



Kinship Policy for Children's Safeguarding and Family Support Services

Children's Social Care

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Policy Governance

Title	Name of Policy
Purpose/scope	This policy has been produced in response to guidance issued in December 2023 by the Department for Education. The policy outlines both the varied circumstances in which children and young people are cared for by kinship carers (connected/family and friends) and the local authority's (council) responsibility in each of these situations.
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Approver	Director: Children's Safeguarding & Family Support

Adoption Allowance Policy

Introduction

This policy applies to children who are becoming or will be part of your family after they have previously been in the care of Shropshire Council or Telford & Wrekin Council, through a plan of adoption.

The Together4Children Shropshire locality hub delivers the Adoption Support Services on behalf of Shropshire and Telford and Wrekin Council. This policy sets out what has been agreed between the two local authorities.

If support is required to access this document, please let us know so we can arrange a more suitable way of explaining the contents.

Purpose

The purpose of this policy is to provide information to adoptive parents, prospective adoptive parents, and practitioners about the financial support available to families providing permanence through adoption. This includes former foster carers who are adopting a child they previously fostered.

This policy does not include foster carers who adopt a child in their care through non-agency means (independent of the local authority through direct application to the court).

This policy is divided into the following sections:

- 1. Responsibility for post adoption support**
- 2. Regulations and legal parameters for Adoption Support and Allowances**
- 3. Eligibility for financial support**
- 4. Assessment for financial support**
- 5. Adoption Allowance Payments**
- 6. Decision making process**
- 7. Review of regular financial support**
- 8. Responsibilities of adoptive parents**
- 9. Cessation of adoption allowance**
- 10. Arrangements for former foster parents**

Appendix

1. Glossary of terms (underlined terms can be found in the glossary)

1. Responsibility for Post Adoption support

Adoptive or prospective adoptive parents can request an Assessment of Need to support and help them manage the needs of their children. This can include financial support.

The Department for Work and Pensions has the primary duty to provide a level of income in circumstances where families are unable to provide an adequate level of financial support to a child. The payment of an Adoption Allowance is a supplementary allowance which is discretionary, means tested and based on the individual needs of the child. The Assessment of Need will determine the individual needs of the child/ren and take into consideration other means and resources available to the adoptive family (universal/tax credits, child benefit, DLA etc). Advice and support is available to families in regards to the benefits they are entitled to through other means and they will be encouraged to access these supports in the first instance.

Post adoption support remains the responsibility of the child's placing local authority for the first three years after the Adoption Order is granted. After this time, it is the authority in which the family resides that takes on this responsibility. The exception for this is where financial support was agreed prior to the Adoption Order being granted or for a significant period prior to change of authority, in which case the responsibility remains with the placing authority for the duration of the agreed support.

2. Regulations and legal parameters for Adoption Support and Allowances

2.1

This policy should be read in conjunction with relevant updated guidance from the Department for Education and relevant legislation and case law.

2.2

In 2002, the legal framework relating to adoption was modernised through the Adoption and Children Act. This applied to both domestic and inter country adoption. A key provision of the Act was a new regulatory structure for adoption support services which placed a duty on Local Authorities to assess the need for adoption support services for adoptive families and others.

2.3

The Adoption Support Services Regulations 2005 specify the conditions for providing adoption support services, including the provision of financial support.

<http://www.legislation.gov.uk/ukxi/2005/691/regulation/3/made>

The provision for financial support within the Regulations is as follows and will be utilised throughout this document;

- **Regulation 8-** outlines the circumstances in which financial support can be paid.

- **Regulation 9-** Limits arrangements for providing remuneration to foster care placements to only those transitioning to adoptive placements; and for a period of 2 years.
- **Regulation 10-** Specifies the circumstances where an adoption allowance may be paid; and in all other cases by a single payment.
- **Regulation 11-** Specifies when financial support arrangements should cease.
- **Regulation 12-** Specifies the conditions for which the adoptive parent must agree before an adoption allowance is paid.
- **Regulation 15-** Specifies the information that must be taken into account when undertaking an assessment of a person's need for financial support. In particular, it stipulates the circumstances where means testing must be undertaken and when it is within the discretion of the Local Authority to decide if means testing is appropriate.
- **Regulation 20-** Specifies the arrangements for reviewing an adoption allowance.

3. Eligibility for financial support

3.1.

The guidance for the provision of financial support is set out in Part 3, Regulation 8 of the Adoption Support Regulations 2005, as being....

'... for the purpose of supporting the placement of the adoptive child or the continuation of adoption arrangements after an adoption order is made'.

