

Fostering for Adoption

PRACTICE GUIDANCE



Contents

Foreword	3
A child development perspective – attachment and the relational world of the early years	4
Concurrent planning	5
The current law and statutory guidance	6
Identifying the children to whom Fostering for Adoption might apply	7
The position of the birth parents	8
Informing, consulting and agreeing local protocols	10
Adoption panels	11
Adoption agency decision makers	12
Fostering for Adoption carers	12
The place of uncertainty and loss	16
The child	18
Explaining the placement to the child	19
Life story work	20
Sharing information	20
Contact	20
Other children in the family	21
Summary	22
Bibliography	23

Author

John Simmonds, Director of Policy,
Research and Development, British
Association for Adoption and Fostering

Foreword

Initiatives to support early permanence are already showing positive results in limiting delay and securing better outcomes for children, where adoption is the plan.

Fostering for Adoption is perhaps the newest initiative and a likely feature of the adoption system, subject to the Children and Families Bill (2013) now journeying through Parliament.

This guidance, commissioned through the Coram Centre for Early Permanence and written by the British Association for Adoption and Fostering, is for those who are entrusted with promoting early permanence for children. It explains where Fostering for Adoption fits into the changing landscape of delivery, the practice implications, and how it shares the same principles of early permanence as concurrent planning.

Fostering for Adoption will require informed and sensitive practice and sound local protocols. It comes with challenges that are clearly set out in the guidance.

This guidance is a comprehensive first step towards understanding the role that Fostering for Adoption may play in the future. It will be reviewed as policy and practice advances, but in the meantime we hope this will be a useful voluntary aid to this emerging area of adoption policy and practice.

Renuka Jeyarajah-Dent

Programme Lead for Coram Centre
for Early Permanence

June 2013



Fostering for Adoption

The current legal, policy and practice framework for adoption balances the rights and needs of the child's parents with those of the child. Both the principle and detail of this are set out in the European Convention on Human Rights and the Adoption and Children Act 2002.

Where the local authority's care and permanency planning process has decided that adoption is the best plan for the child and where this is opposed by the parents, the local authority is limited in what it can do to identify or make a placement other than preliminary family finding until it has the authorisation of the court through the making of a Placement Order. This usually means that the child will be placed in temporary foster care until the Placement Order is made, a match is identified and agreed by the matching panel and the necessary information, advice, counselling, introductions and support arrangements are completed.

However, there are circumstances where it is appropriate and lawful to place a child with carers who are dually approved as adopters and foster carers during the period of temporary care and until the court makes its decision about the appropriate order to secure the child's long-term future – if indeed an order is needed.

This guidance is written to set out an alternative route which the Department for Education has called 'Fostering for Adoption' (Department for Education, 2012). It draws on what is both possible within the legislative framework and the limited experiences of a number of local authorities of Fostering for Adoption type placements.

A child development perspective – attachment and the relational world of the early years

From the child's perspective, the often-lengthy process associated with permanent placement

planning and the adoption plan has significant disadvantages. It is well known that the early months and years of a child's life lay the foundation for their development. That foundation is built on the child's need for a stable and loving relational world where they interact with their parents to co-construct a pattern of interactions that ensure that the infant's wide range of needs are met. This is an acutely sensitive and intense process and over the course of the first six to eight months of the infant's life, this relational world becomes highly selective and specific to those adults who have provided care to the child. This has become the foundation for understanding the way that attachment relationships become established.

This is most observable and identifiable when the child is separated from their caregivers even for a period of minutes, and particularly so when the child is in an unfamiliar place or in the company of unfamiliar people. The reunion of the child with the parent after such brief separations demonstrates how relational patterns have become established that comfort and soothe the child's distress and reassure them that the world is again a safe place. These patterns are known to be fundamental to many aspects of a child's development as they lay a foundation for the child's experience of themselves and their expectations of the world around them. (Brown and Ward, 2012).

For young children placed in foster care this relational world is equally important and that will centre on the foster carers as the day-to-day centre of that relational world for the child. The child may have developed an attachment relationship with their birth parents but this will be put under some stress by the child's placement in care.

“It is well known that the early months and years lay the foundation for a child's development.”

It should be the case that the relationship with the foster carers is protected and supported in the same way that it is for most children with their birth parents, although there are various challenges in doing so – particularly given the role and place of the child's birth parents or other family members and their parental responsibility for the child. Addressing the inevitable conflicts and difficult feelings resulting from this is seriously challenging and requires sensitive and expert support from the social worker.

In whatever way these relationship and attachment issues work themselves out during the period of foster care, what is certain is that, where adoption becomes the approved care plan and is endorsed by the court, the relationship with the foster carers and the birth parent will be disrupted when the child is finally placed with adoptive parents. For many children that will be the disruption of their relational world formed over months or maybe years.

