

## ADOPTION TEES VALLEY PROCEDURES

### **Guidance for Assessment of Foster Carers for Adoption of the Child in their care**

See: [Recruitment, Assessment and Approval of Foster Carers; Fast Track Assessment Planning form](#)

The scope of this guidance is for assessing foster carers who wish to adopt a child they are currently looking after, who has a formally approved plan for adoption. This guidance sets out how the Local Authority for the child within the Tees Valley cohort will work together with Adoption Tees Valley to manage the process, including where there are differences of view about the viability, or likelihood of approval of the prospective adopters at the Adoption Tees Valley panel.

This guidance does not replace the assessment procedure for prospective adopters, which should be considered alongside this process.

The “Good Practice Guidance: Foster to Adopt” (2016) is used to support this ATV guidance.

In many instances foster carers for a child or children in their care decide that they wish to be considered to adopt the child. This can be a very positive outcome for children, especially where the relationships are already established, and stability for the child will be enabled, through remaining with the current foster carers. Local Authorities and Adoption Tees Valley welcome applications from Foster Carers to adopt children where they are able to make a permanent commitment to those children. Research supports that adoption of children, by foster carers has positive outcomes, especially for older children. It is important, however, that Foster Carers give careful consideration as to whether they are able to take on the full responsibility for the child throughout their childhood and into adulthood and that they discuss this with their Family Placement social worker before taking the matter further.

Where adoption is the plan for the child it is necessary to ensure that anyone proposed to become the legal parents of the child, by adoption, satisfy the requirements to be an adopter, and are approved as such.

The Adoption Tees Valley panel is the panel at which all adopters for children in the Tees Valley area will be presented for approval, unless an external adoption agency has been commissioned to undertake that assessment, in which case, the suitability for approval will be presented to that agency’s panel.

The match with the child will come to ATV panel, for recommendation, and the decision will be the ADM of the Local Authority for that child.

#### 1. Foster carers wishing to be considered to adopt a child in their care.

1.1 Foster carers who have had care of the looked after child, on a continual basis, for 12 months or over have a right to apply directly to the Court to adopt the child, under the Adoption and Children Act (2002). However, in the first instance, all social workers should encourage the foster carers to go down an agency application.

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1.2 Under the Adoption & Children Act, once foster carers who have cared for a child for 1 year and have given written notice of their intention to adopt, neither parents nor the local authority can remove the child from their care without the agreement of the Court until the Court Hearing or until 3 months have elapsed and the foster carers have not made an application to the court. If the notice lapses, the foster carers cannot serve a fresh notice until a further 28 days have passed. This gives the Local Authority time to move the child if they consider a move to be in his/ her best interests.

1.3 Upon notice of a request to be considered as adopters for a specific child, or children, the foster carer(s) interest in adopting should be fully explored informally with the child's social worker, their relevant manager, their own supervising social worker and an ATV Permanence Champion, or the ATV family Finder any other relevant professionals. This should be responded to in a timely manner by the LA, and a guide is within 5 working days, and a visit should be made to include both social workers, to fully explore this interest. Any written request by the foster carers to be considered to adopt the child/ren should be treated as a Registration of Interest, and statutory guidance requires that the agency (ATV) should decide within 5 working days whether to accept this. The Foster carer must provide the ROI within 5 working days to Adoption Tees Valley, in order for this timescale to be met. It is therefore important that any discussions by the foster carer are followed up immediately by the LA, and the processes below are followed.

Foster carers must be provided with information about their rights to apply directly to the Court, if this has not been explained. Foster carers should be advised that they may wish to seek their own legal advice. Neither the Local Authority nor Adoption Tees Valley are obliged to fund that legal advice, but the LA may decide it will do so.

- 1.4 The LA should have in place agreed processes for deciding whether they will support or oppose such an application. Good practice recommends that this is a planning meeting. As a minimum, the LA must give consideration to:
- The assessment of the child's needs as set out in the child's care plan, including contact arrangements, geography of placement, and financial support needs; and the Foster Carers' ability to meet those needs via adoption;
  - The child's views and wishes where they are of age to give a view.
  - The availability of other adopters for the child, particularly for young children under 3 without complex needs;
  - The length of placement, quality of the attachment and risks to the child's emotional well-being of disrupting the attachment;
  - The contact plans for the child;
  - Any risk to the child from the birth parents having current placement knowledge of the Foster Carer;
  - The Foster Carer's intentions regarding continuing as short-term carers for other placements and the likely impact of this on the child needing permanence.

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This decision is an important one, and Adoption Tees Valley must be notified in writing of the outcome of that decision, with minutes of the decision making meeting.

Adoption Tees Valley will also require any further details of the Placement Order, and family finding directions that have been issued by the Court.

### 2. Where the Local Authority Support the Proposed Adoption plan

2.1 The foster carer, and the child's social worker contact Adoption Tees Valley to request an initial visit. Adoption Tees Valley will allocate 2 social workers to undertake the initial visit, who will have been briefed and read the minutes of the planning meeting/decision to support by the LA. Where a written request by the foster carers to adopt the child in their care, has been received by the LA, or ATV, this must be treated as a Registration of Interest.

2.2 At the initial visit ATV will outline the assessment process, and what will be required of the foster carers. This will include information about the next available preparation to adopt training; timescales for a FastTrack assessment; and how the matching process is conducted where the child is already living with the foster carer. ATV will gather information at the initial visit pertinent to the adoption application. While the fast track process allows for health assessments; DBS and checks and references to be drawn from the fostering application, ATV will determine which assessments, checks and references will need to be re-done.