3.2

Regulation 8 (2) states that such support is payable only in the following circumstances:

- a) where it is necessary to ensure that the adoptive parent can look after the child;
- b) where the child needs special care which requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect;
- c) where it is necessary for the local authority to make any special arrangements to facilitate the placement or the adoption by reason of—
 - I. the age or ethnic origin of the child; or
 - II. the desirability of the child being placed with the same adoptive parent as his brother or sister (whether of full or half-blood) or with a child with whom he previously shared a home;
- d) where such support is to meet recurring costs in respect of travel for the purpose of visits between the child and a related person;
- e) where the local authority consider it appropriate to make a contribution to meet the following kinds of expenditure—
 - I. expenditure on legal costs, including fees payable to a court in relation to an adoption;

II. expenditure for the purpose of introducing an adoptive child to [their] adoptive parent;

III. expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child.

3.3

Where assistance would normally be provided by another agency these should be requested separately by the parents to that agency for example adaptations to home for disabled child via Occupational therapy services or services for disabled children.

4. Assessment for financial support

4.1

If this request is prior to the granting of an Adoption Order, any request for financial support will need to be requested by the child's social worker and agreed in line with the child's support plan (this will require authorisation by the relevant funding panel).

If a request for support has been received post order an Assessment of Need will be undertaken by the post adoption support service. This must identify the support that is required. A support plan will be formulated in line with the assessment recommendations.

The following must be considered within the assessment of need:

- the needs of the child/young person being assessed and how these might be met;
- the needs of the adoptive family and how these might be met;
- the parenting capacity of the adoptive parent;
- wider family and environmental factors;
- the circumstances that led to the child being adopted including early exposure to trauma and attachment disruption;
- any previous assessment of needs for adoption support services undertaken in relation to the child in question.

The allocated social worker (pre-order this would be the child's social worker, post order this would be a social worker within the post adoption support team) must prepare a written report of the assessment and plan.

4.2

Should the request be for financial support, the assessment must reflect that such support is necessary to meet the identified needs of the child. The allocated social worker will consider

the following in line with Regulation 15 paragraph (2) and (3) when making decisions about the provision of financial support:

- (a) the person's financial resources, including any tax credit or child element of universal credit, and child benefit, which would be available to him if the child lived with him;
- (b) the amount required by the person in respect of his reasonable outgoings and commitments (excluding outgoings in respect of the child);
- (c) the financial needs and resources of the child (e.g. because of special diet or need for replacement bedding, trust fund).
- (d) The prospective adopter's income and means, including significant income from any investments, but not their home.
- (e) Any other grant, benefit, allowance or resource available to the person in respect of his needs as a result of becoming a prospective adoptive parent of a child.

4.3

In line with the above, the adoptive parents are requested to evidence details of income from capital (savings) which does not include the value of their home but would take into account income from any additional properties. All accessed benefits will also need to be declared during the assessment process.

4.4

Regulation 15 (4) identifies the local authority *must* disregard the considerations in paragraph (3) (4.2 above), where they are considering providing financial support in respect of—

- (a) legal costs, including fees payable to a court, where an adoption order is applied for in respect of an agency adoptive child; or
- (b) expenditure for the purpose of introducing an agency adoptive child to his adoptive parents.

4.5

Shropshire, and Telford and Wrekin local authorities will not financially support Adoption Order applications for children whose plan for adoption is not endorsed by the local authority or if the children were not previously looked after. This is known as non-agency adoption.

4.6

Regulation 15 (5) identifies the local authority *may* disregard any of the considerations in paragraph (3) (4.2 above)

(a) where they are considering providing financial support in respect of:

- (i) initial costs of accommodating an agency adoptive child;
- (ii) recurring costs in respect of travel for the purpose of visits between the child and a related person; or
- (iii) any special arrangements or special care referred to in regulation 8(2)(b) or

- (b) in relation to an agency adoptive child; or
- (c) where they are considering including an element of remuneration under regulation 9.

5. Adoption Allowance payments

Adoption Allowance payments will fall into 3 types; One-off payments, on-going payments and exceptional payments.

5.1

One-off payments – to be determined at the point of matching

This is a lump sum of money payable for a specific need, including:

i) Legal costs – the cost of the application for the Adoption Order will need to be paid initially by the adoptive parents. The local authority will reimburse this expense.

ii) Settling in Allowance - The local authority will not generally make a financial contribution for settling in unless in exceptional circumstances. The settling in allowance is discretionary and will be considered on an individual basis. This will take into account the financial circumstances of the adopters and the additional needs of the child/ren. Evidence will need to be provided as to why a settling in allowance is needed. Payment of a settling in allowance will not be standard practise and will take into account the change in financial circumstances from when the adopters were assessed as suitable to adopt. Any payments will be taken to the appropriate finance panel.

iii) Expenses incurred during introductions - The local authority will not generally make a financial contribution to the introductions. In exceptional circumstances this *might* be agreed and a means test will be undertaken. This includes accommodation, subsistence and travel costs. Accommodation will only be of a level agreed by the local authority. The local authority will find and book appropriate accommodation. If adoptive parents wish to book their own accommodation the local authority can contribute as per the price of a mid-range hotel within the geographical area, up to £100 per night. Management discretion will be used in regard to national variations of hotel costs. Receipts will be requested if privately booked.