The consequences of this disruption are variable and where those involved are well prepared and supported over time, these consequences can be mitigated and new attachment relationships formed, although the challenge should not be underestimated. However, given all that is known about child development, disrupting attachment relationships is not something that should happen and it is only the force of very difficult circumstances resulting from care planning and the court process that makes this acceptable at all.

The current system of balancing the rights and needs of the child and those of the birth parents is fundamental to a humane, fair and just society but at the heart of that system is a vulnerable child who will carry the longer term consequences of this complex balancing act.

Concurrent planning

One available solution to these challenges has been the model of concurrent planning. There is renewed interest in this model following successful piloting in the late 1990s. Practice guidance on concurrent planning is available from Borthwick

“Where a placement with the child’s parent is not possible, the responsible authority should place the child in ‘the most appropriate placement available’.”

and Donnelly (2013). Concurrent planning requires the identification and delivery of a detailed rehabilitation plan while the child is placed with carers who are approved for both fostering and adoption who support that plan. If the rehabilitation plan proves to be unsuccessful, the foster carers can go on to adopt the child once care proceedings and the placement order application are completed. In these circumstances if adoption becomes the plan as it often does, then the child’s attachment relationship will not be disrupted. If the child returns to the birth parents or another plan is agreed, then it will indeed be disrupted and that will need to be addressed in careful planning for all those involved.

It is anticipated that as a result of renewed interest in concurrent planning more children will benefit, although the numbers are still likely to be small. But that still leaves a question as to whether more could be done, building on the experiences of concurrent planning, that would result in more children being placed with carers who could become their permanent carers within the current legislative, policy and practice frameworks for permanency planning.

The current law and statutory guidance

Under current law and regulations, it is for the local authority to determine which foster carers the

child is placed with until care proceedings and the placement order application is decided.

‘Where a placement with the child’s parent is not possible, the responsible authority should place the child in ‘the most appropriate placement available’, that is, the one that they consider will best promote and safeguard the child’s welfare.’ Children Act 1989

Where the local authority has identified the permanence plan as adoption, in making a placement before the court decides on the Placement Order application, they must not take any action that might suggest that they have predicted the likely outcome of that decision. It is the strict interpretation of that requirement that results in most placement planning taking the sequential pathway of foster care placement(s), the agency decision maker taking the decision that the child should be placed for adoption, the Placement Order application, the making of the Placement Order and then linking, matching, introductions and finally placement. But compliance with that principle does mean that there are children where the likelihood of them returning home or being placed with family or friends is so small that the advantages of placing with approved foster carers who could then be matched with the child as adopters following the



making of the Placement Order 'will best promote and safeguard the child's welfare'. Exploring the viability of and identifying and making such a placement becomes a child centred imperative. These are the principles that are set out in section 1.5 of the Children Act 1989 Guidance and Regulations (2010) and for the U.K. as a signatory to UN Convention and the European Convention on Human Rights as set out in 1.7.

'Achieving permanence for a child will be a key consideration from the day the child becomes looked after.' Children Act 1989

Identifying the children to whom Fostering for Adoption might apply

There are a range of circumstances which may suggest that in planning for the child, placing with carers who are approved for both adoption and fostering might be the best child-centred plan. However, in the first instance, it is essential that the local authority has fully explored its responsibilities to engage the birth parents and the wider family in identifying solutions, and placement options have been properly discharged and fully evidenced. These are set out in the pre-proceedings requirements of the Public Law Outline and Section 22C of the Children Act 1989. Where these have been explored and no options have been realistically identified then Fostering for

Adoption (FfA) may apply and typically in one of the following circumstances:

- 1** Where parents have had one or more children previously placed for adoption or other forms of permanent placement and the evidence strongly suggests that their circumstances have not changed and 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.
- 2** 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.
- 3** Where parents have indicated that they may want their child adopted, but have not formally consented. (S52(3) Adoption and Children Act 2002)
- 4** There are other circumstances where placement with a dually approved carer may be in the best interests of the child. Concurrent planning is the clearest example.

The point at which planning for FfA is appropriate will vary from case to case – for some very early on, for others later in planning or

“It is vital that the parents have access to support and legal advice and they are fully consulted and their views incorporated into the local authority’s plan.”

proceedings. Whatever this is, it is the advantages to the child of exploring FfA that must become the driver, not the assumption that because the child is suitably placed with temporary foster carers, all is well. The foster placement may be going very well but if adoption becomes the authorised plan when the court makes a Placement Order, then that placement will end and the relationship the child has with the foster carers ends. It must also not be assumed that because there may be identified advantages in placing the child through FfA that it is the right plan. Every case must be discussed on its own evidence-based merits and it is the child's needs that are the primary objective and particularly the stability and security of the primary relational context of those needs.

