

 **Practice Guidance: foster carers who wish to adopt a child in their care**

This guidance is to be referred to when foster carers express an interest in adopting a child in their care. This may be in the following circumstances:

* A child who has a Should be Placed for Adoption Decision; care proceedings and the making of a Placement Order may be ongoing or have concluded.
* A child in long term foster care

The length of time the child has been in the care of the foster carers may determine the most appropriate route to secure adoption for the child. This document is written to provide guidance with regards to making the best decision for the child when a carer expresses interest in adoption. It addresses:

* the process that should be followed from the point the carer/s expresses their interest in adoption
* how to respond to the request
* deciding whether this would be in the best interests of the child and therefore the local authority would support the plan
* the process to follow dependent on the decisions, if this should be an agency placement or a direct application to court by the foster carers
* the roles of staff in the Local Authority and Adoption West

This guidance provides regionally agreed processes, it does not replace the Adoption Regulations with regards to assessing prospection adopters, linking, matching and placing children for adoption. The following Adoption Regulations should also be consulted:

The Adoption Agencies Regulations 2005 - [The Adoption Agencies Regulations 2005 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2005/389/contents/made)

The Adoption Agencies (Miscellaneous Amendments) Regulations 2013 - [The Adoption Agencies (Miscellaneous Amendments) Regulations 2013 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2013/985/made)

**What should happen when foster carers express an interest in adopting a child in their care**

1. During care proceedings and prior to the Placement Order being granted, clarification of foster carers’ position with regards to the child’s plan must be sought, in order for the Local Authority to consider this at the earliest opportunity.
2. If Adoption West are currently family finding for the child/ren, to prevent delay this should continue until a decision with regards to the foster carers’ request has been agreed ie point 9 of this process.
3. A foster carer may express an interest in adopting a child in their care to any worker. This could be the child’s social worker, fostering social worker or the family finder. They must be advised to submit this formally in writing to the appropriate Head of Service in the respective local authority. The child’s social worker and the fostering social worker should be informed immediately. The foster carer should be advised of this process and the following steps with regard to making a decision for the child and responding to their expression of interest
* BANES - Head of Service: Care Outcomes
* Bristol - Head of Service: Permanency and Specialist Services
* Gloucestershire – Head of Service: Permanence
* North Somerset – Head of Service: Family Support and Safeguarding
* Sth Glos – Head of Integrated Children’s Services
* Wiltshire – Head of Service: Children in care and young people

**Making a decision if it is in the child’s best interests to progress the plan for adoption with the foster carer**

For children who have a Should be Placed for Adoption Decision, in current care proceedings or when a Placement or Care order has been made, the following process should be followed.

1. An initial assessment of the foster carers’ potential to adopt and meet the child/ren’s long term needs must be undertaken by the relevant social worker for the child and an Adoption West social worker. The relevant child’s social worker should contact the Adoption West Family Finding team manager, to request an Adoption West social worker from the Family Finding team is allocated to complete the initial assessment. The carers’ details will be added to CHARMS, the Adoption West case management system.
2. The assessment should focus on
* The foster carers’ understanding of becoming adopters and emphasising the difference to fostering.
* The foster carers’ plan in relation to fostering and the implications for the child/ren
* How the foster carers will meet the child’s needs for adoption
* The child’s wishes and feelings
* Assessment of any short /long term risks eg birth parents’ knowledge of the placement and how they may be mitigated.
* The view of the fostering social worker
* The view of the IRO
* Consideration given to the views of the birth family
* Views of any other relevant agency eg CAMHS
* Likely support needed including financial considerations
* Advice regarding the most appropriate legal route to adoption ie agency placement or private application to court.
1. This assessment should be completed within 28 days of receipt of the expression of interest to adopt by the foster carer. The report must be shared with the child’s IRO, child’s team manager and AW team manager prior to the linking meeting.
2. A Linking Meeting must be held with 14 days of the completion of the assessment. This should be chaired by the team manager for the child and include the relevant social worker for the child, fostering team social worker and Adoption West social worker. The IRO’s views should be sought and included in the meeting.
3. Purpose of the meeting is to:
* Consider if the carers are indicated to be able to meet the long term needs of the child
* Discuss the outcome of the assessment and recommendation.
* Decide whether the child should be linked for adoption with the foster carers
* Consider legal advice regarding the most appropriate route to adoption and make a recommendation
1. The outcome of the meeting should be shared with:
* foster carer by the fostering SW within 1 day of the meeting and followed up in writing within 5 working days of the meeting.

If the outcome is negative, please refer to point 16 in this document.

* the IRO by the child’s social worker
1. The foster carers should confirm in writing to the child’s social worker within 5 working days if they wish to progress the link and agree with the Local authorities’ planned actions to progress the plans for the child.
2. When the link for adoption between the child/ren and the foster carers has been agreed with the foster carer, the child’s CPR and child’s medical must be shared and discussed with the foster carers by the child care social worker and AW social worker.
3. The placement will then be progressed via the agreed route to adoption ie an agency placement or a direct application to the court. Please see further guidance for each below. At this stage the child/ren will be linked to the foster carer for adoption and Adoption West will cease family finding activity.
4. Any request for financial support should be put in writing and sent to the sent to the relevant Head of Service for the local authority. Please refer to the specific Local Authority’s Adoption Allowance and Transitional arrangements policy.

**For children in Long term foster care**

1. A Child in Care review may be the most appropriate process to be used when considering this matter. However, if there is some delay due to the timing of the review and the expression of interest, an earlier CIC review should be convened to discuss the issue and make appropriate decisions and plans.
2. Most children in this situation will have been with their foster carers for more than a year and therefore a direct application may be considered as the most appropriate route to secure adoption for the child.