Mileage will be paid at the appropriate rate in line with that paid to foster carers (as of January 2024 this is 45p per mile). All prospective adopters will be expected to keep a log of their mileage.

Additional costs incurred for the purchase of meals and refreshments while away from home overnight will be in line with subsistence rates payable to staff (currently (January 2024) this includes £6 for breakfast, £6 for lunch and £12 for evening meal, per person). Reimbursement will only be made by the relevant local authority to the value of the receipt provided or up the value of the maximum noted if the receipts are in excess of this. Reimbursement can only be made once receipts have been received by the local authority. Reimbursement will not be made for the purchase of alcohol.

iv) Direct family time - Financial support for continuing direct family time is entirely at the discretion of the relevant local authority.

- v) For anything not mentioned above, individual needs will be taken on a case by case basis, for example larger costs such as car purchases, flights, home improvements.

5.2

On-going Payments

- i) Adoption Allowances - The payment of an Adoption Allowance is discretionary and based on the individual needs of the child. The Local Authority *may* agree to a regular maintenance allowance, subject to a means test. The terms and timing of which will be clearly defined in writing through a memorandum of offer. The initial means test calculation and annual financial reviews will be completed by the finance officer either through the child's placing local authority if pre-order, or through the post adoption support service if post order. When considering whether a child is entitled to an Adoption Allowance, the Local Authority will not apply a single criteria, but will require evidence that the child's needs are such that additional financial support is required. Evidence will need to be provided in the assessment or matching documentation that the child has additional needs that they require financial assistance.
- ii) Short-term financial allowances - may be requested if there is a change in circumstances.

5.3

Exceptional Payments

There may be exceptional circumstances arising due to the placement of larger sibling groups or children with significant additional needs. Where an assessment of need is requested for financial support the Assessment of Need procedures will be instigated. Should the child present with significant disabilities, then appropriate liaison with other services to meet need will take place.

5.4

No enhancements or additional payments including festive, holiday and birthday allowances will be payable.

5.5

Shropshire and Telford and Wrekin local authorities use the Department for Education (DfE) Standardised Means Tested Calculator as the basis for calculating the means of an adoptive parent. Applying this guidance, the maximum payment per week, per child is equivalent to the Fostering Allowance rate at the time of the agreement. Child Benefit is deducted from this amount unless the family is in receipt of universal credit.

6. Decision making process

6.1

Where financial support is assessed to be required to meet the needs of the child, the proposed allowance will be presented to the respective financial resource panel.

6.2

Where Shropshire Council/Telford & Wrekin Council decide that financial support is to be provided it must notify the Adopter / Prospective Adopter of the decision under Regulation

18. This document is referred to as the Memorandum of Offer and must include the following information:

- the amount of financial support.
- whether it is to be paid in instalments or periodically.
- the frequency with which the payment will be made.
- the period for which financial support is to be paid.
- when the first payment of financial support is to be made.
- where financial support is to be paid as a single payment, when the payment is to be made.
- where financial support is to be paid subject to any conditions imposed in accordance with regulation 12, (sec 5 of this policy) those conditions, the date (if any) by which the conditions are to be met and the consequences of failing to meet the conditions.
- the arrangements and procedure for review, variation, and termination of financial support.

7. Review of Financial Support

Regular reviews enable the agency to reassess the effectiveness of any supports provided and consider whether it is appropriate to continue that support or change the provision in some way so that the needs of the child remain the priority.

7.1

Where Shropshire Council/Telford & Wrekin Council provides regular / periodic financial support, it is a regulatory requirement that it must be reviewed:

- a) annually (on receipt of the annual statement from the Adopter)
- b) if there is any relevant change of circumstances that the Adopter is required to notify the local authority about (see section 8)
- c) at any (other) stage in the implementation of the plan that the local authority considers appropriate.

7.2

The continuation of the provision of regular financial support will only be agreed where:

- a) the eligibility criteria in Section 4 continues to be met; and
- b) following re-assessment through the review process, that the Adopter's means are such that they still require financial support (unless they have been disregarded, as per section 4.2).

7.3

Where, as a result of the review, there is a proposed reduction or termination of financial support, the local authority will notify the adoptive parent/s of the decision. If they disagree with the decision, the prospective adopter/s should make a formal representation to the relevant Service Manager within 28 working days. The Service Manager will consider any representations and return a final decision to the Adopter within a further 28 working days.

