered as during the fostering phase it is likely to be necessary to facilitate regular contact between the child and their birth relative/s. During the fostering phase the location of the proposed carer/s should ideally be such that contact can be reasonably facilitated without subjecting

the child to the unnecessary stress caused by long journeys, however this needs to be weighed up against the potential need to maintain the anonymity of the placement and to protect the identity and location of the carer/s should the placement become an adoptive placement, particularly if the child is to be placed with a birth sibling/s who is already adopted. **The resolution of these potentially conflicting demands will require careful thought and decision making.**

- As the child will be placed in a 'foster' placement the parents would be entitled to know where their child is living. Therefore legal advice should be sought prior to the moving the child, about seeking a court direction to withhold the 'Fostering for Adoption' carer/s' address from the birth parents.
- Once a family of choice is identified then as much written information as is available **must** be shared with them by their link worker - this should include the CPR and other pertinent written information about the child's birth family background and earlier life experiences, medical information, any psychological assessment/s and any other information that the local authority considers relevant (and that is available and would have been shared had the child's Care Plan at this stage been adoption).
- The leave of the court will be required before any information which has specifically been prepared or commissioned for the court proceedings can be shared with the Fostering for Adoption carer/s.
- It is important that the uncertainty that is inherent in any Fostering for Adoption placement is acknowledged throughout the linking process and the potential impact that this may have on the development of the carer/s' attachment to the child is fully discussed and explored along with the support that will be available to them.

Note: It is not usual practice to share legal advice with the Fostering for Adoption carer/s.

- If the child has already been subject to an adoption medical examination the potential carer/s should be given the opportunity to meet with the Agency's Adoption Medical Adviser, if not they should be given the opportunity to speak with the Looked After Children's Nurse to discuss any health or developmental issues known to have relevance to the child.
- If the child is already placed with foster carer/s the potential carer/s should be given the opportunity to meet the child's current foster carer/s prior to confirming whether they wish to progress with the proposed placement on the basis of Fostering for Adoption.
- Where the potential carer/s are in agreement with the placement proceeding a matching report **must** be completed and the papers in respect of the proposed 'match' sent to the ADM for them to consider the approval of the Prospective Adopter/s as Temporary Foster Carers for the specific named child. The papers that the ADM should consider are:
 - the CPR giving details of the case and the reasons why Fostering for Adoption is being recommended/pursued for the child)
 - medical information in respect of the child including the Adoption Medical Adviser's report
 - **the Prospective Adopter's Report (PAR) and the BAAF Form PAR (Concurrent planning and FfA carers) England 2015**

- the BAAF Matching Report.
- When the ADM agrees the proposed placement the prospective adopter/s will be given temporary approval as Fostering for Adoption carer/s for the specific named child and a Foster Carer/s' Agreement **must** be drawn up and signed by the potential carer/s and the local authority.

Note: When a child is to be placed with Fostering for Adoption carer/s who are approved to adopt by another local authority or by a Voluntary Adoption Agency their approval as foster carer/s **must** be given by the local authority that holds responsibility for the child, however the local authority or Voluntary Adoption Agency that approved the potential carer/s as prospective adopter/s **must** be kept fully informed about the planning for the proposed Fostering for Adoption placement.

While the responsibility for the approval of the proposed carer/s as Fostering for Adoption carer/s and for the completion of the Foster Carer/s' Agreement rests with the child's placing authority, consideration should be given to which local authority/agency is best placed to provide the Fostering Supervising Social Worker support to the carer/s while the child is placed under the Fostering Regulations.

Good practice would suggest that if they are LB Ealing adopters then their Assessing Social Worker should fulfil the Fostering Supervisor Social Worker role in order to provide continuity. If the adopters/Fostering for Adoption carers are Interagency then the Family Finder should work closely with their Assessing Social Worker to ensure the placement is progressing as required.

Fostering allowances and adoption pay and leave

Under Regulation 25A of the Care Planning, Placement and Case Review (England) Regulations 2010 (the 2010 Regulations) approved adopter/s can be approved as temporary foster carer/s for a named child. All placements made under Section 22C(9B)(c) (Fostering for Adoption) are foster placements: The carers will therefore be entitled to the fostering allowance that LB Ealing would normally pay to Foster Carers who are approved under the Fostering Regulations 2011.

