**Sandwell Children’s Trust**

**Adoption Support Policy**

**1st September 2020**

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**1.0 PURPOSE OF THE POLICY AND GOVERNING LEGISLATION**

This policy sets out the arrangements for assessment and provision of adoption support services. This policy includes information on the different types of support available but focusses specifically on the provision of financial support.

This policy does not cover arrangements for one-off or temporary financial support, for example grants for setting up the home to make it ready for the child, or to support contact arrangements with the child’s birth parents.

This policy considers Statutory Guidance for Local Authorities and Trusts in the Adoption Support Services Regulations 2005

<https://www.legislation.gov.uk/uksi/2005/691/made>

**2.0 TYPES OF SUPPORT AND DEFINITIONS**

Adoption support is defined as including:

1. Provision of Financial Support
2. Priority admission for school places, including academies and free schools;
3. Services to enable groups of adoptive children, adoptive parents and birth parents to discuss matters relating to adoption;
4. Assistance, including mediation, with contact arrangements between adopted children and their birth parents or others with whom they share a significant relationship;
5. Therapeutic services for adopted children;
6. Assistance to adoptive parents and children to support the adoptive family and enable it to continue;
7. Assistance to adoptive parents and children where there is disruption or is at risk of disruption;
8. A range of adoption support services, including access to counselling, information and advice for both adoptive parents and their children, who may have complex needs;
9. Birth parent counselling
10. Advice and information to adopted adults about access to adoption records
11. Assistance with support availability in other local authorities.

Responsibilities for Adoption Services transferred to Adoption@Heart on 01 April 2019. Adoption@Heart is a Regional Adoption Agency (RAA) where adoption services from Wolverhampton, Dudley, Sandwell and Walsall have come together to deliver adoption services across the region with a view to recruiting adopters, family finding for children and provide support to children and adopters. It is designed to help speed up the adoption process, improve the life chances of those children waiting to be adopted, and improve adopter recruitment and support.

The process for requesting an assessment of support needs regarding 2 to 11 above is detailed here:

<http://www.proceduresonline.com/sandwell/cs/user_controlled_lcms_area/uploaded_files/TX638%20A%40H%20Adoption%20Support%20guidance%2029.04.19.docx>

Adoption@Heart offer adoption support services on a regional basis. However, the responsibility for developing the support plan, including the financial support to adopters remains with each Local Authority / Trust. Sandwell Children’s Trust have therefore developed this policy to reflect the responsibilities of the Trust for the provision of support, including assessment of financial support to adopters as outlined in the Adoption Support Services Regulations 2005.

**3.0 PROVISION OF FINACIAL SUPPORT**

**3.1** Payment of ongoing financial support for adopters is not automatic. The conditions for considering whether financial support should be paid or not, are laid out in the Adoption Support Regulations (Local Authorities) (England) Regulations 2005, Regulation 8, which specifies that:

*Financial support is payable to an adoptive parent for the purpose of supporting the placement of the adoptive child or the continuation of adoption arrangements after an adoption order is made.*

*However, such support is payable only in the following circumstances—*

*(a)where it is necessary to ensure that the adoptive parent can look after the child;*

*(b)where the child needs special care which requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect;*

*(c)where it is necessary for the local authority to make any special arrangements to facilitate the placement or the adoption by reason of—*

*(i)the age or ethnic origin of the child; or*

*(ii)the desirability of the child being placed with the same adoptive parent as his brother or sister (whether full or half-siblings ) or with a child with whom the adoptive child previously shared a home;*

*(d)where such support is to meet recurring costs in respect of travel for the purpose of visits between the child and a related person;*

*(e)where the local authority consider it appropriate to make a contribution to meet the following kinds of expenditure—*

*(i)expenditure on legal costs, including fees payable to a court in relation to an adoption;*

*(ii)expenditure for the purpose of introducing an adoptive child to his adoptive parent;*

*(iii)expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child.*

**4.0 ELIGIBILITY FOR ASSESSMENT FOR FINANCIAL SUPPORT**

For adopters, an assessment of financial circumstances **must** take place as part of the matching process. Adopters can choose not to be assessed for financial support and this must be clearly stated in the prospective adopter’s report. This would mean that Sandwell Children’s Trust would not be in a position to provide any financial support to adopters.

