

Adoption by Foster Carers Policy

Operational from: August 2024

Version Number: 1.0

Date of Equality Impact Assessment: EIA screening completed 2/8/24 indicating no further action required.

Agreed by: CYPS Policies and Procedures Group

Responsible Service Area/Team: Corporate Parenting

Review date: November 2025

Scope of this Guidance:

This Policy is intended to assist social workers working in fostering, adoption, and child in care teams. It specifically focuses on adoption enquiries from foster carers which often (but not always) relate to the adoption of a specific child. It should be read in conjunction with the accompanying enquiry flowchart and information leaflet for carers.

Where this policy uses the term ‘foster carer’, this relates to both mainstream foster carers and kinship carers.

Legal Framework:

- Adoption Agency Regulations 2005 (inc amendments made in 2013)
- Statutory Adoption Guidance 2013
- Adoption and Children Act 2002
- Statutory Guidance on court orders (2014)

We will on request produce this policy, or particular parts of it, into other languages and formats, in order that everyone can use and comment upon its content.

Review Date:		
Version Control	Reason for revision and summary of changes needed	Date

1. Introduction

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

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

This policy seeks to ensure that Foster Carers are supported by the child's Social Worker, the Fostering Service, and the Adoption Agency to fully understand the implications of a change from Foster Carers to Adopters and the process entailed.

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

If a Foster Carer indicates an interest in potentially adopting a child in their care, it is important that they are supported to come to an informed decision. Their primary support in making an approach to the Adoption Agency will be from their Fostering Supervising Social Worker, thereafter advice and support will be offered in collaboration with other professionals, from the adoption agency and the child's social worker, for example.

Any expression of interest by the child's Foster Carer in adopting the child should be provided in writing to the Adoption Agency Practice Manager.

The Adoption Agency will arrange for an 'Initial Visit' to be held within 10 working days of an expression of interest being received. This meeting can include:

- The Foster Carers
- The Child's Social Worker (in cases of carers wishing to adopt children already in their care)
- The Foster Carer's Supervising Social Worker
- A representative from the Adoption Agency

The purpose of this meeting – which may be a series of meetings if required – is to share information and support the Foster Carers to come to an informed decision. The adoption social worker will write up a record of this meeting within 5 working days, a copy of which will be shared with the carers for them to sign.

Please note, it is not the purpose of the initial visits to confirm the Foster Carer's suitability to be assessed to adopt the child. A separate professionals meeting can be held, if needed, to discuss whether the child's social worker supports the foster carers in adopting a named child. This is further discussed in section 3 of this policy.

Key information that should be provided to the Foster Carers at the 'Initial Visit' meeting/s:

- Adoption is a permanent commitment to the child. It is a financial, practical, and emotional commitment for life.
- Adoption confers sole parental responsibility for the child as opposed to this being delegated by the LA. Once an adoption order is granted, the child will no longer have a social worker.
- The support available to Adopters is different from the support available to Foster Carers.

- The financial support provided to the Foster Carers under Fostering Regulations for the care of the child will cease and any financial support available to adopters will be assessed differently under Adoption Regulations (see Section 4 and 5 for more detail around transitional payments). Payments referred to in section 5 will be paid monthly.
- In the case of mainstream foster carers continuing to foster post adoption; a continuation of the carer's fostering role is not a given as continued suitability is subject to a fostering panel review considering the change to the family and household as a result of the adoption.
- That a break from taking on any new fostering placements is an expectation of the adoption agency from the beginning of the adoption assessment starting (at the point of the Registration of Interest being submitted) until a Fostering Panel review has taken place post adoption matching (*this may be reviewed if the carers are placed 'on hold' during the assessment period*).
- There are two routes available to the Foster Carers – **Non-Agency Adoption** and **Agency Adoption**. Specific information about each should be provided (detailed below).
- The foster carers may be required to undergo an adoption medical as the Adoption Agency Regulations (2015) require adopters to undertake a full examination with their GP before the Agency's medical advisor can prepare their report on suitability (foster care applicants are not required to have a medical examination). The cost for this medical lie with the applicants (unless there is specific agreement from the Adoption & Permanence Service for this to be funded).
- Carers will be expected to fund the Adoption Order Application themselves, at a cost of £201 (correct as of 1st April 2024)
- Foster carers who are approved as adopters and matched are entitled to take Adoption Leave from their employment. Discussion about taking adoption leave will form part of the discussions held within the adoption assessment.

