

### **Practice Guidance March 2022 Foster Carers who wish to Adopt a Child in their Care**

#### **1. Purpose of Policy**

Approved Foster Carers can and do make excellent Adopters. Adoption of a child by their former Foster Carers can build on attachments already formed, prevent further placement moves and achieve the best permanence outcome for the child.

Changing status from foster carer to adopter involves the carer taking over parental responsibility for the child, making a lifelong commitment, and accepting and integrating the child fully into their family.

This Practice Guidance seeks to ensure that Foster Carers are supported by the child's Social Worker, the Fostering Service and the Regional Adoption Agency (Adopt North East) to fully understand the implications of a change from Foster Carers to Adopters and the process entailed.

#### **2. Enabling Foster Carers to come to an Informed Decision about adopting a child in their care**

If a Foster Carer indicates an interest in potentially adopting a child in their care, it is important that they are supported to come to an informed decision. Their primary support in making this decision will be their Fostering Supervising Social Worker. Any registration of interest by the child's Foster Carer in adopting the child should be provided in writing to their Fostering Service without delay.

Subject to the support of the Fostering Service, Adopt North East will arrange for a timely 'Information Sharing Meeting' to be held. This meeting will include:

- The Foster Carers;
- The Child's Social Worker
- The Foster Carer's Supervising Social Worker
- The Adopt North East Assessment Social Worker

The purpose of this meeting – which may be a series of meetings if required – is to support the Foster Carers to come to an informed decision. The visit is not an

assessment session or a decision-making visit. It is the opportunity for all parties to expand and explore their understanding of the issues involved.

**Please note, it is not the purpose of these meetings to confirm the Foster Carer's suitability to be assessed to adopt the child.**

Key information that should be provided to the Foster Carers at these meetings:

- Adoption is a permanent commitment to the child
- Adoption confers sole parental responsibility for the child
- Adoption is a financial and emotional commitment for life
- The support available to Adopters is different from the support available to Foster Carers
- The financial support provided to the Foster Carers under Fostering Regulations for the care of the child will cease and that any financial support available to adopters will be assessed differently under Adoption Regulations (see Section 3)
- That a continuation of the carer's Fostering role is not a given and, if appropriate, may be subject to a review of their suitability to foster considering the change to the family and household as a result of the adoption
- That there are two routes available to the Foster Carers – Non-Agency Adoption and Agency Adoption. Specific information about each should be provided
- That depending on the child's age and level of understanding, the child's wishes and views will be an important consideration in deciding whether the Foster Carers interest in adoption will be supported.

Specific Information about Non-Agency Adoption should include:

- Foster Carers can make a direct private application for an Adoption Order to the Court after the child has been living with them for a year or more
- Other Orders of the Court may be more appropriate for the child, including a Child Arrangement Order or a Special Guardianship Order
- Where a Non-Agency Adoption Order is granted by a Court, the support to which they are entitled under the Adoption Support Services Regulations 2005 is limited to counselling, advice, and information only. However, if the Local Authority responsible for the child supports the application to the Court for an Adoption Order, the Local Authority has the discretion to extend the availability of adoption support services beyond that of providing counselling, advice, and information services subject to an Adoption Support Assessment of Need.

- With regard Non-Agency adoptions, the Local Authority for the child is not required to make any financial contribution to the Court Application fee or to any legal costs incurred by the Foster Carers.
- If Foster Carers decide to undertake the Non-Agency Adoption route, Adopt North East will be required to complete an Annex A report with the assistance of the Local Authority Social Worker for the child. This report analyses the strengths and weaknesses of the adoption application
- With regard Non-Agency adoptions, once Foster Carers have given written Notice of their Intention to Apply Adoption Order to the Local Authority, the child may not be removed from them by the Local Authority or birth parents without the permission of the Court (unless 3 months have elapsed, and the foster carers have not made an application to the Court)
- If Foster Carers have applied to the Court for an Adoption Order, the child may not be removed from them by the Local Authority or birth parents without the permission of the Court

Specific Information about Agency Adoption should include:

- That Adopt North East will not assume that a Foster Carer is a suitable adoptive parent for a child, even if the child is well cared for by the Foster Carer. There will be a strong presumption in favour, but this presumption will be tested by assessment and detailed consideration of both the short-term and long-term needs of the child and the capacity of the Foster Carer to meet those needs and transition into the role of adopter.
- Adopt North East will take into consideration:
  - The Foster Carers insight and understanding of the key differences between adoption and fostering
  - The duration and length of time the child has been in placement
  - The quality of the relationships and emotional and reciprocal attachments between the child and the Foster Carers, their extended family and support network
  - The commitment of the Foster Carers to the child's overall welfare and development during the placement
  - The Foster Carers willingness and ability to accept the full range of responsibilities for the child for their lifetime
  - The range of skills and experiences that that the Foster Carers would be able to utilise in continuing to meet the child's needs if adopted
- If the carer has another child placed with them who is matched long term, the expectations is that this placement should not be disrupted and any proposed match with a child for adoption should take account of the impact on any children matched long-term in the placement.

