



**Adoption  
Central  
England**

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## Practice Guidance

### Adoption: Application to adopt by foster carers



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## 1. Introduction

- 1.1 For some looked after children adoption by their foster carers can be an extremely positive route to permanency. It builds upon existing attachments between the child and their primary care givers, enhances stability of the child's membership of the foster family and reduces the need for a placement move which provides continuity of care.
- 1.2 Key messages from research identified that:
- Foster carer adoption gives older children, who have often come into care at a later age, a chance of adoption,
  - Children adopted by their foster cares were found to have a strong sense of belonging to their adoptive families and although curious about their birth parents ... had no reported sense of divided loyalties,
  - The fact that carer-child relationships were already strong before the adoption application, contributed to the success of these adoptions,
  - Foster carers experienced different responses from workers as a result of local authorities not having clear policies about their view of and response to foster carer applications,
  - Foster carers can be reluctant to adopt children in care due to concerns about losing both financial and placement support.
- 1.3 This guidance is intended to address these issues and reflect best practice across the ACE local authorities regarding foster carers who wish to adopt the child they are fostering. It covers foster carers who are registered with the local authority fostering agencies and those with independent fostering agencies or other councils.
- 1.4 In progressing a foster carer's interest it is important to ensure:
- that the foster carers have received the same standard of preparation and assessment provided to all prospective adoptive parents,
  - the foster carer(s) will only be considered where they have a significant and established relationship with the child,
  - carefully balanced consideration of whether it is in the best interests of the child to be placed sooner with potentially suitable approved adopters against the delay associated with progressing an adoption application for foster carer with whom the child may have a significant relationship and emotional attachment.

**At all times the best and most appropriate placement match must be secured for the child and any foster carer application is to be**



**considered alongside potential adopters who are considered a suitable match.**

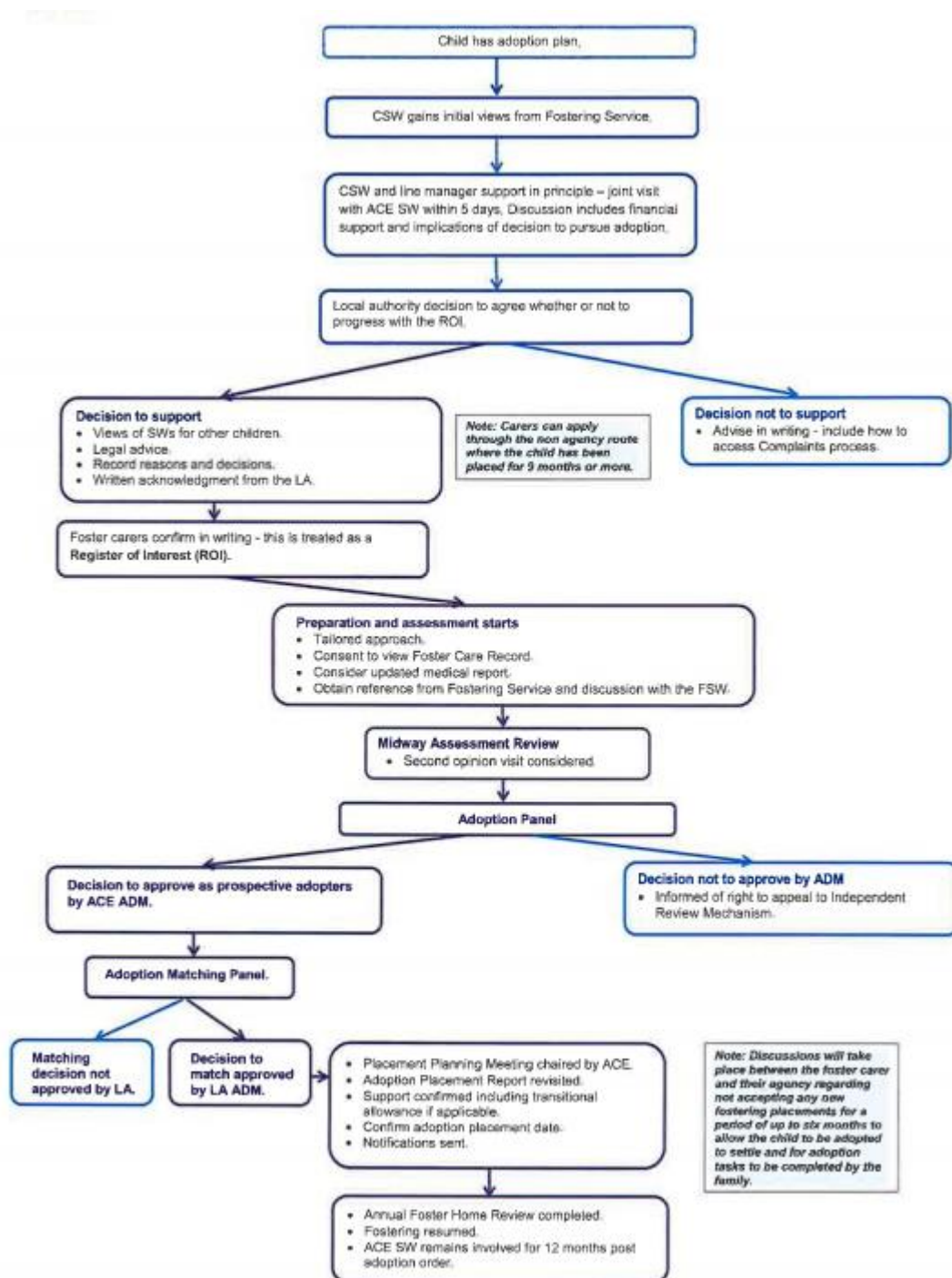
1.5 A significant and enduring relationship with the child can be judged by the following:

- The duration and length of time the child has been in placement,
- The evidence of an emotional and reciprocal attachment between the child and the carers,
- Whether the carer has demonstrated a commitment to the child's overall welfare and development during placement and has demonstrated long term commitment to and the ability to care successfully for other children placed with them throughout their fostering career.



## 2. Summary of the process - flowchart

2.1 The process is summarised as follows:



### 3. Foster carer application and the assessment process

3.1 Foster carers can apply to adopt through the regulations that govern agency adoption or those that apply to non-agency adoption (termed a private application). Government policy and guidance indicate that agency adoption is the preferred route:

*'Foster carers who express an interest in adopting children in their care or prospective adopters expressing an interest in a specific child should be given advice about the fact that the adoption procedures apply in their case as in any other... Although foster carers have a legal right to institute their own adoption application once the child has lived with them for a specific period of time (known as a non agency case) the local authority should encourage them to participate in the adoption agency process.'* (Adoption Statutory Guidance for England DfE July 2013 Chapter 3.75).

3.2 Further applications by foster carers should be dealt with in a positive and timely way and factors such as age, ethnicity, and health should not be reasons for automatically excluding people as prospective adopters. However foster carers do not have overriding priority when considering potential matches for the child – **the child's long term welfare and interests are the primary consideration and whether the prospective adopters can meet and support the child's needs throughout childhood and beyond.**

3.3 A child must have lived with their carer for one year before they can apply for a non-agency adoption, although they could apply for leave of the court to apply for a non-agency adoption after the child has been there for nine months. Encouraging an application through the agency route ensures scrutiny of their approval that will have included preparation and training and of the placement match for adoption by the agency's Adoption Panel.

3.4 Foster carers wishing to adopt will be provided with the same information and counselling that is offered to all prospective adopters.

3.5 Once foster carers have confirmed in writing to the child's social worker their interest in adoption, this should be treated as their **Registration of Interest** and the child's social worker should first gain the view of the fostering social worker as to the proposed adoption. Where the foster carer is registered with another agency or council, the fostering manager of the service must be informed in writing by the child's social worker.



- 3.6 At all times any professional having contact with the foster carer must maintain a neutral response and not raise expectations that the foster carer will become the child's adoptive parent/s without having first gone through the required counselling, preparation, assessment and matching processes.
- 3.7 Where the foster carers' interest is supported in principle by the child's social worker, their line manager and the fostering agency, within **5 working days** of the Registration of Interest, a joint visit will be arranged by the child's social worker and an ACE duty adoption social worker from the Hub.
- 3.8 This visit will:
- Confirm the permanency plan for the child and expected timescales,
  - Clarify how the foster carer has arrived at their decision and their motivation,
  - Advise of the preparation and assessment process,
  - Ensure that the foster carer has an understanding of the key differences between adoption and fostering and of the lifelong implications of adoption – understanding and meeting the child's needs in the longer term providing permanency into adulthood for the child and their willingness and ability to accept the full range of responsibilities for the child,
  - Establish whether there are any risks associated with birth family members living close to the placement or being aware of the location that may necessitate consideration of a house move or school change,
  - Gain the views of their immediate and wider family members,
  - Depending on the child's age and level of understanding, clarify the child's wishes and views and the carer's ability to talk to the child about their origins and history,
  - Their ability to facilitate any ongoing contact and manage any potential risks associated with this,
  - Advise of the local authority adoption allowance scheme and any other financial support that might be available e.g. transitional allowances,
  - Advise of their eligibility for adoption support services – this is likely to be limited if the local authority is not in support of the application under the private route,
  - Consider how the child's specific needs are currently being met within the placement e.g. culture and ethnicity,
  - Advise that in order to ensure the best possible placement match for the children, that their application will be considered alongside other potential adopters for the child.