Some adopter/s who may be suitable as Fostering for Adoption carers/temporary foster carers for a specific named child may require additional financial assistance in the absence of being eligible for adoption leave. In such circumstances LB Ealing should consider providing whatever financial support is required, in the interim, to facilitate the placement of the child under the Fostering for Adoption arrangements. This financial assistance would be means tested and require a financial assessment.

From April 2015 under the Children and Families Act 2014, a wider group of people will be able to access statutory adoption leave and pay:

- prospective adopters caring for children in a section 22C(9B)(c) placement will be eligible for adoption leave and pay from the beginning of the placement. The letter notifying the prospective adopter of the placement will be treated as the equivalent of a 'matching certificate' for statutory adoption pay and leave benefits
- adoption leave is to become a day 1 right available to primary employed adopters (or one of the adopters in a joint adoption) regardless of length of employment with the employer

- adoption pay will be enhanced to 90% of salary for the first six weeks, bringing it into line with statutory maternity pay
- adopters to be entitled to time off to attend adoption appointments after being matched with a child.
- For a primary adopter, this can be up to five half days paid at normal salary. For the other adopter in a joint adoption this can be up to two unpaid half days

When the court grants a Placement Order or the parent has given their written consent for the child to be placed for adoption and the ADM has approved the adoptive placement, the section 22C(9B)(c) placement will become an adoptive placement. At that point, the carers will become eligible for adoption pay and leave, and the fostering allowance will cease.

The placement process

- Once the Fostering for Adoption carer/s are approved as Temporary Foster Carer/s for the specific named child, a Placement Planning Meeting should be held, chaired by a senior member of staff, usually the Adoption Team Manager or Deputy Team Manager.
- A period of introductions should be planned in line with the needs of the child
- The proposed contact arrangements for the child **must** be fully discussed and agreement reached as to how the child's contact arrangements with their significant birth relatives will be arranged and what if any contact the carer/s are required to have with the child's birth family members. Planning such arrangements can be very challenging but any arrangements agreed **must**:
 - acknowledge the rights of the birth relative/s' concern
 - recognise the current legal nature of the placement, i.e. Fostering for Adoption/short-term fostering
 - protect the child and minimise the child's exposure to undue stress
 - ensure that appropriate support is available to the carer/s in order to enable them to best manage the demands that facilitating any contact arrangements will inevitably make on them.
- Depending on the plans for how birth parent contact will be managed careful consideration should be given to if and how the Fostering for Adoption carer/s will be introduced to the child's birth parent/s and/or other significant relatives.
- The carer/s will be required to enter into a Placement Agreement (Placement Plan) in line with the Fostering Regulations including:
 - **Objectives and purpose of the placement**
 - **The child's personal/cultural history**
 - **The child's likes/dislikes**
 - **Arrangements for the child's health (physical, emotional and mental) and dental care, including the name and address of registered medical and dental practitioners; arrangements for giving/withholding consent to medical/dental examination/treatment;**
 - **Respective roles of the various Social Workers and frequency of visits and supervision**

- Frequency of any review meetings
- Contact arrangements
- Financial support

This can be drawn up at the Placement Planning Meeting.

- The carer/s **must** be allocated a Supervising Social Worker to support them in their role as foster carer/s for the child. Consideration should be given to whether the carer/s' Assessing Social Worker is **best placed to undertake this role or if they are Interagency carer/s then the Family Finder should work closely with their Assessing Social Worker to ensure the placement is progressing as required.**
- Once made the placement is legally a placement under the Fostering Regulations and **must** comply with the approving authority's fostering procedures.
- If Care Proceedings are ongoing the carer/s should be kept informed of the progress of proceedings.
- If the child is voluntarily relinquished the carer/s should be kept informed of the birth parent/s' position regarding the child's possible future adoption.

Explaining the placement to the child

- While many of the children for whom Fostering for Adoption is deemed to be an appropriate placement option will be young infants, where an older child is to be subject to such an arrangement careful consideration will need to be given to:
 - how the plan and their placement under the Fostering Regulations will be explained to the child in a way that is consistent with their age and understanding
 - how the child will subsequently be informed of the change in the status of their placement if the placement later converts to a placement under the Adoption Regulations
 - how the placement will be explained to any other child/ren already in the family
 - how the child will be encouraged to refer to their carer/s. This will need to take account of the views of the birth parent/s while the child is placed under Fostering Regulations.