**If the outcome of the initial assessment is negative**

1. This maybe a potential vulnerability for the fostering placement. Therefore, a professionals meeting should be held to consider:
* What impact this may have on the placement?
* How can the placement be supported?
* What impact may it have on transitions to another adoption placement?
* How will transitions be supported?
* As the foster carers’ thoughts and feelings about supporting a transition may fluctuate, these issues will need to be reconsidered throughout and particularly, when an adoption link is identified, at the linking stage and placement planning stage.
* It is the fostering social worker’s responsibility to continue to support and supervise carers through this process.

**Route 1 – Agency Placement**

Prospective Adopter Assessment

* The foster carer must complete a Registration of Interest and return this to Adoption West.
* Adoption West will allocate a recruitment and assessment social worker to compete the prospective adopter’s assessment.
* Existing approved foster carers can go through a “fast track” reassessment and adoption approval process. AAR 2005 Guidance specifies that*: “It should be made clear to foster carers, or those who apply to be approved for specific children, that their assessment will be in respect of their suitability as adopters generally and that if they are approved, their suitability to adopt a specific child or children will be addressed separately as part of the matching process”.*
* To prevent delay, the preferred practice is that the suitability of the foster carers to adopt and the match of the child with the prospective adopters are presented to Adoption Panel on the same day (Reg32 (5) Adoption Agencies Regulations 2005 and guidance 4.33).
* The foster carers will start the adoption process at stage 2 and Adoption West should complete the assessment of the adopters within 4 months of receipt of the registration of interest. The approval and match will be booked into the Adoption Panel by the AW social worker within 4 months of starting the assessment.
* In parallel to the prospective adopter’s report being undertaken, the child’s social worker and the AW social worker will ensure all preparations are made for the match including:
	+ Prospective adopters meeting with the Medical Adviser
	+ Child Information meeting
	+ Complete the Adoption Placement Report and the Adoption Support Plan.
* All foster carers are requested to attend the adoption preparation stage 2 course. This will provide the foster carers with the opportunity to learn about adoption as distinct from fostering and will enhance their knowledge which forms part of the prospective adopter assessment.
* The prospective adopters will be invited to attend a meeting of the Adoption Panel when their suitability to adopt will be considered (AAR30A (5)). The applicants are not required to attend but should be encouraged to do so.
* The Adoption West Agency Decision Maker will make the decision regarding the foster carers’ suitability to adopt and the Local Authority Agency Decision Maker for the child will make the decision regarding the match per Reg 32 Adoption Agency Regulations 2005. To ensure timescales are met, the Adoption West ADM will make the decision within 2 working days of receipt of the panel minutes and this will then be shared with the ADM responsible for the decision for the match.
* In exceptional circumstances, if the decision is to present the match to a different Adoption Panel, this should be no longer than 28 days after the approval panel with required paperwork submitted 14 days prior to that panel. This allows time for the Agency Decision regarding the approval to be made. Wherever possible the match should be heard by the same Adoption West panel/chair.
* When the Agency Decision has been made regarding the match between the child and the foster carers, now approved adopters, the placement status must be changed to Placed for Adoption on the same day and LA records need to be updated.

The Adoption Placement Planning Meeting Chaired by the relevant AW Team Manager should be held within 7 days of the decision and the APP completed by all parties. Tasks, responsibilities and timescales will be agreed for handover of life story book; completion of the later life letter, setting up of letterbox/direct contact arrangements.

* As the child/ren have lived with the prospective adopters for more than 10 weeks the application (A58) to the court for the Adoption Order can be made with immediate effect. The prospective adopters should be assisted in making the application which should be submitted with the Annex A within 14 days of the agency decision.
* To prevent delay the adoption social worker and child’s social worker should complete the Annex A prior to the application being made, so that it can be submitted at the same time as the application.
* During the assessment of the prospective adopters, if information is provided that suggests that a recommendation of approval as suitable to adopt may not be possible, the AW team manager should convene a meeting with the childcare social worker and team manager at the earliest opportunity. This meeting should consider the issues in relation to a possible negative recommendation, impact on the proposed link and any actions that are necessary in accordance with [The Adoption Agencies Regulations 2005 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2005/389/contents/made)

**Route 2 - Direct application to court**

This can only be considered for children who have been living with their foster carers for longer than 12 months at the time of application to the court.

* Adoption West will allocate a social worker from the Family Finding Team to provide support and consultation to the process.
* All foster carers are requested to attend the adoption preparation stage 2 course. This will provide the foster carers the opportunity to learn about adoption as distinct from fostering and will enhance their knowledge which forms part of the prospective adopter assessment. The AW social worker to manage the arrangements for training.
* Adoption West will arrange a Child Information Meeting and arrange for the foster carer to meet with the medical adviser.
* The foster carers should be assisted in making the application which should be submitted with the Annex A within 14 days of the decision to support the match refer to number 10 above.
* Any legal advice for the foster carers will be provided by the Local Authority for the child in accordance with each authority’s polices and procedures and maybe limited to 2 hours of legal advice at legal aid rates,
* The fostering social worker and child’s social worker should complete the Annex A within timescales specified by the court.
* The AW social worker in consultation with the child’s social worker, the fostering social worker and the foster carer, will complete an adoption support plan for the child to be submitted to the court with the Annex A.

June 2021

References:

Adoption by Foster Carers, Good Practice Guide- Elaine Dibben and Viv Howorth (CoramBAAF 2016)