



## Policies & Procedures

# Fostering for Adoption

The Joint Adoption Service for Shropshire & Telford & Wrekin.

# Fostering for Adoption

## 1. Summary of Policy:

- a. The purpose of this policy is to describe when it is appropriate and lawful to use Fostering For Adoption (FFA) as determined by **Regulation 25a** of the Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013. The procedures outline how this will be achieved in a consistent way in Shropshire and Telford & Wrekin. This policy also refers to dual approval and concurrency.

## 2. Underpinning Legislation and Guidance:

- a. Children Act 1989
- b. Adoption and Children Act 2002
- c. Children Act 1989 Guidance and Regulations (2010)
- d. The Care Planning, Placement and Case Review Fostering Services (Miscellaneous Amendments) Regulations 2013
- e. Fostering for Adoption – Practice Guidance 2013 (BAAF/CORAM).
- f. Adoption Statutory Guidance 2013
- g. National Minimum Standards Adoption 2014
- h. Adoption and Children Act 2014
- i. Adoption Agency Regulations 2005

This policy is required by law and in order to be effective requires a joined up procedural approach across Compass, Safeguarding, Case Managers, Adoption Service, Fostering Service's, Legal Services and the Independent Reviewing service.

## 3. Shropshire and Telford & Wrekin's Approach: What is Fostering for Adoption (FFA)?

- a. Fostering for Adoption (FFA) places a child during a period of temporary Local Authority care, with adopters who are also temporarily approved as foster carers. If the court agrees that the child should be adopted and the Adoption agency approves the match between the carers as adopters and the child, then the placement becomes an adoption placement.
- b. It is envisaged that FFA will mainly apply to very young children who are identified at pre-birth or any child identified at Legal Planning Meeting where the decision to pursue this route is formally recorded.

#### **4. What are the routes for approval for households who wish to participate in FFA?**

- a. The Fostering for Adoption guidance specifies 3 different legal routes to achieve early (pre Placement Order) permanence or formal parental consent for adoption. Applications to become FFA approved adopters are welcome from all sections of the community.
- b. Regulation 25a of the Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013 enables approved adopters to also be approved as temporary foster carers for a named child only.
- c. It is envisaged that it will be best used in circumstances where it is most likely that a court will see fit to make a Placement Order as there will be a wealth of current and historical evidence to support the application and no viable alternatives available. The advantages are that this is a child led approach that will achieve a secure permanent family more quickly.
- d. It is currently not intended to use the Fostering for Adoption procedure for children in voluntary care under s20 of the Children Act (1989) unless there is a clear plan to enter into care proceedings. Legal advice should be sought when considering FFA for any child in voluntary care.
- e. Dual approval can be used where the local authority plan is adoption and all other options, including permanence with family or friends, have been ruled out. Adopters can also be approved at Fostering Panel as foster carers and a child can be placed pre-Placement Order. This is likely to be used in circumstances where it will avoid the need for a change in temporary placement and thereby reduce the number of placement moves. It may apply to children on full care orders, awaiting a Placement Order.
- f. Dual approval. Approved adopters who are generally interested in offering FFA/concurrency will need to be presented to the Fostering Panel for approval as foster carers. The approval is not specific to a named child. Their Prospective Adopter Report (PAR) will need to be amended to meet the specific requirements for fostering approval. If the Fostering Agency Decision Maker (ADM) decides not to approve them as foster carers, the adopters will be entitled to request a review of the decision via the ADM or the Independent Review Mechanism (IRM).
- g. Concurrency is where a child is placed with adopters who are dually approved as foster carers. The Local Authority plan is adoption but

there is an outstanding option, not yet ruled out, for the child to return to his/her family of origin. The case is twin tracked and approved adopters carry the risk that the child may return to his/her family of origin and positively support plans (e.g contact) to enable this to happen, should it be the eventual preferred outcome.