Note: If the placement becomes a placement for adoption and an application is made for an Adoption Order the child's wishes and feelings about adoption will need to be ascertained and reported to the Court. This will require age appropriate direct work to be undertaken with the child and appropriately resourced.

If the Court does not ultimately authorise the plan for adoption and the decision is made that the child will be placed elsewhere careful consideration will need to be given to how both the child and his/her carer/s are prepared for and supported with the separation that this will entail.

Following the granting of a Placement Order or the child's birth parent/s signing witnessed consent to the child being placed for adoption

- An adoption case record **must** be set up in the child's name. This record runs in parallel with the child's In Care record.
- Ascertain whether the Fostering for Adoption carer/s remain committed to adopting the child and wish to be formally matched to the child (if this is **not** the case a formal Permanency Planning Meeting **must** be convened without delay so that other placement options can be considered for the child)
- If the Fostering for Adoption carer/s wish to move forward with the adoption plan, agree the timescales for the presentation of the proposed 'match' to the Adoption Panel.
- notification letters to be sent to the birth parent/s and to anyone else who holds parental responsibility (PR) for the child, informing them of the proposed 'match' and non-identifiable information about the adopters and when the proposed 'match' is to be presented to the A&P Panel
- the proposed placement of the child with specific adopters **must** be presented to the Adoption Panel with the following documents:
 - the CPR **must** be updated by the child's social worker to include
 - Views of the child. If the child is of an appropriate age and understanding work should be undertaken to ensure that they are aware of the plan for them to be adopted by their Fostering for Adoption carers and what this will mean for them. The child should be provided with a copy of the local authority's Children's Guide to Adoption
 - Views of the birth parent/s
 - Confirmation that the birth parent/s' remain unable to provide permanent care for their child/ren
 - the child's adoption medical **must** be updated if it is more than **six months old**
 - the PAR should be updated by completion of an Annual Review (including details of the Fostering for Adoption placement and the prospective adopter/s' experience of caring for the child) – responsibility for this will rest with the local authority or Voluntary Adoption Agency that holds the approval of the carer/s as prospective adopter/s however the worker who has supported the carer/s while they have been caring for the child "a Fostering for Adoption basis should feed into this process (if a different worker)
 - the Adoption Placement Report **must** be completed including the reasons for the proposed placement and the views of the prospective adopter/s
 - the Adoption Support Plan should be reviewed and finalised and signed by all relevant parties, including the prospective adopter/s
 - The reports for the Adoption Panel in relation to the proposed 'match' should be submitted to the Adoption Panel Co-Ordinator as per the submission date.
 - The Family Finder (Adoption Team) **must** invite the adopter/s and if applicable their link worker to attend the A&P Panel when the proposed 'match' is being considered.

- The Adoption Panel and Agency Decision Maker (ADM) process will be as for any proposed adoption match.

The process following the approval of the 'match'

- Following the ADM reaching their decision, notification letters **must** be sent to the birth parent/s and to anyone else who holds Parental Responsibility for the child within five working days, to inform them of the agency decision regarding the match. Responsibility for this rests with the Adoption Team Manager. Letters should be signed by the ADM.
- Given that the child will already be in the care of the prospective adopter/s the placement will become a placement under the Adoption Agencies Regulations on the date the ADM makes their decision.
- All decisions **must** be recorded on the child's case record and the prospective adopter/s' case record.
- The local authority **must** send a formal notification letter to the prospective adopter/s and include a completed Matching Certificate. This will enable the prospective adopter/s to claim Statutory Adoption Pay and leave if in employment. Responsibility for this rests with the Adoption Team Manager.
- Where the child is accommodated the birth parent/s **must** be asked to sign consent for the prospective adopter/s to be able to access routine medical treatment for the child, following placement.
- If the child is of an appropriate age and understanding to have known about the Panel process and to understand the change in his/her placement status, consideration **must** be given to how best to inform the child of the outcome of the Panel.
- A formal inter-agency agreement **must** be drawn up if the child is being placed with prospective adopter/s approved by another local authority or a Voluntary Adoption Agency. Responsibility for this rests with the Adoption Team Manager – see Inter Agency Placements Procedure.
- If the prospective adopter/s have been receiving support from a Supervising Social Worker attached to the authority's fostering service this worker's role will cease at the point that the placement becomes a placement under the Adoption Agencies Regulations, given this it **must** be identified who will then hold responsibility for providing link-work support to the prospective adopter/s. While the social worker for the child will retain responsibility for monitoring the child's welfare the prospective adopter/s' social worker will primarily be responsible for supporting them.
- A formal meeting should take place with the prospective adopter/s chaired by the Adoption Team Manager or Deputy Team Manager to:
 - draw up the Adoption Placement Plan
 - ensure that the prospective adopter/s have full written information in respect of the child and the proposed placement including:
 - the updated Child's Permanence Report (BAAF CPR)
 - a copy of the Adoption Support Plan;
 - a copy of the Adoption Placement Report (BAAF APR);

