



**Adoption
Central
England**

Practice Guidance

**Early Permanence –
Fostering for Adoption**



1. Introduction

This procedure deals with placement of a child with carers who are temporarily **dually approved**, i.e. approved both as prospective adopters and as local authority foster carers for a specific child.

The advantage of this type of placement is that the child will be placed with foster carers who, subject to a placement order being made, or parental consent, are expected to go on to become the child's adoptive family. The child therefore benefits from an early placement with their eventual permanent adoptive carers. Delay in finding a permanent family for young children who have already experienced neglect early on in their lives may have a profoundly damaging effect on their development. This type of placement has potential to reduce this delay and the damage caused significantly.

This procedure does not apply to placements where foster carers are seeking to adopt children who were originally placed with them on a temporary basis.

These placements are foster placements. This placement will only become an adoptive placement when:

- The Agency Decision Maker (ADM) has decided that the child should be placed for adoption, and
- Either a placement order has been made, or
- Parental consent to the child's adoption is given.

It is possible that such a placement may not lead to adoption, for example because the child's plan changes where rehabilitation with the birth family is successful, because suitable family or friends come forward or because the court does not agree to make a placement order. This may mean that the child returns home or is moved to another permanence arrangement. However for the vast majority of children in such placements, progression towards adoption will be the anticipated outcome and a careful risk-balancing exercise will be undertaken before a placement proceeds on this basis.

Local authorities and adoption services need to ensure that people who are willing to care for a child in this way are fully aware that the placement may not lead to adoption, that they have been given appropriate information and training so that they understand their role and legal responsibilities as foster carers, and that ongoing support is in place once the placement has been made in line with Fostering Regulations.



In 2013, the Care Planning, Placement and Case Review (England) Regulations 2010 were amended to allow approved prospective adopters to be given temporary approval as foster carers for a named child.

In July 2014, the Children and Families Act 2014 imposed a duty upon local authorities to consider placement with dually approved carers whenever it is considering adoption or where the decision has been made that the child ought to be placed for adoption, but where the agency does not yet have authority to place the child for adoption through either a placement order or parental consent.

2. Examples of situations where fostering for adoption/early permanence placements may be appropriate

- Where parents have had one or more child/ren previously placed for adoption or in other forms of permanent placement and the evidence strongly suggests that their circumstances have not changed and they pose the same risks as they did to the previous child/ren,
- The local authority does not have a proactive plan to rehabilitate the child as the circumstances of the parents are such to pose a serious on-going risk,
- Where this is the 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 as confirmed by assessments undertaken to date,
- Where parents have indicated that they may want their child adopted, but have not formally consented,
- Where a negative period of assessment in a residential assessment unit/parent and child foster placement is coming to an end to prevent the need for a child to move from such a placement to an alternative foster placement on to an adoptive placement,
- Where a Looked After Child with a plan of adoption needs to move to a short term respite placement or any unplanned placement move prior to the conclusion of court proceedings,
- Where a child's full or half sibling has been placed for adoption following recent court proceedings and these adopters are in a position to care for this child also (and the above also apply)



The local authority should not consider such a placement where the child is accommodated under section 20 Children Act 1989 and there is a reasonable likelihood that the child will be able to return to his or her birth parents or to family or friends. Nor should such a placement be routinely considered if there is uncertainty in terms of paternity. The risks involved in each individual situation must be carefully assessed however possible contra-indications to such an arrangement include:

- The child's health and developmental needs are uncertain,
- The child, depending on age and level of understanding, is not sufficiently prepared for the placement,
- The outcome of court directed assessments are outstanding,
- Levels of ongoing contact will mitigate against a successful placement transition for the child,
- The impact of known new relationships or changes in family dynamics within the birth family have not been fully assessed and evaluated,
- There is a possibility that wider family and friends might still be a viable option, for example where they are actively contesting an adverse kinship assessment or are seeking to become party to the legal proceedings.

The exception will be relinquished babies or children where the parents are consenting to the adoption plan.

3. Fostering for Adoption

There is a duty to consider fostering for adoption under the Children and Families Act 2014, where the local authority are considering adoption for a child or are satisfied that the child ought to be placed for adoption but is not yet authorised (either by consent or by placement order) to place the child for adoption. The authority **MUST** consider the potential to place the child with 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.)

Such a placement must be approved by the Agency Decision Maker for the child's local authority who must be satisfied that:

- The placement is the most appropriate placement available for the child and will safeguard and promote his/her welfare; and
- The child's wishes and feelings have been ascertained and given due consideration, and



- The IRO has been informed, and
- Where their whereabouts are known, the child's parent(s)/guardian's have been notified of the proposed placement.

If, at any point during the planning of a Fostering for Adoption placement or if the child is already in such a placement, there is any change in the Care Plan for a child or in the circumstances of prospective carers, including their relatives, a planning meeting with the Fostering for Adoption carers and all professionals involved should take place to consider the new information at the earliest opportunity. This is so that the carers can make an informed choice about their position. Similarly, this also allows the local authority to consider their position in light of the change in circumstances.