- h. For carers involved in concurrency the main features that differentiate them from FFA carers is the amount of risk they are willing to manage in terms of the possible court outcome and their involvement with the birth parents, especially in the facilitation of contact, (although they will never be left alone with the birth parents.).
- i. Detail. In pursuing FFA the Child's Social Worker (in conjunction with the Independent Reviewing Officer (IRO), if appointed, Legal and the Adoption Service) needs to first of all decide which child(ren) may be suitable.
- j. It is essential that all parties are aware that FFA / dual approved arrangements do not secure the future permanent family for a child; this can only be done by the Court. The child (commensurate with his/her age and understanding) will need to be given an explanation of this, as will the family i.e that the child will be staying with the FFA / dual approved carers until the court decides what will happen. The possibility of the family being 'forever' will need to be explained.
- k. **How do we identify children for whom Fostering for Adoption (FFA) might apply?** The often lengthy legal and care planning process has disadvantages from a child's perspective as the early months and years of a child's life lay the foundations for their development. This is best addressed through a stable, loving and unbroken permanent relationship with one set of care givers. Therefore, it is envisaged that FFA will mainly apply to very young children who could be identified pre-birth or at Legal Planning Meeting (LPM) as potentially benefiting from the scheme.
- l. Social workers must first provide evidence that the service has fully explored its responsibilities to engage the birth parents and wider family identifying solutions as per the pre-proceedings requirements of the Public Law Outline, section 22c of the children Act 1989. Where these have been explored and no other options have been realistically identified then FFA may apply, (but is not restricted to) typically in one of the following circumstances:
  - i. Where parents have had one or more children previously placed for adoption (or other forms of permanent placement) and there is strong evidence, gathered through e.g pre-birth assessment,

Social Work Assessment, Family Group Conference, previous recent Care Proceedings, that their circumstances have not changed and therefore they pose the same risks as they did for previous children.

- ii. If the Local Authority has no action plan for rehabilitation due to the level of risk this would pose then FFA should be considered at the earliest opportunity, preferably pre-birth.
  - iii. Where this is a first child, the circumstances of the parents and the risks to the child are such that there is no proactive plan to return the child to the birth parents or to other family members.
  - iv. It is anticipated that the thoroughness of the assessments conducted within pre-proceeding and the court process will support any challenge to the Local Authority's plan of adoption.
  - v. Where the parents have indicated pre-birth that they wish to relinquish their child but have not formally consented. Standard processes must be followed in these circumstances e.g legal planning meeting, pre-birth Child Social work Assessment, Looked After child (LAC) reviews, in order to give active consideration to avoiding the risk of parents changing their minds at a later point. It will usually be necessary to secure the paramount needs of the child through formal care proceedings. Where relinquishment is being considered the Local Authority should be robust in pursuing the details of the birth father in line with legal guidance, so as to avoid any late approach by him or his extended family to be assessed to care for the child when born.
- m. As soon as assessment or case management team start to consider FFA for a child early discussion with the Adoption Team is essential in order to identify how realistic and achievable this will be and ascertain what FFA carer availability / choice there is.
- n. Issues for consideration will include.
- i. The possibility of rehabilitation to birth parents. FFA placements are only appropriate where there is little chance of this happening.
  - ii. Whether a Family Group Conference has taken place and all realistic family options have been explored and ruled out as being possible long term carers for the child.

- iii. Which further assessments are required in order for a decision to be made in respect of the child's permanent care plan.
- iv. Whether a Fostering for Adoption or dual approved placement would be best for the child.
- o. In all of the circumstances above opportunity will arise throughout the process for considering the care plan for the child e.g Child Social Work Assessment, Child Protection Conference, Legal planning Meeting, Looked After Children Statutory Review.
- p. Where an active decision for FFA is considered later in the process e.g during care proceedings it is not sufficient to decide not to pursue on the basis that the child is suitably placed with temporary foster carers. Where such circumstances arise it is essential to take legal advice and discuss with key professionals at this point. Every case must be discussed on its own evidence-based merits so that the timing of achieving the child's need for permanent stability and security within a primary care giver relationship is carefully considered.
- q. A formal decision to pursue a plan for FFA will need to be confirmed by the relevant Head of Service for the child and discussed with the IRO and child's Guardian if involved. The basis for the decision will need to be recorded as a key decision by the Head of Service.
- r. The Position of Birth Parents. It is essential that the Child's Social Worker consults birth parents about their views as soon as FFA or dual approval is considered as potentially viable for a particular child.
- s. The Local Authority needs to demonstrate that it has discharged its duty to ascertain the wishes and feelings of the child, his or her parents, and any other person with parental responsibility and others who the Local Authority considers to be relevant.
- t. In discussing with parents the Child's Social Worker needs to make it clear that in considering FFA / dual approval the Local Authority cannot pre-empt any decision within the court and that only the court can authorise a placement for adoption where parents do not consent.
- u. Parents should always be advised to discuss this with their legal representative.
- v. Social workers should aim to reassure parents that if the eventual decision for adoption is made it will have been preferable for their child to have lived with the prospective adoptive family from the earliest

opportunity. A referral to the Independent Birth Parent Service needs to be made at this point (if not already done so).