- medical reports, including any psychological and/or psychiatric reports (if these are Court documents then the permission of the Court is needed; permission of the author of any medical reports, other than the Adoption Agency Medical Adviser's report, is also needed)
- education details including PEP, school reports (if an older child)
- two original birth certificates
- a copy of any Court Order/s (where appropriate);
- a letter of medical consent
- the child's 'red book' (it is likely that as the child's previous foster carer/s they will have this in their possession)
- a copy of the local authority's Parental Responsibility Agreement for children placed under the Adoption Agencies Regulations
- a copy of the local authority's document regarding expected frequency of social work visits and post placement reviews
- a copy of the local authority's Complaints Leaflet
- any other information that the local authority considers appropriate.

The prospective adopter/s should be asked to sign a declaration that they have received copies of all the relevant documents and this **must** be uploaded onto the case file.

Note: Once the proposed 'match' has been agreed the child is placed under the Adoption Agencies Regulations and he/she is not legally adopted until a Court makes an Adoption Order. Until the granting of an Adoption Order the parental responsibility for the child will be shared between the birth parent/s, the prospective adopter/s, and in most cases the local authority (depending on the legal circumstances of the case). The Adoption Placement Plan should detail whether the parental responsibility of the prospective adopter/s is to be restricted and if so the extent to which it is to be restricted and this should be kept under review through the placement review process.

- A letter **must** be sent to each of the birth parent/s and to anyone else who holds parental responsibility for the child asking if they wish to be informed of the outcome of future reviews after the child's placement legally becomes a placement for adoption. Responsibility for this rests with the child's social worker. If they do not wish to be informed the parent/s should sign a declaration to this effect.
- Written notification of the change of the status of the placement **must** be sent to:
 - the prospective adopter/s' GP
 - the local authority and the Primary Care Trust for the area in which the prospective adopter/s reside
 - if the child is approaching school age, the local education authority for the area where the prospective adopter/s reside with details about the child's educational history and whether he/she has been or is likely to be assessed for Special Educational Needs.

Responsibility for sending out these notifications rests with the child's social worker.

- The details of the child and the placement **must** be entered on the authority's Adoption Register.
- Placing authorities are legally required to visit and see any child placed under the Adoption Regulations within one week of placement and at least once a week until the first review. The child's social worker will usually undertake these visits.
- Visits by the child's social worker should be dovetailed with those made by the prospective adopter/s' social worker. In some instances joint visits will be appropriate.
- While supervision of the child's welfare rests with the placing authority, it can, by agreement, be delegated to the prospective adopter/s' approving agency (this should be agreed at the inter-agency meeting or at a subsequent review meeting post-placement - if the agency will make a charge for undertaking these visits on behalf of the placing authority then agreement **must** be obtained for the likely costs).
- All visits should be recorded on the case file and note made of who was present. Copies of casework recording made by the child's social worker and the social worker for the prospective adopter/s **must** be exchanged.
- Local authorities are legally required to review the placements of all children who are placed for adoption within certain time frames:
 - 1st review not more than 4 weeks after the date of placement;
 - 2nd review not more than 3 months after the first review;
 - 3rd and subsequent reviews within 6 months of the previous review
- The child's social worker should continue to maintain a level of contact with the birth parent/s and with anyone else who holds parental responsibility for the child, from the point of placement up until the Adoption Order is finally granted, however the wishes of each individual **must** be respected and some birth parent/s may opt to have no contact with the placing authority either from the point that the adoption plan is made or from the point that the child is placed in the care of their prospective adopter/s.
- Efforts should be made to encourage the birth parent/s to contribute to the child's Life Story information in line with usual procedures.