In the case of specific children:

- An outline of the child's current care plan should be given, inc. discussion about whether the child already has a plan for adoption/or whether a legal strategy meeting is needed to progress this.
- That depending on the child's age and level of understanding, the child's wishes and views will be an important consideration in deciding whether the Foster Carers interest in adoption will be supported by the LA.

Specific Information about Non-Agency Adoption should include:

- If the Local Authority are not in agreement to pursue a plan for adoption for a named child. Foster Carers can make a direct private application for an Adoption Order to the Court after the child has been living with them for a year or more. They must give the Adoption Agency 3 months' notice prior to making the Court application. Notifications of non-agency adoption can be made by emailing: cypadoptionnonagency@suffolk.gov.uk
- Other Orders of the Court may be more appropriate for the child, including a Child Arrangement Order or a Special Guardianship Order.
- Where a Non-Agency Adoption Order is granted by a Court, the support to which they are entitled under the Adoption Support Services Regulations 2005 is limited to counselling, advice, and information only. However, if the Local Authority responsible for the child supports the application to the Court for an Adoption Order, the Local Authority has the discretion to extend the availability of adoption support services beyond that of providing counselling, advice, and information services subject to an Adoption Support Assessment of Need.

- The Local Authority for the child is not required to make any financial contribution to the Court Application fee or to any legal costs, or other costs incurred by the Foster Carers, such as to undergo medical examinations to support their application.
- If Foster Carers decide to undertake the Non-Agency Adoption route, Suffolk Adoption will be required to complete an Annex A report with the assistance of the Local Authority Social Worker for the child and the fostering supervising social worker. This report analyses the strengths and vulnerabilities of the adoption application and will end with a recommendation on the type of order most suitable for the child.
- The views of the birth parents will be sought, as with all non agency adoption cases.
- With regard Non-Agency adoptions, once Foster Carers have given written Notice of their Intention to Apply Adoption Order to the Local Authority, the child may not be removed from them by the Local Authority or birth parents without the permission of the Court (unless 3 months have elapsed, and the foster carers have not made an application to the Court)
- If Foster Carers have applied to the Court for an Adoption Order, the child may not be removed from them by the Local Authority or birth parents without the permission of the Court.

Specific Information about Agency Adoption should include:

- Agency adoption is the route taken if the Local Authority has a plan for adoption for the child or believes a plan for adoption should be the pursued care planning route.
- That Suffolk Adoption will not assume that a Foster Carer is a suitable adoptive parent for a child, even if the child is well cared for by the Foster Carer. There will be a strong presumption in favour, but this presumption will be tested by assessment and detailed consideration of both the short-term and long-term needs of the child and the capacity of the Foster Carer to meet those needs and transition into the role of adopter.

3. Agency Considerations about the proposed adoption placement with a child's foster carer

There are considerations for the agency as to whether an application by a foster carer is supported by the local authority, and is, therefore an agency adoption, or whether the Local Authority do not consider adoption to be in the child's best interests. A professionals meeting is the most proactive mechanism for ascertaining the Local Authority's position.

During a professionals meeting, Suffolk CYP will take into consideration:

- The Foster Carers' insight and understanding of the key differences between adoption and fostering.
- The duration and length of time the child has been in placement.
- The quality of the relationships and emotional and reciprocal attachments between the child and the Foster Carers, their extended family and support network.
- The commitment of the Foster Carers to the child's overall welfare and development during the placement.
- The Foster Carers' willingness and ability to accept the full range of responsibilities for the child for their lifetime.
- The range of skills and experiences that the Foster Carers would be able to utilise in continuing to meet the child's needs if adopted.
- If the carer has another child placed with them who is matched long term, the expectation is that this placement should not be disrupted and any proposed match with a child for adoption should take account of the impact on any children placed with the foster carers as a long term placement.
- Suffolk will only support an application to adopt by Foster Carers if the location of the Foster Carers' proposed adoptive home does not or is not reasonably likely to compromise the safety and security of the child.