4. Progressing the fostering for adoption plan

In order to progress a fostering for adoption plan the social worker for the child should complete the following tasks where possible, and obtain the necessary agreements :

- Through a pre-birth conference, or legal planning meeting prior to the initiation of care proceedings, consider the appropriateness of fostering for adoption and obtain managerial support for this course of action. This will be on the basis of previous family/parental assessments and enquiries that have ruled out known extended family members;
- ***Discuss the potential fostering for adoption placement at the earliest possible opportunity with an ACE Hub Manager;***
- Ensure that the child's wishes and feeling have been considered and recorded;
- Ensure that it is clearly recorded why the fostering for adoption placement is in the child's best interests and this has been agreed by their manager. This should be recorded as a key decision, informed by the views of the Independent Reviewing Officer and Children's Guardian (where appointed);
- Present the child's case to the relevant decision making Panel within the local authority for endorsement for the proposed fostering for adoption plan;
- Include the plan and rationale in the child's care plan;
- Discuss the plan with birth parents and encourage them to seek legal advice;
- Where applicable and prior to the placement order being granted, obtain the court's agreement to proceed with the proposed fostering for



- adoption placement.
- Complete CoramBAAF Approval of Reg 22C Placement and Temporary Approval as Foster Carer Form (available from ACE)

Where the child does not as yet have an adoption decision, at the initial court hearing standard directions should be sought that the child and birth parent/s' information can be shared with prospective adopters, and that an adoption medical assessment can be undertaken. ***The child must not be placed before the Agency Decision Maker for the child's local authority has agreed the fostering for adoption arrangement.***

Prior to placement, following discussion with the child's social worker and with the support of their adoption social worker, the prospective adopters should be provided with anonymised reports that summarise the child's background and health history and the rationale for the fostering for adoption placement. However, the birth family's right to confidentiality must be respected unless the court has given agreement to disclosure of personal and background information. During this initial joint visit to adopters by the adoption social worker and child's social worker the financial arrangements will be discussed, alongside the requirements of the Foster Care Agreement.

The adopter's social worker will ensure their adopters have signed a **Fostering for Adoption Agreement**.

The prospective adopters will receive the fostering allowances (paid by the Local Authority to the FFA carers) under the foster to adopt arrangement but are exempt from any payment for skills scheme for foster carers as their primary approval is as adopters. As such they will therefore not be entitled to any transitional payment once the placement becomes an adoptive arrangement. They will be required to sign the **Foster Care Agreement** used by the child's local authority, requiring them to comply with fostering regulations as foster carers.

The child's social worker is to complete all notifications in accordance with the Care Planning Regulations, taking caution to ensure that placement details are confidential.

In all circumstances particular consideration needs to be given to ongoing contact with birth family members and how this can be managed safely to preserve the anonymity of prospective adopters. In all but exceptional circumstances this contact should be planned and held in a neutral venue with a consistent and independent supervisor.

Where a decision is made to place a child in a Fostering for Adoption placement, ACE will confirm the arrangement in writing to the prospective adopter also.



The child's allocated social worker must:

- Explain the decision to the child in an appropriate manner, having regard to the child's age and understanding;
- Notify birth parents/guardians (which include fathers without parental responsibility and explain the legal implications.

On those occasions where the child is voluntarily accommodated under section 20 of the Children Act, the notification should remind the birth parents of their right to remove the child from the local authority's care and should provide advice on access to legal advice and appropriate advisory bodies. At this point, the local authority may wish to consider commencing care proceedings.

The parents should be informed that the local authority cannot pre-judge the outcome of care proceedings and only the court can authorise placement for adoption if the parents do not consent to their child being placed for adoption.

6. Temporary Approval as Foster Carers as Approved Prospective Adopters

Approved prospective adopters can be given temporary approval as foster carers under 25A of the Care Planning, Placement and Case Review (England) Regulations 2010. This temporary foster carer approval process can be carried out at the same time as the adopter approval process.

This temporary approval can be given by the Agency Decision Maker for a **named** Looked After child, where the local authority considers that this is in the child's best interests.

Before giving such approval, the responsible authority must:

- Assess the suitability of that person to care for the child as a foster carer; and
- Consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the proposed arrangements will safeguard and promote the child's welfare and meet the child's needs as set out in the care plan.
- Be satisfied that the prospective adopters should be temporarily approved as foster carers for the Local Authority in question who will in turn be responsible for paying their fostering allowances until the placement becomes an adoptive one.
- Delegate their responsibilities in terms of Fostering Regulations to Adoption Central England (ACE) supervising social worker.



The temporary approval period expires when and if:

- The placement is terminated by the local authority;
- The prospective adopter's approval as a prospective adopter is terminated;
- The prospective adopter is approved as a foster carer and the placement becomes a fostering one;
- The prospective adopter gives 28 days' written notice that they no longer wish to be temporarily approved as a foster parent in relation to the child; or
- The child is placed for adoption with the prospective adopter in accordance with the Adoption and Children Act 2002 following the match being approved at Adoption Panel and by the Agency Decision Maker from the Child's Local Authority. Adopters can make their application for an Adoption Order ten weeks from the date of this planning meeting.