The position of the birth parents

FfA can be considered at various points in the evolution of care planning for the child. There are two likely scenarios:

1 Where the child is accommodated under Section 20, Children Act 1989 and prior to proceedings. It is vital in such cases that the parents have access to support and legal advice and they are fully consulted and their views incorporated into the local authority’s plan. It is important that the local authority is clear about the appropriateness of the child continuing to be accommodated when their plan is adoption. A recent High Court judgment, *Re CA (a baby)*, sets out a series of points that must be addressed to ensure that a parent, where the local authority’s plan is to accommodate the child under section 20, fully understand their own position and the actions being planned by the local authority.

2 Where care proceedings have begun and the child is subject to an Interim Care Order.

Where an FfA placement is being considered and may be viable, it is essential that the birth parents are consulted about their views on such a placement and wherever possible their

cooperation established. The Care Planning, Placement and Case Review statutory guidance (2010, para 2.31) notes that:

‘As part of the assessment process, it is essential when planning a placement to consult all those concerned with the child. The need for consultation should be explained to the parents and the child. The responsible authority should coordinate the involvement of all relevant agencies and all the individuals who are significant in the child’s life. Before making any decision with respect to a child whom they are looking after or propose to look after, section 22(4) provides that the responsible authority should, as far as is reasonably practicable ascertain the wishes and feeling of:

- the child;
- his parents;
- any person who is not a parent of his but had parental responsibility for him; and
- any other person whose wishes and feelings the authority consider to be relevant; regarding the matters to be decided.’

The statutory duty to ascertain wishes and feelings will need to reflect the specific circumstances and stage of the care planning process. While the local authority will have identified that the likelihood of the child returning to the birth parents is very small and placement with FfA carers is in the child’s best interests, the parents must 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. In seeking the parents’ cooperation in the FfA plan, the local authority should make it clear that they are focussed specifically on the needs of the child and the benefits for the child of making such a placement. Further, it must be explained that while the local authority believes that adoption is the right plan, or likely to become the plan if rehabilitation is not successful, they cannot and will not interfere in the parent’s right to have their evidence presented and heard before the court if that is what they decide they want to

do. If the court decides that the parent’s case is strong and dismisses the local authority’s case, then the child will either be placed with the parents or an alternative suitable permanent carer. Explaining any of this to the parents is challenging and requires considerable skill and understanding as it can easily be interpreted as duplicitous or misleading.

The statutory guidance (para 2.39) notes:

‘While there is no requirement for a formal agreement by the parent to the Court Care Plan, the responsible authority will be aware of the principles underpinning article 8 of the ECHR concerning the ‘right to respect for family life’ and should ensure that parents are appropriately consulted and that the reasons why their views have or have not been acted upon are recorded.’

Many parents will need, and should always be advised, to discuss their position, views and circumstances with their legal representatives. Some parents will understand that such planning is clearly on the side of their child and will want to maximise their child’s opportunity for healthy development in the context of a foster care placement even though it is a very painful experience when they would want to be able to do this themselves. For many, knowing the child will not be moved if a Placement Order is made or that they are being placed with a sibling will be seen to be the right thing to do. A confident, resourced, experienced and well supported social work practitioner is at the heart of being able to establish a cooperative working relationship that acknowledges the fears and anxieties inherent in such a plan, but remains focussed on the child and the child’s development.

While parental consent or court order is not necessary in order to place a child with specific foster carers, if the court considers that the local authority’s plan is an interference in the parent’s rights under Article 6 or 8 in relation to the Care and Placement Order application, then an alternative placement plan will be necessary.

Informing, consulting and agreeing local protocols

It will be essential in establishing FfA locally, that preparation and briefing is undertaken with all those involved about the rationale, objectives and processes of FfA placements. This includes children's social work and adoption and fostering teams, the Independent Reviewing Officer Service, CAF/CASS, the court service, lawyers and health professionals. FfA is a significant change from standard practice in most local authority areas and it is important that the child-centred objectives of the process are properly understood and implemented. It is also important that the briefing and preparation of key stakeholders is clear about the core place of the rights of the parents and implementation is balanced and fair in addressing their perspectives and concerns. It is particularly important in briefing relevant stakeholders to emphasise that where an FfA placement is made, it must not be regarded as a *fait accompli* in setting a direction of travel towards adoption when any Placement Order application is still to be made or considered by the court. Only the court

can decide on the merits of the Placement Order application in considering the evidence placed before it. Foster care placements when made in usual circumstances are assumed to balance the needs of the child for a strong sense of commitment from the foster carers while recognising that this commitment and core relationship in most circumstances will be brought to an end. While placing a child in an FfA placement is intended to avoid this serious disruption, until the court authorises the adoption placement, the placement with the dually approved carers is a temporary placement made under fostering regulations.

The successful implementation of FfA placements will require that attention is given to the local procedures for identifying children to whom the placement might apply. Permanency planning procedures, including tracking and monitoring arrangements, decision making and authorisation for such placements and availability of appropriate resources to make and sustain placements, will be essential.