When carrying out an assessment of a person’s needs for financial support, Sandwell Children’s Trust must take account of any other grant, benefit, allowance or resource which is available to the person in respect of their needs as a result of the adoption of the child. Financial support from Sandwell Children’s Trust will not duplicate any other payment available to the adopter.

**5.0 THE CRITERIA FOR QUALIFYING FOR FINANCIAL SUPPORT**

**Where the adopter’s hold savings above £16k no allowance will be payable.**

The adopter’s means will always be taken into consideration when assessing whether or not ongoing financial support should be paid. A standardised means test is used to ensure fairness and consistency.

Sandwell Children’s Trust uses its weekly in house fostering allowance as its baseline for calculating support and determining the amount payable. If the financial assessment determines an allowance might be payable, it will only be paid if it is assessed as necessary to meet the needs of the child as set out in section 3.1.

Means testing **will** be disregarded when:

* Sandwell Children’s Trust consider that it is appropriate to contribute to any legal costs, including court fees, where an adoption order is applied for in respect of an agency adoptive child;
* Sandwell Children’s Trust consider that it is appropriate to provide expenditure for the purpose of introducing an agency adoptive child to their adoptive parents.

Means testing **may** be disregarded when considering:

* Initial costs of accommodating an agency adoptive child;
* Recurring travel costs in contact arrangements between the child and a related person;
* Any special arrangement or special care relating to specific needs of the child: For example, where the child needs special care which requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect; Or where it is necessary for the local authority to make any placement or the adoption by reason ofthe age or ethnic origin of the child, or the desirability of the child being placed with the same adoptive parent as his brother or sister (whether full or half-siblings ) or with a child with whom the adoptive child previously shared a home.(regulation 8 (2) (b) or (c) of the Adoption Support Services Regulations 2005)
* When Sandwell Children’s Trust is considering including an element of remuneration for a transitional period for former foster carers - see Section 6 Remuneration of Former Foster Carers.

In order to determine whether or not an allowance might be payable the applicants should be asked to complete the financial assessment form to allow for a means test calculation to take place. See Appendix 1 – Financial Means Assessment Template (attached).

The outcome of the request for financial support will be made in writing and include the amount of financial support and information in relation to the following:

* The type of allowance awarded;
* The amount of allowance that has been agreed;
* The frequency of payments;
* The date of the first payment;
* Any conditions attached to the allowance;
* Any time limits attached to the allowance;
* The arrangements and procedure for review, variation and termination of the allowance;
* The requirement to notify the Trust of any relevant change in circumstances

The requirement to complete and return the financial assessment form and provide supporting evidence is the responsibility of the adopter. Failure to do so may result in a suspension of the allowance and repayment of any allowances paid. For example, if the child has moved from the adopter’s home and the Trust has not been notified.

Adopters will also be notified in writing if they are not eligible for financial support and the reasons why.

**6.0 REMUNERATION FOR FORMER FOSTER CARERS**

In accordance with Regulation 9 of the Adoption Support Services Regulations 2005,

Sandwell Children’s Trust will consider paying *an element of remuneration but only where the decision to include it is taken before the adoption order is made and where Sandwell Children’s Trust consider it to be necessary to facilitate the adoption in a case where—*

*(a)the adoptive parent has been a local authority foster parent in respect of the child; and*

*(b)an element of remuneration was included in the payments made by the local authority to the adoptive parent in relation to them fostering the child.*

*(2) But that element of remuneration ceases to be payable at the end of the period of two years from the adoption order unless the local authority consider its continuation to be necessary having regard to the exceptional needs of the child or any other exceptional circumstances.*

The aim of the two year transitional period is to support former foster carers in adjusting gradually to the transition to adoption. This reflects the change in expectations and requirements made by Sandwell Children’s Trust of foster carers once the child is no longer looked after.