- w. Identifying adopters to deliver FFA / dual approval. All prospective adopters will be given information about FFA/concurrency. Further information will also be given during the preparation training programme.
- x. Assessing Adoption Social workers will need to have a full discussion with prospective adopters to make them aware.
  - i. That FFA is for the child's benefit, and explore their motivation in considering this option;
  - ii. Of the implications of also being a foster carer, whether as a generally approved (dual approval) carer or as a temporary approval for a named child (regulations 25a)
  - iii. Of the opportunities for birth parents to appeal against a plan of adoption at various stages of the adoption process and of case examples nationally of where children have been returned to their birth family.
  - iv. That FFA / dual approval does not guarantee that the Adoption Panel, Agency Decision Maker or court will allow the adoption to go ahead.
  - v. How they will manage attachment and loss if the child or children return to the birth family.
  - vi. (for concurrency) how they will manage ongoing positive contact with the birth family, making it a positive experience for the child.
  - vii. It will not be appropriate for the FFA / dual approved carer to transport or supervise the contact with birth family.
  - viii. FFA / dual approved carers may meet with the birth family at the LAC review meetings subject to the risks in doing so having been assessed. There will however still need to be a degree of confidentiality in respect of the location and personal details of the carers.
  - ix. However FFA / dual approved carer will be expected to ensure they keep updated a communication book that is shared with the birth parents at contact sessions to keep them up to date with the child's developments and day to day needs.

- x. Of how they accept support from family and friends whilst maintaining confidentiality.
  - xi. Of how they will manage as foster carers taking into consideration such things as supervision and weekly recording, extra training requirements relating to the fostering role and the issue of parental responsibility still being with the birth family and the Local Authority.
  - xii. Uncertainty of child development and health issues, possibly a lack of information re family background.
  - xiii. The need to put in place safe caring practices and have knowledge of the allegation procedure.
- y. Where prospective adopters continue to wish to pursue a FFA placement / or be dually approved carer this must be recorded on their Prospective Adopter Report (PAR) so that the Adoption Panel will be aware at the point they consider recommending suitability to adopt. (Although they cannot make a specific recommendation of suitability for FFA / dual approval). The PAR should highlight the prospective adopter's consideration and understanding of the issues highlighted that impact on taking such placement options. This should also consider the impact for any other children living within their family.
- z. FFA / dual approved carers will need the opportunity to speak to other adopters who have experienced these types of placements. If considering using Regulation 25a the timing of preparation is crucial and may need to be condensed, therefore prospective FFA / dual approved carers will need to be supported to be physically, mentally, emotionally and financially prepared within a short timeframe. FFA / dual approved carers also need to be supported to prepare for becoming exposed to the court process and the uncertainty which may accompany this.
- aa. If dual approved, the adopter will need to be fully compliant with fostering regulations in relation to supervision and annual reviews, completion of Fostering Training Support and Development standards and other relevant training for foster carers and the Local Authority's Recording Policy for foster carers. They will be registered as Local Authority foster carers and will have access to the services of the Fostering Network Organisation. If the status of their placement becomes an adoptive one arrangements will be made by the fostering service for the de-registration process as foster carers to take place.