Adoption panels

Recent changes in the function of adoption panels has removed the consideration of the adoption recommendation for a child from the panel and sited that with the adoption agency decision maker. The introduction of regulation 25A from 1st July 2013 in the Care Planning, Placement and Case Review Regulations 2010 (CPPCR 2010) enables approved adopters to be temporarily approved as foster carers for a named child by the local authority responsible for the child, without that being referred to the Fostering Panel. Adoption panels still have an important function to play. They may become involved at a number of points in FfA placements and they need to be prepared and briefed for their role.

1 Making a recommendation on the suitability to adopt:

An adoption panel can only make a recommendation of the suitability of an adoption applicant to adopt. The panel cannot approve the applicants as foster carers under the Fostering Regulations unless they are established as an adoption and permanency panel that is authorised to act under both sets of regulations. This would usually happen under a concurrent planning scheme.

It may be that during the course of the home study assessment, applicants have expressed an interest in a Fostering for Adoption placement but that this would only apply to a named child if that became their identified plan. This information should be included in the Prospective Adopters Report (PAR) and appropriately noted by the Panel.

2 Where an adoption match is being considered following the making of a Placement Order by the court and the child has been placed with dually approved carers under FfA:

It will be essential that the panel is in a position to positively consider an adoption match when the child and carers have already developed a significant relationship. While the panel will have the advantage of direct evidence of the quality of that placement from prepared reports, its role is still to make a recommendation about a placement that is fundamentally changing its legal and psycho-social status from foster care to adoption. In that sense the role of the panel is not to 'rubber stamp' that which has already happened but to openly and supportively explore what has happened and what might need to happen.

“The successful implementation of Fostering for Adoption placements will require that attention is given to the local procedures for identifying children to whom the placement might apply.”

Adoption agency decision makers

Fostering for Adoption will involve the Adoption Agency Decision Maker in a number of ways.

1 Where in care planning for a child, a potential FfA placement is identified and proposed.

The authorisation for this decision will need to be made by or in consultation with the agency decision maker. The agency decision maker may be required at some point to approve the plan that the child should be adopted which will set in motion the local authority's application for a Placement Order and their early involvement in this will have considerable advantages.

2 Where an FfA plan and placement is proposed and they are required to consider approving the adopters as temporary foster carers for a named child under regulation 25A (CPPCR, 2010) where that child is the responsibility of that local authority.

3 Where an Adoption Panel has made a recommendation for a match for a child with adopters where the child is already placed with carers approved under regulation 25A. The agency decision maker will be making their decision about the suitability of the match under Regulation 33 of the Adoption Agency Regulations 2005.

Each of these scenarios reinforces the need for the role of the adoption agency decision maker to be appropriately integrated within care planning processes from an early stage onwards. This will require coordination with the Independent Reviewing Officer, Adoption Panels and other service managers to ensure effective coordination, information exchange and decision-making.

Fostering for Adoption carers

As already noted, from 1st July 2013 an amendment (Regulation 25A) to the Care Planning, Placement and Case Review (England)

Regulations 2010 enables approved prospective adopters by both local authorities and voluntary adoption agencies to be temporarily approved as foster carers for a named child by the local authority with responsibility for that child without having to be approved as foster carers under the Fostering Services (England) Regulations 2011. Such approvals will not require consideration by the Fostering Panel. These new regulations will not apply if the adopters had already been fully approved as foster carers under the Fostering Regulations. The introduction of this amendment adds one further route by which foster carers might go on to adopt a child placed with them. They are:

- 1** Foster carers who are approved under the Fostering Services (England) Regulations 2011 and decide in the course of the foster care placement that they wish to go on to adopt a child already placed with them. They can do this by discussing this with the local authority responsible for the child and the local authority then agreeing to assess their suitability to adopt. The authority must ensure that it complies with regulation 21 of the Adoption Agency Regulations and paragraphs 53–55 of the Adoption Statutory Guidance.
- 2** Foster carers who have continuously cared for the child for one year prior to the application to adopt (S42(4), Adoption and Children Act, 2002).
- 3** Carers who are dually and fully approved as adopters under the Adoption Agency Regulations 2005 and as foster carers under the Fostering Services (England) Regulations 2011 where the primary motivation is to adopt rather than foster. These carers would usually be part of a concurrent planning project. Detailed guidance on concurrent planning is available from Borthwick and Donnelly (2013).
- 4** Carers who are approved as adopters and where a child is identified whose needs and circumstances are such that adoption is likely to become the plan for the child but is not yet agreed by either the agency decision maker or by the court. If the child is placed with

these carers they will need to be approved as foster carers as that is the legal framework for such placements. These carers may be either fully and dually approved as foster carers and adopters or they may be fully approved as adopters and approved as foster carers under the new Care Planning Regulation 25A.