- 3.9 The social workers for any other children placed with the foster carers should also be notified, by the fostering social worker, of the considerations being given in order that they can contribute to the decision about the carers' suitability and consider any implications for the children in placement.
- 3.10 Following this visit there should be a clear, **formal local authority decision making process** within **10 working days** to identify whether the local authority is prepared to support an application. This should be a meeting or discussion attended by the relevant social workers and their manager, the independent reviewing officer, the fostering social worker and ACE duty social worker. The meeting or discussion is to be led by the relevant senior manager and is minuted. In all circumstances legal advice should also be sought to ensure that there are no potential legal barriers or complications that will need to be addressed. The decision, with reasons, should be recorded on the child's and foster carers' social care record by the child's and fostering social workers respectively.
- 3.11 Where the decision is to support the foster carers' application there should be a written acknowledgment from the chair of the meeting confirming that the adoption preparation and assessment process can commence. The application is to be fast tracked with the preparation training being tailored to the carers' circumstances and where possible twin tracked alongside the assessment process.
- 3.12 The assessing social worker should seek the carers' consent to view their **Foster Care Record** and may dispense with stage 1 of the adoption counselling, information and preparation as appropriate. For example where there is an existing medical report the medical advisor can consider whether a further medical is necessary. However the fostering service will be required to complete a written reference providing an analysis of the foster carers' fostering history including details of any issues of concern and the outcome of any actions under the allegations, cause for concern or complaints procedures.
- 3.13 As part of the assessment the ACE assessing social worker will be expected to fully review all of the foster carers' records also and should meet and discuss the application with the allocated fostering social worker. Particular attention should be given to having a clear understanding of the foster carers' fostering career including:
- Their motivation to foster,
  - The outcome of any causes for complaints or allegations,





- Any placement disruptions and the reasons for changes to their fostering approval.
- 3.14 The adoption assessment should be cross-referenced with the fostering assessment to ensure consistency of historical information provided and to share new information identified in the adoption assessment process. Any issues for clarification or of concern arising from the records including the statutory references should be discussed between the social workers through close collaboration and liaison.
- 3.15 The Prospective Adopters' Report must give careful consideration to the potential contra-indications that may arise in the placement. This can include:
- Potential risk of collusion with birth parents where there have been child protection concerns,
  - Concern for the physical safety of the child where the birth parents may know of the child's placement address and/or have a relationship with the foster carers,
  - The carers' ability to meet the child's long-term needs in terms of their own age and health,
  - The impact upon the carers' own children,
  - The implications for any children currently in placement and the impact on the family financially due to possible changes in their fostering capacity and of having additional financial pressures from possibly having to move home etc,
  - Issues arising from cross-referencing with the fostering assessment with any new information identified through the adoption assessment process.
- 3.16 Where concerns arise in the assessment process the ACE assessing social worker should share these with the child's social worker and fostering social worker.
- 3.17 A **mid-way assessment review** should take place to clarify and address any issues arising and together they should set out the concerns in writing to the foster carers. Where there are discrepancies or new information raises concerns during the assessment process, the fostering social worker and the adoption social worker should bring this to the attention of their line managers for consideration of the implications for their role as foster carers and prospective adopters. These considerations should be shared with the social workers for the children in placement in order that they can consider the implications for those children. The carers can as a consequence be invited to withdraw their application or a brief report can be prepared for presentation to



the Adoption Panel. Also arrangement can be made for a second opinion visit by an ACE manager if necessary.

3.18 When the application is to be considered by the Adoption Panel arrangements will be made to ensure that a fostering manager sits as a Panel member. The application is to be supported by a reference from the fostering social worker and the most recent Foster Home Review.