- Suffolk will only support an application to adopt by Foster Carers if there is clear evidence that the Foster Carers are able to offer high quality lifelong care.
- The view (if known) of the child, and discussion about how and when this potential plan would be communicated to the child (in consultation with the carer).
- The views (if known) of the child's birth parents/extended family.

If adoption is already the plan for the child, and the local authority considers that the foster carer may be suitable to be approved as an adoptive parent, the foster carer can be assessed using the fast track procedure under Reg 30F of the Adoption Agencies Regulations 2005. Any application for an adoption order by the foster carer made after they have been assessed and considered suitable to adopt, would proceed as an agency adoption (DFE, 2014c, Chap 5.21).

If adoption is not the plan for the child but the Local Authority concludes that adoption by their foster carers is a sound care plan, a legal strategy meeting should be convened to progress this.

However, if adoption is not the plan for the child and the Local Authority do not support a change of care planning to pursue a plan for adoption for the child, this decision must be shared in writing with the foster carers and information re-iterated about the option of pursuing the non agency adoption route.

4. Next steps in cases where the Local Authority supports the foster carers application to adopt a child in their care

At the conclusion of the initial visit the Foster Carer/s should have had sufficient information shared with them for them to come to an informed decision as to whether to pursue adoption of a child in their care. They should have received a summary of the initial visit within 5 working days. In most cases a registration of interest form will be shared alongside this summary, however, a short delay may be incurred before this is shared if, for example, a legal strategy meeting or professionals meeting needs to take place. This will clearly be explained to the carers and timescales for this made clear.

Thereafter the following actions will take place:

- Once the foster carer/s submit their registration of interest (ROI) an assessment will be completed and considered by Suffolk's Permanence Panel within four months of the date on which they registered their interest in writing (the 'fast track' process).
- At the point this ROI is received, the placements team and Supervising Social Worker will be notified by the adoption service that the foster carer/s are 'on hold' from taking new fostering placements.
- Should Suffolk Adoption decide not to approve the Foster Carer/s as suitable prospective adopter/s, the reasons behind this decision may need to be shared and considered at a Foster Carer Review. However, it is noted that not being approved as suitable to adopt will not trigger an automatic review of the Foster Carers' suitability and terms of approval as fostering and adoption are different roles.
- Should the Agency recommend approval of Foster Carers as suitable to adopt a child already in their care, it is likely that approval and adoption match will be considered consecutively at the same Panel, with the ADM decision also being made on the same date within 7 working days of the permanence panel taking place.
- Once the ADM decision has been made, the child is 'placed for adoption' and the foster carers are now the prospective adopters. Fostering payments will cease, and transitional payments will begin (paid monthly, not weekly).

5. Financial Implications, remuneration for former foster parents and Transitional Allowance (ASR 9)

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

This being said, foster carers adopting a Child in Care are eligible for a transitional allowance, payable under Adoption Regulations (ASR 9). This applies to Agency Adoptions only and Foster Carers who have opted to take the Non-Agency route would not qualify for transitional payments.

The former foster carer will be paid a transitional financial support fee equivalent to the payment they received when they fostered the child (minus child benefit) from the date of the Agency (matching) Decision for a period of two years following an Adoption Order being granted. This is because the regulations states that any transitional financial support (under ASR 9) paid to former foster carers may include an element of remuneration i.e. the fostering fee, but only where the decision to include it is taken before the adoption order is made and the local authority consider it to be necessary to facilitate the adoption in a case where:

- The adoptive parent has been a foster parent in respect of the child.
- This payment can be made in acknowledgement of the need for a period of adjustment or transition in the former foster carer's financial situation and family life. The purpose of these transitional arrangements is to allow the family to make the necessary adjustments both practically and emotionally.
- A transitional allowance will only be in relation to the child that is being adopted, not in regard to compensating for any child they may have fostered had they not been taking a break from fostering during the adoption assessment.
- Settling in grants, payable under Adoption Regulation, will not apply to former Foster Carers as the child will already be settled in placement. Foster carer adopters are expected to apply for all benefits to which they or the child may be entitled (hence why the transitional fee is minus the child benefit entitlement).

Confirmation of the transitional fee should be given within the adoption support plan so this can be considered by the Permanence Panel during the adoption matching panel.