The viability of local FfA schemes depends on the availability of carers who have been, or can be, dually approved. It means that local authorities must establish from their own permanent placement profiles what the likely demand is for such placements. The recruitment, preparation and approval of FfA carers can be systematic and routinely built into practice if anticipated demand warrants such an approach or it may be ad hoc as cases present themselves. It should be noted however that Regulation 25A only applies where the proposed placement is of a named child. If it is anticipated that a pool of already approved FfA carers are required, then they will have to be approved foster carers under the Fostering Services (England) Regulations 2011 as they are in concurrent planning schemes.

Agencies should consider and plan in their recruitment depending on their local anticipated demand. This should include the following:

Basic information about FfA should be available in the general information made available to prospective adopters and then in more detail if they engage more fully in the preparation and assessment process¹. This information should outline:

- What the objectives of FfA are
- In what circumstances it might apply
- What the process is for becoming a dually approved carer
- What the benefits and risks might be

During the adopter assessment process, prospective adopters might be asked about their interests in becoming dually approved. They should be given the information leaflet associated

“The viability of local Fostering for Adoption schemes depends on the availability of carers who have been, or can be, dually approved.”

¹ Fostering for Adoption: Becoming a Carer. June 2013. Available from the Coram Centre for Early Permanence or BAAF

with this guidance. There is no requirement on the agency to assess the adopter as a foster carer at that point (unless they are applying for dual approval through a concurrent planning project). Where appropriate, the agency should indicate any interest in the Prospective Adopters Report on page 1 of the BAAF PAR template. This will allow the agency to follow up that interest should it or another agency need an FfA placement or the adopters details be placed on the Adoption Register for England. There is no requirement for the Panel to consider this information when recommending the suitability of the adopter for approval.

The agency will need to have agreed its protocols for managing FfA carers in its locally agreed strategy including arrangements with other agencies.

Preparation and assessment

FfA carers will need to be adequately prepared and suitably assessed. The timing of preparation is crucial. Carers should have access to appropriate supplementary/ specific preparation sessions as well as the usual preparation and training package available to all adopters. Meeting other adopters who have experience of these types of placements is an important part of this preparation. In the home study, there is an appropriate exploration of the capacity of the foster carers/prospective adopters to manage the emotional and practical

tasks of being foster carers until and if placement for adoption is agreed by the court.

The timing of preparation may be different for carers where the plan is the placement of a named child under Regulation 25A. The timescales for these placements may be condensed. There can be challenges in preparing carers where time and resources may be limited given the urgency of placing the child. However, there may be some advantage in being prepared and assessed in relation to a known child.

It is important to ensure that carers are fully informed about the nature of the placement, their role in that placement as foster carers and their understanding of the possibility of the court deciding to pursue an alternative plan to adoption. These issues must be addressed in the report to the agency decision maker on the suitability of the carers as foster carers for the named child. Prospective carers should not be or feel rushed into accepting an FfA placement.

Whatever approach is taken locally, there are a number of topics that must be covered in the assessment and preparation and then evidenced in the assessment report that complies with Regulation 25A of the Care Planning, Placement and Case Review Regulations. This should include evidence of the carers understanding of the following:

“Information and advice should be made available on a routine basis and interest gathered during the home study about the potential for prospective adopters to become dually approved.”

The fostering role

- The availability of information on the child and the child's family including the child's siblings.
- The nature and meaning of parental responsibility, what it means in relation to a looked after child and what it means on a day-to-day basis.
- The role of the local authority in assessing, planning and decision-making for the child and the child's family.
- The nature of care proceedings and the placement order application, timing and process.
- The position and role of the birth parents and their rights and responsibilities.
- The arrangements for contact between the child and the birth parents and any other significant people in the child's life.
- The role of the child's and the fostering supervising social worker.
- The significance of the care plan, the placement plan and reviews.
- The role of the Independent Reviewing Officer.
- The requirement to keeping appropriate records.
- The availability of support including parenting support, health and education.
- The importance and nature of 'safe caring'.
- Health checks and the health plan.
- Personal education plan.
- The importance and nature of the child's life story work.
- The arrangements for the payment of fostering allowances.

- Foster care competences and associated support and developmental opportunities.

Adoption

- When the agency expects to make a decision on adoption, if it has not already done so.
- The procedure following the making of a Placement Order.
- The matching report, matching panel and matching certificate.
- The continuation of life story work.
- Parental responsibility and the adoption placement plan following the matching panel.
- Assessment for adoption support, including the cessation of the fostering allowance and the application for adoption pay and leave.
- Contact and 'goodbyes' with the birth parents.
- Applying for an Adoption Order.

For both parts of the placement, the responsibility for the provision of appropriate support must be



identified and that must include regular visits by the child's social worker and the fostering supervising social worker and access to health and other parenting support services. If an adoption social worker is going to fulfil the role of supervising social worker they too will need to be familiar with their roles and responsibilities under the fostering regulations.