- bb. If approved under regulation 25a, the Local Authority may take a 'lighter touch' in terms of applying the fostering regulations e.g less frequent recording (e.g weekly rather than daily), and the first review 12 months after approval (rather than at 6 months as per local best practice for foster carers).
- cc. Regardless of under which legislation the adopters are approved as foster carers they will need to understand and accept the Local Authority's plan and work within it e.g focus on managing potential loss (if the child is returned to its family of origin), developing an empathy with the birth family, managing high levels of contact with the birth family positively for the child, engaging in meaningful life story work and changes in their lifestyle over and above those anticipated through adoption.
- dd. The decision to use either Regulation 25a or dual approval will need to be taken on a case by case basis. Carers should be consulted about their rights and views but ultimately the decision about which approach will best meet the needs of the child will need to be made. One key driver will be timing as Regulation 25a is intended to be achieved more quickly.
- ee. The financial situation of the carers under either FFA or dual approval will need to be taken into account. From 5 April 2015 'placed for adoption' and entitlement to adoption leave and pay in England came into force and will apply to children who have been placed in a fostering for adoption placement under s22C of the children Act 1989.
- ff. Training and Supervision of FFA Carers – FFA carers need to complete training relating to 'safer care and practice'; they will be provided with a book published by the Fostering Network called 'Safer Caring: a new approach'.
- gg. FFA carers are required to complete the following mandatory training courses and arrangements will need to be made for this by their assessing social worker prior to approval whenever possible:
  - i. First Aid
  - ii. Health and Safety
- hh. Supervision sessions. FFA carers need to have at least monthly supervision sessions with their Supervising Adoption Worker. The purpose of supervision is an opportunity for the carer to think about the work they are doing as a foster carer, to raise problems or difficulties, and to find opportunities for developing their skills and any learning and training needs to be identified. Learning and training needs are highlighted in the supervision document relating to the 'Personal

Development Plan' (available on Charms, Carefirst or Protocol) and how the identified learning needs are going to be achieved.

- ii. The supervision documents also explore 'support' in terms of where FFA / dual approval carers can access this to ensure their physical, emotional and practical needs are being met i.e. whether they have made links with other FFA / dual approved carers for support etc. In addition, exploration needs to occur during supervision to ensure that they have all necessary aids and equipment to be able to appropriately care for the child. A record of these supervision sessions needs to be recorded on the system by their social worker.
  
- jj. During supervision sessions FFA / dual approved carers need to demonstrate that they are meeting the child's health and development needs in terms of the '5 outcomes'. For example FFA / dual approved carers have to demonstrate that a child is registered with a GP and dental practice and adhered to all medical appointments. Furthermore, they have to demonstrate that they are meeting the developmental needs of the child i.e attending mother and toddler groups / classes for example if appropriate. If relevant tasks are not being undertaken the assessing adoption social worker should promote these, and where necessary highlight this to the children's social worker and the Adoption Team Manager.
  
- kk. The Adoption Worker can seek advice regarding the fostering requirements in a FFA placement from a member of the Fostering Service via contact with the relevant fostering team.
  
- ll. The FFA / dual approval matching and approval process: Where FFA / dual approval carers been identified as willing and able to be considered to offer a potentially suitable placement a matching meeting is to take place.
  
- mm. Once a preferred placement has been identified in a matching meeting a meeting is to take place between the Core Group Members, Child's Social Worker, the Adoption Social Worker and the FFA / dual approved carers in the carer's home. The Looked After Children (LAC) placement plan is to be completed at this meeting, along with consideration given to the wider implications for the carers if the child is placed with them. Arrangements will need to be made to obtain the carer's bank details and pass these to the relevant department to allow for fostering payments to be made.
  
- nn. All involved need to be assured that the carers have sufficient financial, emotional and practical resources in the short and longer term as initially explored within the matching meeting.

oo. **Regulation 25a.** The approved adopters will have expressed a wish to offer FFA for a named child having received all the information available on the child's needs and circumstances, including any health and development assessments / reports. The proposal needs to be submitted to the relevant ADM who can grant temporary approval as a foster carer for the specific child.

pp. In order to make a Regulation 25a decision, the ADM will need to receive from Panel Administration, as provided by the Child's Social Worker the following:

- i. The PAR relating to the adopters
- ii. The Adoption Panel minutes relating to the approval
- iii. A recent assessment of the child's needs (e.g pre-birth Child Social Work Assessment, initial Child Protection Conference report, Legal Gateway minutes and court care plan). Due to tight timescale there is some discretion in relation to which documents are available but it is important to give the ADM a sense of the child's needs, why rehabilitation is not being actively pursued, and all other possible options for carers have been considered and discounted.
- iv. In certain cases it may be helpful to provide a sibling's Child Permanence Report where one is not available for the child concerned
- v. Summary reports from the Child's Social Worker to outline the basis for the proposed arrangement and the actions undertaken by the Local Authority to date
- vi. Matching matrix to indicate why this specific carer is being considered
- vii. Confirmation that the IRO has been notified if involved

qq. Once the child's ADM (Regulations 25a) has given formal approval, a child can be placed with their potential permanent family under FFA. Statutory visiting requirements to the child in the placement should be followed.

rr. Birth parents, and any others holding parental responsibility must be notified in writing by Adoption Panel Administration as soon as the decision to place with potential adopters is made.