- Adopt North East will only support an application to adopt by Foster Carers if the location of the Foster Carers proposed adoptive home does not or is not reasonably likely to compromise the safety and security of the child.
- Adopt North East will only support an application to adopt by Foster Carers if there is clear evidence that the Foster Carers are able to offer high quality lifelong care.
- Following an informed decision by the Foster Carers to register their interest in being assessed as adopters for a child in their care, an assessment will be completed and considered by the Adopt North East Adoption Panel within four months of the date on which they registered their interest in writing (the 'fast track' process).
- Should Adopt North East decide not to approve the Foster Carers as suitable, the reasons behind this decision may need to be shared and considered at a Foster Carer Review. However, it is noted that not being approved as suitable to adopt will not trigger an automatic review of the Foster Carers suitability and terms of approval as fostering and adoption are very different roles.
- Should the Agency decide to approve the Foster Carers as suitable to adopt a child already in their care, it is likely that approval and match will be considered consecutively at the same Panel.

At the conclusion of this meeting (or series of meetings), the Foster Carers should have had sufficient information shared with them for them to come to an informed decision as to whether to pursue adoption of a child in their care and, if so, whether the Non-Agency Adoption or Agency Adoption route is most appropriate.

Once the Foster Carers indicate their interest in adopting a child in their care, the child's Local Authority should confirm to the Foster Carers whether they support their intention to adopt.

Whether or not they are supported in doing so by the child's Social Worker or their Fostering Service, Foster Carers are entitled to register their interest with Adopt North East or make an application for an Adoption Order to the Court.

### **3. Financial Implications, Remuneration for former foster parents and Transitional Allowance (ASR 9)**

Adoption brings significant changes to the circumstances of Foster Carers, whose status changes from 'Foster Carer' to Adoptive Parent' for the child. These changes will include the cessation of payments paid to the former foster carers under Fostering Regulations.

This being said, foster carers adopting a Child in Care may be eligible for a transitional allowance, payable under Adoption Regulations (ASR 9).

This applies to Agency Adoptions only however and Foster Carers who have opted to take the Non-Agency route would not qualify for a financial assessment.

If agreed, the former foster carer will be paid transitional financial support equivalent to the payment they received when they fostered the child from the date of the Agency (matching) Decision for a period of two years.

This is because the regulations states that any transitional financial support (under ASR 9) paid to former foster carers may include an element of remuneration i.e. the fostering fee, but only where the decision to include it is taken before the adoption order is made and the local authority consider it to be necessary to facilitate the adoption in a case where:

1. the adoptive parent has been a local authority foster parent in respect of the child; and
2. A fee element was included in the payments made by the local authority to the adoptive parent in relation to his fostering the child.

This payment can be made in acknowledgement of the need for a period of adjustment or transition in the former foster carer's financial situation and family life.

The foster carer may need to take a break from fostering to allow the child they are adopting to settle into their new identity within the family. The purpose of these transitional arrangements is to allow the family to make the necessary adjustments.

Any transitional allowance agreed will only be in relation to the child that is being adopted. Settling in grants, payable under Adoption Regulation, will not apply to former Foster Carers as the child will already be settled in placement.

Foster carer adopters are expected to apply for all benefits to which they or the child may be entitled.

To assess eligibility for the transitional payment, a means tested financial assessment will be completed by Newcastle City Council. This assessment will be considered by the Service Manager for Corporate Parenting who will make the decision about whether the eligibility criteria has been met. It should be noted that as the transitional allowance is being considered in recognition of financial changes in circumstance, this assessment will not be subject to an assessment of the needs of the child.

However, in cases where the child has been diagnosed with a disability and presents with significant and highly complex needs, the Service Manager may decide to waive the means test eligibility requirement with regards the transitional allowance. Any decisions made in such cases will be on a case-by-case basis with the best interests of the child at the forefront of the decision making.

If progression of the match is dependent on a transitional allowance being paid, Adopt North East should always confirm that agreement to the transitional allowance has been given before the match is presented to the Adoption Panel.

Once the transitional 2-year period has ended, any requests for additional support (including financial support) from former foster carers will be treated the same as requests from all other adopters and will be subject to an Assessment of Need undertaken by Adopt North East.

In light of the potential impact of these changes, it is crucial that the Assessing Social Worker and the Foster Carers Supervising Social Worker confirms the following with the foster carer prior to the adoption assessment being considered by panel:

- When the allowances and fees paid to them as approved Foster Carers for the child under Fostering Regulations will stop
- Whether they will be entitled to a transitional payment or any financial support for the child under Adoption Regulations (ASR 9)
- Whether as part of the approval as suitable adopters for the child, the Foster Carers will be required to suspend their fostering role for a specified period
- Whether as part of their approval as suitable adopters for the child, the Foster Carers will be required to resign as approved Foster Carers

#### **4. When the changes to the foster carers role and placement status will apply**

After the proposed match has been considered by the Adoption Panel, the panel's recommendation will be considered by the Local Authority Agency Decision Maker. An Agency Decision whether to agree the match will then be made.

From the date of this Agency Decision, the following changes will take effect:

- The placement will change from a fostering placement to an adoptive placement.
- The role of the carer will change from foster carer to prospective adoptive parent.
- The placement will be monitored, supported and reviewed under adoption regulations and not fostering regulations.

From this point on, child must be viewed as a child of the family. This is a significant change for the carers and their family, and if the carer wishes to continue to foster, the fostering service must arrange a brought forward foster carer review which will need to take account of the needs of the child placed for adoption. The review will need to consider whether there needs to be a suspension of placements or any changes to the foster carer approval before any new fostering placements are made. The outcome of this review should be presented to the Fostering Panel for consideration. No new placements should be made from the point the match is agreed until this process is concluded.