The availability of practical and financial support must be identified including available fostering allowances and adoption leave following the issuing of the matching certificate.

Matching

Matching the child with the carers will need to address those issues relevant to both the fostering placement as well as the possibility that if a Placement Order is made, the issues relevant to an adoption placement can be addressed albeit in the context of a 'known' child.

Matching is a core part of placement planning and in the context of FfA placements, a process with likely direct life-long implications. In all foster care placements, ensuring that the parenting capacities of the foster carers and other relevant matters that impact on the child's welfare and needs are understood is a significant professional task. This includes the identification of relevant information that combines that which is relevant to the child and that which is relevant to the carers. This will need detailed discussion with the foster carers and a recognition that there may be much that is unknown. There are additional issues in approving the match in FfA placements, including identifying those factors that are likely to secure a matched adoption placement. This is a challenging task as more information may be discovered about the child and their circumstances as the placement evolves.

In the course of the fostering placement a Child Permanence Report will need to be made available to the agency decision maker and in an appropriate form to the court in the application for the Placement Order. This will

also need to be updated in preparing the reports for the adoption matching panel if the Placement Order is granted by the court.

There will be a number of core issues:

- The parenting capacity of the carers.
- The resources and support available to them.
- Their capacity to manage uncertainty, loss and change.
- Their ability to understand and work with the local authority and other agencies.
- Their ability throughout to remain child focussed.
- Their capacity to manage these issues in the present and short-term but also, if the placement moves to becoming adoption, the longer term.

There will be a number of practical issues that will need to be addressed. The geographical location of the placement will be a significant issue. During the fostering phase there may be location issues that need to be considered that enable any arrangements for contact to be practically possible without subjecting the child to unnecessary stress resulting from long journeys. There may be other location issues if the foster care placement becomes an adoptive placement where the anonymity of the placement is a priority and the identity and location of the carers need to be protected, particularly where there are siblings already placed. The resolution of these potentially competing demands will require careful thought and planning.

The place of uncertainty and loss

A realistic and substantial personal motivation to adopt and the wish to create a family through adoption are key to its success. Uncertainty plays a significant part in this from the uncertainty about being accepted for assessment by an agency, being approved as suitable to adopt, being matched with a child and then what happens in co-constructing a family life that meets both the child's expectations and those of the adopters. The overarching framework in most adoptions is that at the point of placement, while uncertainty

“It is absolutely central to the whole framework of Fostering for Adoption that the child's needs and welfare are paramount.”

plays a part and probably a significant part, the expectation is that the placement will last. Experience from concurrent planning has identified that this expectation is compromised by the active pursuit of the rehabilitation plan and the possibility that this will lead to the child eventually leaving the concurrent carers. Where there is not an active rehabilitation plan, uncertainty is still present and will be reinforced by the work undertaken by the local authority and others during the fostering phase until the court resolves the Care and Placement Order application.

The presence of uncertainty will need to be recognised and openly discussed. One of the most important issues is the impact that the uncertainty may have on the relationship between the carers and the child. ‘Holding back’ from allowing the natural flow of emotion between parent and child is understandable if in the back of one’s mind there is a fear that in the end the relationship will be disrupted and profound loss experienced. Carers will need support to address this very difficult set of emotions whether that support comes from professionals or within their intimate personal relationships or from other family members or friends. The potential pain arising from this uncertainty should not deter the making of such placements; it is common whatever the placement type and are of course common in many foster care placements unless those placements are intended to last. But placements should be made having addressed these issues, by putting the potential risks into words and reinforcing the need to explore any feelings that may arise, however unbearable these feelings may be. Whatever difficult issues may arise for the adults as a result of uncertainty about the eventual outcome, it is very important to remember that the rationale for FfA placements is the fact that it is the child who is least likely to be able to bear the consequences of firstly being placed with one or more temporary foster care placements only to have the relationship they have made with the foster carer terminated when an adoption placement is identified.

If an FfA placement is terminated because the local authority or the court make a decision that the child should return to the birth parents or an alternative placement is in the child's best interests, it will be essential that this is properly planned and that the carers and the child receive support on an on-going basis to help them recover from the loss and grief that they will inevitably experience.

The child

It is absolutely central to the whole framework of FfA that the child's needs and welfare are paramount. Identifying the children and their circumstances where the child might benefit from FfA has already been discussed. Each case must be decided individually on its merits and risks.

Where a child is identified, then it is essential that all the information available on the child's needs and circumstances is made available to the carers including all health and developmental assessments. Where these have not been completed, then they should have been planned for or commissioned. It is likely that many children identified as suitable for FfA will either be new-born infants or under six months of age. This will inevitably mean that the information available on their developmental status may be limited especially in trying to predict later developmental progress. The agency medical advisor will play a crucial role in identifying what

is known, what might be expected and what is not known. They will be able to access expertise from other health and developmental specialists including treatment options where these might be required. This may mean for many prospective FfA carers that the placement will be made in the context of developmental uncertainty, and the carers capacity to manage this appropriately will be an essential part of the placement planning process and the provision of appropriate support. There are likely to be a number of placements made where the carers will need to care for infants who experience neonatal abstinence syndrome, where this is subject to active treatments and special care.