- ss. The approved adopters must also be formally notified in writing of the Local Authority's intention for the child to be placed under Fostering for Adoption arrangements. This letter is sent from Adoption Panel Administration. The Adoption Team will provide a matching certificate to allow adopters to access statutory adoption leave and pay.
- tt. What financial and other support (specialist equipment) is available for FFA? The financial support for approved foster carers under FFA will be:
- i. Boarding out allowance for the child. Paid as level one foster carers until they have successfully completed Training, Support and Development (TSD) Standards for foster carers training
  - ii. After successfully completing TSD standards training they will be eligible to claim the equivalent level two payment until the child is matched at Adoption Panel and the match is ratified by the Agency Decision Maker, or the placement comes to an end
  - iii. Able to claim mileage during the period of the foster placement as per the fostering handbook.
- uu. Discretionary payments may be available from the children's team involved for:
- i. Settling in arrangements
  - ii. Clothing allowance – determined by the child's social worker in line with the child's needs
  - iii. Any specialist equipment needed and not available on loan from a relevant service

The form is available as Appendix 2.

vv. FFA foster carers will receive level 1 fostering payments, including where appropriate birthday, Christmas and holiday allowances for the period they are approved as foster carers.

ww. Specialist equipment. If specialist equipment is needed for the child (as a result of complex health needs), the provision of this should be discussed and agreed in advance of the placement with the Supervising Social Worker. Items of significant cost may need to be agreed in advance at the resource panel.

- xx. Should the placement end prematurely before a Placement Order has been granted, it may be appropriate for certain equipment to move with the child and reimbursement for specialist equipment be provided to the FFA foster carers.
- yy. If the child remains with the FFA carers under adoption regulations and the family's situation is such that ongoing financial support will be required prior to the granting of an adoption order, this will need to be assessed, with a financial assessment undertaken and processed through the Allowance Review Panel. (After the granting of Adoption Order a post adoption support assessment will be required)

Prior to FFA placement

Roles of the named social worker from the Adoption Service Children Team

- zz. Adoption Social Worker to liaise with the relevant fostering team to obtain:
  - i. Ongoing individual risk assessment
  - ii. Completing the Fostering for Adoption Carer Agreement with the FFA carer (Appendix 1)
  - iii. Providing a lockable box and diary (available from the fostering service which covers the location of the FFA carers, or of the child if Regulation 25a applies) to the carers to hold all confidential information concerning their role and the child / ren to be in their care
  - iv. Provide a copy of the training manual for TSD
  - v. Visiting and supervision plan (providing any relevant risk assessment)
  - vi. Complete a Safe Care Plan for the child to ensure that FFA carers are adhering to 'safecare practice' for the child
  - vii. Recording requirements as applicable e.g:
    - 1. Contact communications
    - 2. Weekly diary
    - 3. Accident or incident recording
    - 4. Carer training and development programme
    - 5. Reviewing process

- viii. Fostering Handbook to FFA carers
- ix. Obtaining the FFA carers bank details for fostering payments to be made
- x. Ensuring that a referral has been made for birth parent support at an early stage
- xi. Ensuring that, if required, additional support is made available to the FFA carers
- xii. If the Agency Decision Maker decides that rehabilitation is appropriate, a supervision and support plan will need to be written and agreed

#### Child's Social Worker

On placement the allocated social worker for the child is responsible for providing the carers with:

- Referral & Information Record and Chronology providing details of the child
- Placement Information Record & Agreements and essential contact details
- Information on any risks the child may pose, or be posed to the child by any other person(s)
- A copy of the Care plan for the child
- The Placement Plan and Agreement

#### aaa. FFA carers are expected to:

- Complete all relevant paperwork relating to the role, ensuring that it is signed, dated and locked away securely
  - i. Incident notification form:- needs to be completed by FFA carers if there has been an incident with the child e.g serious illness, any outbreak of infectious diseases, accident. This form should be passed to the Child's Social Worker and the Adoption Social Worker during office hours or relevant emergency duty team
  - ii. Medication recording sheets:- any medication that the child receives should be recorded
  - iii. Expenditure forms:- re Disability Living Allowance. This has to be completed accurately to evidence how the FFA carer has

spent the allowance. It cannot be saved or accumulated by the FFA carer – if required.