It is ATV practice to undertake a new DBS check on existing adopters and foster carers.

ATV will determine, through interview, an understanding of any health issues, and the team manager will decide whether new health assessments are to be sought. Where these are to be requested again, the Medical Advisor will be provided with a copy of the previous health assessment, and Medical Advisor advice.

ATV will seek consent to read the fostering file within the LA as part of the information gathering process for the assessment. Specifically, ATV will read the Form F; panel minutes of fostering approval; any review of approval, and agency decisions in respect of suitability to foster.

2.3 The Team manager for recruitment in ATV will decide on acceptance of ROI, and progression to the assessment, and will allocate an adoption social worker to do a fast track assessment.

The assessment of adopter's procedure will be followed, for fast track assessments.

An assessment agreement will be completed between ATV and the foster carers.

2.4 ATV will seek to complete the assessment, and present to the approval panel, within 4 months of receipt of application.

### 3. Concerns arising during assessment

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3.1 It is possible that during the assessment which is being undertaken by ATV, matters will come to the fore which require further exploration, and understanding, and impact on the assessment, and in particular the question of whether the foster carers are considered to be suitable to adopt the child, or children.

ATV will work transparently with foster carers, and explore any such matters with them, subject to the protections offered to personal referees around confidentiality.

3.2 Where ATV feel that the issues may indicate that the agency will not be able to recommend suitability to adopt, they will notify the Local Authority Team Manager, and child's social worker without delay.

3.3 A planning meeting will be convened between Adoption Tees Valley and the LA, to include the ATV assessing social worker and recruitment team manager/line manager, and the child's social worker and their team manager. Professionals may decide that other professionals are appropriate to invite, such as a LA solicitor; IRO, or service manager from either agency.

The meeting will address:

- The reasons that ATV have for being unable/unlikely to be able to recommend suitability.
- The child's social workers view/LA view.
- Any other information available, pertinent to the assessment of suitability and the child's plan.

The outcome of this meeting will be to determine what actions, or options are available to the foster carers and to the agencies concerned to progress the child's plan, and the assessment.

Options to consider will be:

- Agreement, or otherwise around the reasons ATV are unable to recommend suitability, and a shared view to be provided to the foster carers.
- The option for foster carers to withdraw from the assessment, and make a private application to the court.
- In such cases, whether the LA will fund legal advice for the foster carers.
- Foster carers will have a right, under the Adoption Agencies regulations (30.4) to have a brief report presented to panel.
- The option for a full assessment to be presented to the Panel, with areas of concern being highlighted by the assessing social worker, which will demonstrate evidence of why ATV cannot recommend suitability.
- In this meeting, the LA may well wish to consider how the assessment concerns impact on timescales, and permanence planning for the child, and make decisions accordingly, taking account of legal protections highlighted above (1.2).

The meeting must agree what information will be provided back to the foster carers, and who will be involved. Any decision to end the assessment must be provided in

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writing to the foster carers. Minutes of the meeting, and notification to the foster carers is the responsibility of Adoption Tees Valley.

Where foster carers are encouraged to withdraw their application to be assessed, and reminded of their rights to apply directly to the court to adopt, they will also be informed that the assessment work undertaken would be made available to the court. The Local Authority will then be responsible for the court report in the none agency application (Adoption and Children Act, 2002, 44(5)).

### 4. Adoption Tees Valley and the LA do not agree

4.1 Adoption Tees Valley will work together with the LA, and with foster carers wishing to adopt with respect and with transparency.

4.2 Adoption Tees Valley panel is independent of the Local Authority, and is chaired independently of ATV. It is managed within a robust set of procedures, and will make its recommendations, or decisions within the statutory authority provided through the Adoption Agencies Regulations, and with due regard to views and opinions of the central list members who sit on the panel.

Therefore, it cannot be assumed that the ATV panel will “rubber stamp” any cases presented, and all reports presented should detail the assessment information, evidence for the recommendation being made, and views of foster carers, and where applicable, of the child.

4.3 Adoption Tees Valley will seek its own legal advice on any cases where it is the view of the agency that it is unable to recommend suitability to adopt.

Subject to the outcome of the meeting detailed in 3.3, the case will be presented to panel, (unless foster carers have withdrawn, and given notice of this in writing) and foster carers fully informed of their rights, including their right to attend; to have a copy of the report in advance of the meeting; to submit information to panel; and rights to an application to the IRM if a qualifying determination is made.

Where there is any dispute about the likelihood of approval being recommended, the match should not be scheduled for the same panel.

4.4 The Agency Decision maker in Adoption Tees Valley will consider all reports presented to panel, and the minutes of the panel meeting in coming to a decision about whether to approve.

All rights of appeal are as detailed within the approval of adopters procedure.

### 5. None Agency Applications and Support

Where a foster carers applies directly to the court for an adoption order, and the LA opposes that order the foster carer, who will become the adopter, and the child will

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be limited in their eligibility for support, to counselling, advice and information only (Adoption Support Services Regulations, 2005).

Where the foster carer applies directly to the court for an adoption order and the LA supports that application, the foster carer, who will become the adopter, and the child will be eligible for assessment of their adoption support needs.

Although the LA is not required to provide adoption support services to a none agency placement, there is discretion for the provision of additional support (Adoption and Children Act, 2002).