Other information about the child's family membership, circumstances and history may be more readily available, especially where the family is known to children's services. One essential factor in this must be identifying and establishing the child's paternity to minimise the risk of extended family members coming forward after the FfA placement has been made. A decision will need to be made whether or not it is in the child's best interest to delay any placement until paternity is established – if that is possible.

While infants may be the most likely group where FfA is suitable, there may be older children where this is in their best interests.



The challenge for older children who are already in a foster care placement will be assessing the advantages of maintaining the continuity of their current placement until the Placement Order application is decided. Bringing that placement to an end and placing them in what has the status of another temporary placement may not be in their best interests. However, where a placement is coming to a planned end because of the circumstances of the foster carers then an FfA placement may be the right plan.

Explaining the placement to the child

Even though many FfA placements will apply to babies or very young children, it is important to consider from day one how the child will be told about the plan for and the status of the placement in a way that is consistent with their age or understanding. This must include an explanation that for the time being nobody knows if the placement will be a 'forever family' but that they will be staying until the court makes the decision about what will happen to them. This will draw on the kind of explanation that foster carers need to use in explaining the status of the placement to their children. The appropriate use of play materials, children's workbooks and other child centred methods will be necessary in managing this task. Direct work with children must include working with the anxiety and upset that the child is likely to experience as plans and decisions are made for their future. This work is challenging and emotionally taxing and professionals and others must have access to appropriate support and consultation.

One very important part of the explanation to the child about the placement will be the terms the child and adults use to refer to each other. In many circumstances the use of first names will probably be the best solution. But where a child is being placed with siblings, this may be more complex. The adopter/foster carers and the children in the family will need to discuss how best to manage this and this will need to take into account the views of the birth parents. Given the expectation that most children in FfA placements will be infants, explanations about the status of the placement may not be the most immediate problem facing the carers, however the terms used to refer to each other will need to be agreed from day one of the placement.

If the Placement Order is made and the adoption match approved by the Adoption Panel, a plan will need to be made about how to inform the child about the change in placement status and that the people they 'know' as foster carers will become their adoptive 'forever family'. That change is very significant and appropriate ways will need to be found to explore and explain that.

It is necessary as the placement becomes a placement for adoption and an application is made for an Adoption Order that the child's wishes and feelings about adoption are taken into account. They will need to know both what this means for now and into the future. This will require child and age appropriate direct work that is planned and appropriately resourced. In those placements where the plan for adoption

“It is important to consider from day one how the child will be told about the plan for and the status of the placement in a way that is consistent with their age or understanding.”

is not authorised by the court, careful thought will need to be given to preparing the child and the carers if the plan is for the child to be placed elsewhere. This is likely to be very stressful for all concerned and the availability of on-going support is a primary requirement for all those involved.

Life story work

The preparation of the child's life story and any associated material will be an important part of the fostering phase of the placement. In planning the placement, it needs to be agreed who will be responsible for preparing the material, including undertaking direct work with the child. The FfA carers will play an important part in this work but will need to be guided and supported by the child's social worker and others.

Sharing information

The carers must be informed of all relevant aspects of available information about the child and their family and circumstances as set out in the Care Planning Guidance (para. 3.134). This will need to be done in a way that is consistent with data protection, confidentiality and other legal issues. With FfA placements, the information shared must be consistent with the plan that the foster carers could become the child's adopters. Where there are necessary restrictions on what can be shared, this must not interfere with the carers' ability to properly care for the child both currently and in the future. This should not be an insurmountable difficulty but it is essential that the carers do not find themselves in difficulty at the point of the adoption placement being approved because important information about the child or their family circumstances was not appropriately shared at an earlier stage.

Contact

Contact is likely to be an important part in planning the placement. A number of issues will need to be addressed:

1 Given the needs of the child, what are the priority issues for them in relation to contact?

2 With whom is contact envisaged?

3 What are the birth parents' views about contact and what is realistic for them to manage given the many issues that they have to attend to? How can they balance their natural instincts to want to see their child with the needs of the child and the other priorities in their life?

4 How can the arrangements for contact best be made, taking account of research which highlights that there can be serious issues and adverse consequences when young children are transported to contact in the company of unfamiliar adults, at a contact centre they don't know and to meet parents who they may experience as strangers?