- iv. Contact sheets need to be completed on a daily basis. The recording must give an accurate and factual account of the development and behaviour of the child and any changes in these areas. This gathering of information contributes to the 'life story' of the child. This information is to be sent to the Adoption Social Worker on a weekly basis to be saved to the child's electronic file
  - v. Attend supervision sessions at least every month with their supervising adoption worker
  - vi. Complete training relating to safer care and practice; this includes First Aid Training and an awareness of Health & Safety
  - vii. Attend all necessary meetings relating to the child, complete the consultation document for LAC/CIC review and any other documents requested specific to the child/ren in their care.
- bbb. Child's Social Worker's Responsibilities – During the placement the Child's Social worker's responsibilities are:
- i. Minimum of statutory visits to the child to be undertaken and more if needed.
  - ii. Commensurate with the child's age and understanding, obtain the child's views, wishes and feelings about the placement
  - iii. Regular liaison with professionals involved with the carers and the children in their care
  - iv. Ensure all are involved in the placement are kept informed of the court process
  - v. Ensure child/ren's statutory reviews are arranged in a timely fashion
  - vi. Completion of Placement Plan and delegated responsibilities
  - vii. The provision of support to the child/ren in placement and their carers

#### Adoption Social Worker Responsibilities

- i. Minimum of statutory visits to the FFA carer and more if needed
- ii. The provision of support to the child/ren in placement and their carers
- iii. Liaison with the appropriate fostering service for guidance and support in relation to maintaining fostering standards
- iv. Attendance at statutory reviews and provision of reports as relevant to this meeting
- v. To provide the FFA carers with monthly supervision and to maintain telephone contact with the FFA carer regularly
- vi. To liaise with the relevant fostering service in relation to any payments as relevant and to forward daily records, incident forms etc.

ccc. Dual Approval Placements

If a child is placed in a dual approved arrangement fostering legislation, regulations and guidance apply in full and lead responsibility for supervision and support for the carers will be from the Adoption service with guidance from the relevant fostering service. If an alternative care plan to adoption is determined the Adoption Worker will provide support to the Dually approved carer to plan the child's placement move.

ddd. Once a court decision has been made.

Once a Placement Order has been granted, or the child has been formally relinquished, the Social Workers for the child and the adoptive family will need to present all the relevant matching documentation (Adoption Placement report and adoption support plan, PAR and child's CPR and medical information) to the Adoption Panel for a recommendation to approve a formal adoption placement

eee. Following approval as an adoption match, the FFA carers need to be de-registered as foster carers. The Adoption Panel Administration will ensure this notification is given to Fostering Panel Administration.

fff. Once the status of the placement is 'placed for adoption', all of the regulations specifying frequency of social worker visits, timescales for statutory reviews, and timescale for making an adoption order application will apply as standard. The child's social worker will also be responsible for organising the necessary notifications to be sent out

ggg. Adoption application

As the child/ren will have lived with the adopters for more than 10 weeks the adopters will be able to submit their application to adopt to the court as soon as the child is subject to a placement order **and** they and the child have been formally matched at the adoption panel and this has been ratified by the ADM. For a relinquished child see the Relinquishment Policy re the timing of making the application to court

hhh. The Adoption Social Worker will make arrangements for the cost of the Adoption Application to be met by the Adoption Service

iii. Dispute resolution

If the Adoption Social Worker, Child's Social Worker and Fostering Social Worker are unable to reach an agreement on an aspect of a case, they are required to refer this to their team managers for consideration and resolution

jjj. If the Team Managers are unable to reach an agreement on an aspect of a case they are required to refer this to their relevant County Managers for resolution