To assess eligibility for anything additional to the transitional payment, a means tested financial assessment will be completed by Suffolk Adoption Agency alongside a detailed adoption support plan which outlines the specific needs of the child. This assessment will be considered by the Practice Manager and Service Manager for Adoption and Permanence, who will make the decision about whether additional financial support will be offered.

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

However, in cases where the child has been diagnosed with a disability or presents with significant and highly complex needs, the Service Manager (for Adoption and Permanence) in conjunction with the Adoption Practice Manager may decide to waive the two-year timescale with regards the any longer term allowance. Any decisions made in such cases will be on a case-by-case basis with the best interests of the child at the forefront of the decision making. The final decision about long-term funding of an adoptive placement will be made by the Head of Corporate Parenting.

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

- When the allowances and fees paid to them as approved Foster Carers for the child under Fostering Regulations will stop; and when the fees under the Adoption regulations will be paid (changing from weekly, to monthly payments).
- Whether they will be entitled to any additional financial support for the child under Adoption Regulations (ASR 9).
- Whether, as part of the approval as suitable adopter/s for the child, the Foster Carer/s will be required to suspend their fostering role for anything other than the specified assessment and matching period, i.e. in cases where the child is expected to need a longer settling period to their new adoptive identity.
- Whether as part of their approval as suitable adopters for the child, the Foster Carers will be required to resign as approved Foster Carers, i.e. if they were approved as foster carers for one child, and that placement is now permanently occupied by an adopted child.
- That the carers will be expected to finance the adoption order application.
- Discussion regarding adoption leave from any permanent employment (aside from their role as foster carers) and indications about what this may look like. The expectations of the Agency need to be clearly laid out and may differ depending on the needs of the specific child.

The following also forms an important part of the fast-track adoption assessment process for foster carers as adopters:

- What is the agency's understanding behind the carers motivation to adopt?
- Do the carers understand the fundamental differences between fostering and adopting, i.e. the lifelong nature of this commitment.
- What are the timescales related to the enquiry and, in the case of specific children, the timescales attached to the child's proceedings/plan for adoption?
- Adoption medicals will need to be undertaken as the medicals conducted for foster carers are not sufficient for an assessment of suitability in relation to permanence. In most cases AH forms should be completed following a 'full medical' examination by the applicants GP. AH2 forms can be used in cases whereby the applicant/s have had an AH completed within the past two years (and where this has included a examination). The cost of an adoption medical is the responsibility of the applicant/s (unless funding has been requested and approved).
- Is the fostering DBS check still in date, i.e. within two years of likely date of adoption approval?
- It is Suffolk's policy that we will endeavor to obtain a reference from a person previously fostered by the applicant/s, this will most likely be an adult care leaver. This information is desired as it will give an accurate representation of how these carers meet the needs of those they care for.
- Do the carers have a copy of their previous Form F or prospective adopters report (this is particularly relevant in cases whereby the enquirers were approved by another agency)? Requesting this directly from the carers will speed up the process of accessing this report and associated files.
- What are the significant changes since the previous assessment was completed?
- What are the implications of the lifelong impact of adoption on the applicants and their family as a whole (if relevant).
- Confirmation of the timing of the adoption preparation course in relation to the four month 'fast-track assessment'.

6. When the changes to the foster carers role and placement status will apply

After the proposed match has been considered by the Permanence Panel, the panel's recommendation will be considered by the Local Authority Agency Decision Maker who will make the decision about suitability as adopters, and the adoption match.

The date of a positive decision by the Agency Decision Maker is when the following changes will take effect:

- The placement will change from a fostering placement to an adoptive placement.
- The role of the carer will change from foster carer to prospective adoptive parent.
- The placement will be monitored, supported, and reviewed under adoption regulations.
- From this point on, the child must be viewed as a child of the family. This is a significant change for the carers and their family.
- If the carer wishes to continue to foster after their 'break' from fostering, the fostering service must arrange a fostering household review which must take account of the needs of the child placed for adoption. The review will be heard at a Fostering Panel and must consider whether there needs to be a further suspension of placements or any changes to the foster carer approval before any new fostering placements are made. No new placements should be made from the point the adoption match is agreed until this review process has concluded.
- The fostering review should include the views of the household including the adopted child, the child's IRO and the adoption social worker who has been working with and supporting the family through the adoption process.

The End