8. Responsibilities of adoptive parents

8.1

Regulation 12 states that no financial support will be payable until the adoptive parent (both if a couple) have agreed to the following conditions:

(a) that s/he will inform the local authority immediately if:

- they change their address
- the child dies
- any of the changes mentioned in point 8.3 (below) occur; or
- there is a change in his financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable to him and,
- where the information is given verbally, that s/he will confirm it in writing within seven days

(b) that, upon request, s/he will complete and supply the local authority with an annual statement as to the following matters:

- his/her financial circumstances
- the financial needs and resources of the child
- his/her address and whether the child still has a home with him/her

8.2

Where any condition imposed is not complied with, the local authority may suspend or terminate payment of financial support and seek to recover all or part of the financial support they have paid.

8.3

The adopter/s shall notify the Agency in writing within 7 days, if the child no longer has his/her home with them.

The adopters shall notify the Agency of any changes in their circumstances which might affect their eligibility and need for the allowance. Included in this is the adopter's agreement to comply with the following necessary requirements:

- The family agree to a full financial assessment, to be reviewed annually;
- The family must apply for all relevant benefits;
- The family must agree to notify Shropshire Council in writing within 7 days of any change in their circumstances.

9. Cessation of Adoption allowances

9.1

Allowances will cease in the following circumstances:

- a) the child ceases to have a home with the adopters
- b) the child ceases full-time education or training and commences employment.

- c) the child qualifies for PIP payments or Universal credits in his /her own right from aged 16 years.
- d) the child reaches the age of 18, unless he/she continues in full-time education or training where this course commenced prior to obtaining the age of 18, when it may continue until the end of the academic year. This does not apply to Higher education (University). Evidence of the course/training will need to be provided. The prospective adopter/s must notify the agency, no later than 6 months *before* the child's 18th birthday that education/training will continue beyond the child's 18th birthday and will provide evidence of this.
- e) Where any predetermined period agreed between the Agency and the adopters expires.

9.2

Where any condition imposed in accordance with this regulation is not complied with, Shropshire Council/Telford & Wrekin Council may:

- (a) suspend or terminate payment of financial support; and
- (b) seek to recover all or part of the financial support they have paid.

9.3

Where the condition not complied with is a failure to provide an annual statement in accordance with an agreement referred to in 8.1, Shropshire Council/Telford & Wrekin Council will:

- (a) send a written reminder to the person who entered into the agreement of the need to provide an annual statement; and
- (b) cease the financial support if, after 28 days have expired since the date on which that notice was sent, the annual statement has not been received.

10. Arrangements for Former Foster Parents

10.1

Shropshire Council/Telford and Wrekin Council may continue to pay an element of remuneration for two years from the date of the Agency Decision Makers (ADM) decision that the match is suitable. Where:

- a) The prospective adopter previously fostered the child and they received an element of remuneration in the financial support paid to them as the child's foster parent immediately before being suitably matched with the child.
- b) The eligibility criteria (as set out in section 4 above) are met.
- c) The arrangements are being made as part of plans to secure the long-term permanence of the child in their best interests

10.2

Payments beyond 2 years can be considered by either Telford & Wrekin or Shropshire council (dependent upon the locality which placed the child) in exceptional circumstances, in line with

the regulations. These payments may continue for longer than two years if Shropshire Council/Telford & Wrekin Council considers this appropriate and section 4 criteria are met. Any decision to maintain financial support must be supported by the finance panel. This is to ensure the scheme does not provide a disincentive to foster parents wishing to adopt, with the placing authority's agreement, in respect of children with complex needs or where children may not be otherwise placed for adoption as a result of their particular circumstances. e.g. large sibling groups.

10.3

Any such arrangement must be clearly defined in the Adoption Support Plan and will be subject to an annual review/declaration of position, as per Regulation. Any significant change in adopters or child's circumstances must be declared.

Glossary

Adoption Allowance – payment made by the local authority to be used to support the child's individual needs.

Adoption Support regulations 2005 – the national regulations by which local authorities base their individual policies.

Agency adopted child – child whose plan for adoption is endorsed by the local authority. This is a child who may be currently in foster care and moving to adoption.

Agency Decision Maker – member of senior leadership team who signs off the proposed match between the child and adopter following presentation to adoption panel.

Annual statement – requirement of the adopters to confirm their up-to-date financial circumstances.

Assessment of Need – assessment that will be completed by a social worker in the post adoption support service which determines the needs of your child and your request for financial support.

Financial Resource Panel – team of council employees who make a decision regarding the request for financial support.

Fostering Allowance – how much is paid to foster carers for the purposes of looking at a child in care of the local authority.

Means Tested calculator – this is a tool used to work out how much money a family has as income and uses this to calculate how much adoption allowance they may be entitled to.

Memorandum of Offer – document you will receive which outlines the details of your allowance

Non-agency Adoption – adoption orders that have been granted without Local Authority involvement

PIP – Personal Independence payment; disability benefit

Support Plan – this will follow the completion of the assessment of need and detail what is to be put in place to meet the needs of the child and family.