In accordance with the Adoption Support Regulations, Sandwell Children’s Trust is only able to continue such payments for up to two years unless Sandwell Children’s Trust considers the child has exceptional needs or there are exceptional circumstances that require on going payment.

Where Sandwell Children’s Trust considers the child has exceptional needs or circumstances that require ongoing payment of the remuneration element of the allowance after two years, in principle Sandwell Children’s Trust may agree to continue to replicate the remuneration paid for a further specified period only and for specified reasons, subject to an annual review.

Any extension of transitional support because of exceptional need or circumstances is at the discretion of Sandwell Children’s Trust and must be supported with robust evidence outlining the child’s needs. Applications for any extra financial support will only be considered in cases where the child’s condition is serious and long term. We would expect that there is a clear rationale given as to why these needs cannot be meet by benefits such as Disability Living Allowance (DLA)/Personal Independence Payments (PIP). Requests for any extension of the transitional support beyond the two year transition period **must** be made during the matching process to the Director’s Resource Panel, with final approval from the Executive Management Team meeting (EMT).

Transitional support is not available for prospective adopters who have cared for the child under a fostering for adoption arrangement.

**7.0 THE ONGOING PAYMENT OF ALLOWANCES AND CONDITIONS PLACED ON THE ADOPTER**

If the adopter is eligible, and qualifies for financial support, payments will continue for as long as the placement continues subject to annual review, until:

* the child reaches 18 years of age,
* the child is eligible for benefits or receiving an income in their own right,
* the child ceases to have a home with the carer,
* the child ceases full time education or training and commences employment,

If the adopter fails to inform the Sandwell Children’s Trust of any changes in the circumstances listed above, we will seek to recover all or part of any overpaid financial support.

Adopters will be required to submit to an annual means test. Failure to return the financial statement within 28 days following a reminder will result in the suspension or termination of financial payments.

Regulation 12 of the Adoption Support Services Regulations 2005 refers to the conditions that the adopter is subject to as part of the agreement to ongoing financial support as follows:

***12.****— (1) Where financial support is to be paid periodically, it is not payable until the adoptive parent or, in the case of adoption by a couple, each adoptive parent, has agreed to the following conditions—*

*(a)that he will inform the local authority immediately if—*

*(i)he changes his address;*

*(ii)the child dies;*

*(iii)any of the changes mentioned in regulation 11 (cessation of financial support) occurs; or*

*(iv)there is a change in his financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable to him,*

*and, where the information is given orally, that he will confirm it in writing within seven days;*

*(b)that he will complete and supply the local authority with an annual statement as to the following matters—*

*(i)his financial circumstances;*

*(ii)the financial needs and resources of the child;*

*(iii)his address and whether the child still has a home with him.*

*(2) The local authority may provide financial support subject to any other conditions they consider appropriate, including the timescale within which and purposes for which any payment of financial support should be utilised.*

*(3) Subject to paragraph (4), where any condition imposed in accordance with this regulation is not complied with, the local authority may—*

*(a)suspend or terminate payment of financial support; and*

*(b)seek to recover all or part of the financial support they have paid.*

*(4) Where the condition not complied with is a failure to provide an annual statement in accordance with an agreement referred to in paragraph (1), the local authority shall not take any steps under paragraph (3) until—*

*(a)they have sent to the person who entered into the agreement a written reminder of the need to provide an annual statement; and*

*(b)28 days have expired since the date on which that notice was sent.*

**8.0 THE YOUNG PERSON TURNS 18 YEARS**

Once a child/young person becomes 18 years old, financial support will cease.

Where the young person is engaged in full time education, Sandwell Children’s Trust may agree to continue to support financially until the end of the academic year in which the young person turned 18 years old following presentation of the need at Directors Resource Panel.

For the avoidance of doubt this is secondary education or equivalent and will not include university/higher education or further training entered after the child has turned 18.

**Appendix 1 – Financial Means Assessment Template – see attached**