Planning such arrangements can be very challenging but the one principle that must be consistently applied is that the arrangements must protect the child and minimise any exposure they have to undue stress.³

In concurrent planning, transporting children to contact is undertaken by the carers and the carers are available during the contact visit if difficulties arise during contact. Whether the birth parents meet the carers is something to be decided on a case-by-case basis. There can be real advantages where they do so. It can re-assure the birth parents that the carers are caring for the child well and the carers can actively participate in that by sharing appropriate materials. It can help in any subsequent arrangements for contact if the carers go on to adopt the child. It can also help the adopters if they have had direct experience of the birth parents and can relay that information to the child in appropriate ways and at appropriate times. There will also be cases where anonymity is the right plan and where this is so, this will impact on any arrangements for contact. It should not mean that the carers cannot transport the child or share information or be available if the contact does not happen or the child becomes unduly distressed, but this will need to be carefully planned to avoid any risk of the parties meeting.

³ Schofield and Simmonds, 2011; Kenrick, 2009, 2010; Humphreys, C., Kiraly, M. (2011)

“The age and understanding of the ‘other’ children in the family will be very important in identifying what and how they will be told of the planned placement.”

Other children in the family

The profile of children suitable for FfA is likely to include a significant number where the advantages of a placement arises because a previous sibling or siblings have been placed for adoption. Placing a subsequent sibling through FfA has positive benefits in many ways.

However, the position of full or half siblings in the family and maybe other children, adopted or birth children, will mean that careful preparation and thought will need to be given to their needs and particularly what they are told about the status of the placement.

The age and understanding of the ‘other’ children in the family will be very important in identifying what and how they will be told of the planned placement. It may be that the adopters will have a view that above all, their adopted child’s needs for stability suggest that the potential disruption of a full or half sibling being placed is not in their child’s best interests. For some adopters, they may be unsure and will need an opportunity to think it through with professional support. It is likely that children already in the family should be included in this discussion and planning consistent with their age and understanding. The outcome and issues from this work should be identified in the relevant reports to panel or the agency decision maker.

The greatest fear will be that, if the new child is placed, the already placed child/ren will develop a significant relationship with the new child and vice versa and that relationship could be brought to an end if the court does not make a Placement Order and the child is removed. The loss and trauma for everybody in such circumstances would be very difficult and for the children, one more to add to what they have already experienced at earlier points in their life.

Summary

There are no easy answers to the problem of establishing a permanent family life for children where this cannot be with the birth parents or birth family. It is well established and known that delay is endemic and is quite the opposite of what children need. FfA is one solution but it needs to be implemented with insight, care, due regard to all the issues and to be properly resourced. Three principle issues must be kept in mind:

- 1** Local authorities must ensure that the identification of a child suitable for an FfA placement is based on evidence that has been properly gathered together, analysed, tested and agreed and clearly establishes the positive benefits to the child. That evidence should identify that the risk of disruption should be minimal. But until the Placement Order is made, circumstances can change so that risk will always be there.
- 2** In making an FfA placement, the strengths of the carers and the support available to them must be clearly identified so that if such a disruption were to happen, the adults and the child would recover from the distress caused.
- 3** Loss and disruption is a common experience in family placement and this impacts on adults, but above all on children. The current family placement arrangements expect children to move from placement to placement despite everything that suggests that this should be avoided. FfA is intended to minimise these moves but from time to time it may itself be caught up in them. The avoidance of the potential difficulties in FfA by only accepting sequential placement planning for children cannot be justified.

Where FfA provides a fair, evidence based and just solution, it is a child centred opportunity that is not to be missed.



“Where Fostering for Adoption provides a fair, evidence based and just solution, it is a child centred opportunity that is not to be missed.”

Bibliography

The Children Act 1989, Guidance and Regulations, Volume 2: Care Planning, Placement and Case Review (2010)

Brown, R., Ward, H. (2012) Decision-making within a child's timeframe: An overview of current research evidence for family justice professionals concerning child development and the impact of Maltreatment. Working Paper 16, Childhood Wellbeing Research Centre

Department for Education (2012), Proposals for placing children with their potential adopters earlier

Kenrick, J. (2009) Concurrent planning A retrospective study of the continuities and discontinuities of care, and their impact on the development of infants and young children placed for adoption by the Coram Concurrent Planning Project , Adoption & Fostering , Volume 33, Number 4, Winter 2009 , pp. 5-18(14)

Kenrick, J. (2010). Concurrent planning (2) 'The rollercoaster of uncertainty'. Adoption and Fostering, Volume 34, Number 2

Humphreys,C., Kiraly, M. (2011) High-frequency family contact: a road to nowhere for infants, Child & Family Social Work, Volume 16, Issue 1, pages 1–11

Re CA (A Baby), Re [2012] EWHC 2190 (Fam) (30 July 2012)

Schofield G. and Simmonds J. (2011) Contact for infants subject to care proceedings. Family Law, 41 (June), 617-22

United Nations Convention for the Rights of the Child (Unicef 1989)

Convention of the Protection of Human Rights and Fundamental Freedom (European Court of Human Rights June 2010)