3.19 When the Adoption Panel considers the proposed adoption match they must comment on the proposed plans for the adopters to continue as foster carers after an expected 6 months break from fostering and whether this is sufficient or whether a longer period may be beneficial. The Adoption Panel can make a recommendation to the agency decision maker with regard to these issues, who will confirm this in writing to foster carers. The minutes of the Panel's consideration, and a copy of the letter sent by the agency decision maker should be forwarded to the fostering service by the adoption social worker who must ensure that the social workers for other children in placement are also informed.

#### **4. Decision not to support a foster carer application**

4.1 Where the local authority assesses that it is not in the child's best interests to support the foster carer's application, then the foster carers should be informed in writing of the reasons for the decision and be advised to seek independent legal advice. They should also be advised of the local authority's Complaints and Representation procedure. ACE will not accept an application to adopt by the foster carer unless it is supported by the local authority.

4.2 Notwithstanding this in circumstances where the foster carer has given notice of their intention to apply to the local authority, when notified of the application by the court the local authority through ACE has a duty to investigate the circumstances of the application and prepare a report for the court. The child is not to be removed from the foster carers unless there are safeguarding concerns, and the local authority is not required to meet the legal costs for the foster carer. The report should address the reasons why the local authority felt unable to support the foster carers' application.

4.4 However, where an assessment is completed and the decision of the ACE agency decision maker is that the applicants are not suitable to adopt, they will be advised that they may apply for their application to be considered by the Independent Review Mechanism.



## 5. The Placement Process

- 5.1 Following the local authority agency decision to approve the placement match a **Placement Planning Meeting** should be held, chaired by an ACE manager and attended by the relevant social workers. The meeting will address relevant areas specific to the adopters and the child. The **Adoption Placement Report** should be revisited clarifying support to the placement and further direct work required with the child to explain the significance of the placement change and lifelong implications of adoption.
- 5.2 At this meeting, depending on the child's legal position, the date will be agreed from which the child is placed under the adoption agency regulations, i.e. when the placement becomes an adoptive one, and the carers will be notified of this in writing as adoptive parents. The child's social worker will then arrange for notifications to be issued to other agencies. Fostering allowances will cease from this date and any adoption allowance (if payable) will commence. Further the carers should have been advised to claim child benefits and other entitlements according to circumstances.
- 5.3 The adopters will receive the ongoing support and services from the child's social worker up until the adoption order is made and the adoption social worker for a further 12 months after the order.

## 6. Ongoing Fostering Considerations

- 6.1 The priority for the family must be the child/ren to whom they have given an adoption commitment, and to support the plans for those other children in placement whilst the adoption process is taking place.
- 6.2 Children who are to be adopted by their foster carers need to understand that their placement with the carers is different and that they will not be moving on. As a family they need time and support to adjust to their new status as an adoptive family and all that this involves.
- 6.3 The fostering agency will discuss the importance of this and will reach an agreement with the carers not to accept any additional placements for a period of up to 6 months depending upon the agency's assessment of the family's circumstances. This will be underpinned by a signed agreement between the foster carers and fostering manager and will be kept under review. The primary consideration during this time will be to ensure that the



child who is to be adopted experiences stability of relationships and that the family prioritise those adoption related tasks that will secure the placement.

- 6.4 At the point that the carers wish to resume fostering further children consideration will need to be given to the appropriate number of placements having considered the needs of all the children in the household.
- 6.5 However before further fostering placements are made the Annual Foster Home Review will need to be completed and presented to the Fostering Panel that will recommend their ongoing approval to foster categories. The social worker for the children placed for adoption should comment on the adopters' wish to resume fostering and the adoption social worker is expected to contribute to the review process and attend the Fostering Panel with the fostering social worker.
- 6.6 Where the Fostering Service have assessed that it is not necessary for the foster carers to refrain from fostering for this period of time, this decision needs to be recorded on the foster carers record, endorsed by a fostering manager, outlining the reasons for decision and the assurances that needs of all children in the household will be met during this period of transition.

## **7. Financial Matters**

- 7.1 Foster carers who adopt and as a consequence do not foster for a period, may be eligible for a transitional allowance where they are skill level carers. This can be for up to 2 years according to each local authority scheme. However once they resume fostering as skill level carers the transitional payments will cease. They can also request to the child's local authority an assessment, or a review of a previous financial assessment, of their entitlement for an adoption allowance even if this was not previously payable.

