

CHAPTER THREE

Brief Prospective Adopters Report

Overview

Brief Prospective Adopter's Reports (PARs) were originally introduced in December 2005 in line with the Adoption Agencies Regulations.

This procedure details how Adoption Tees Valley will implement the process for prospective adopters' brief report to panel, where ATV is not proposing to proceed with a full assessment, and recommendation for approval.

Once prospective adopters have started Stage Two of the assessment process, if Adoption Tees Valley then has concerns about the prospective adopter's suitability to adopt based on information they receive during the assessment process, they can take a decision not to complete the assessment or a full PAR. The brief report is then considered by the Adoption Tees Valley Adoption Panel, and subsequently the agency's decision-maker, and can lead to a "qualifying determination." Prospective Adopter(s) then have the option of applying to the Independent Review Mechanism (IRM) or can make representations to Adoption Tees Valley's Agency Decision Maker or accept the outcome and withdraw from the assessment.

This procedure will cover:

- Legislative framework in respect of brief reports.
- The format and information to be contained in a brief report.
- The Panel process for prospective adopters.
- The Panel process for considering brief reports.
- The options available to Panel following presentation at Panel.
- The options available to prospective adopters following presentation at Panel.

Relevant legislation, regulations and statutory guidance

The following legislation provides the framework in which adoption agencies must adhere to when considering the need to prepare a brief report.

The Adoption Agencies Regulations 2005 (25 (7))

(2) The adoption agency must obtain the information about the prospective adopter which is specified in Part 1 of Schedule 4.

(3) The adoption agency must obtain—

(a) a written report from a registered medical practitioner about the health of the prospective adopter following a full examination which must include matters specified in Part 2 of Schedule 4 unless the agency has received advice from its medical adviser that such an examination and report is unnecessary; and

(b) a written report of each of the interviews with the persons nominated by the prospective adopter to provide personal references for him.

(4) The adoption agency must ascertain whether the local authority in whose area the prospective adopter has his home have any information about the prospective adopter which may be relevant to the assessment and if so obtain from that authority a written report setting out that information.

(5) The adoption agency must prepare a written report (“the prospective adopter’s report”) which shall include—

(a) the information about the prospective adopter and his family which is specified in Part 1 of Schedule 4;

(b) a summary, written by the agency’s medical adviser, of the state of health of the prospective adopter;

(c) any relevant information the agency obtains under paragraph (4);

(d) any observations of the agency on the matters referred to in regulations 21, 23 and 24;

(e) the agency’s assessment of the prospective adopter’s suitability to adopt a child; and

(f) any other information which the agency considers to be relevant.

(7) Where the adoption agency receives information under paragraph (2), (3) or (4) or other information in relation to the assessment of the prospective adopter and is of the opinion that a prospective adopter is unlikely to be considered suitable to adopt a child, it may make the prospective adopter’s report under paragraph (5) notwithstanding that the agency may not have obtained all the information about the prospective adopter which may be required by this regulation.

The Adoption Agencies Regulations 2005 (30(4))

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(1) The adoption agency must obtain the information about the prospective adopter which is specified in Part 3 of Schedule 4.

(2) The adoption agency must prepare a written report (“the prospective adopter’s report”) which includes—

(a) the information about the prospective adopter and the prospective adopter’s family which is specified in Parts 1 and 3 of Schedule 4;

(b) a summary, written by the agency’s medical adviser, of the state of health of the prospective adopter;

(c) any relevant information obtained by the agency under regulation 26(e);

(d) any observations of the agency on the matters referred to in regulations 24 and 25;

- (e) the agency's assessment of the prospective adopter's suitability to adopt; and
- (f) any other information which the agency considers relevant.

(4) Where the adoption agency receives information under paragraph (1) or other information in relation to the assessment of the prospective adopter and is of the opinion that the prospective adopter is unlikely to be considered suitable to adopt a child, it may prepare the prospective adopter's report under paragraph (2) notwithstanding that the agency may not have received all the information about the prospective adopter which may be required by this regulation.

The Suitability of Adopters Regulations 2005 (5)

Cases in which a person is unlikely to be suitable to adopt a child

(5) In a case where regulation 25 (7) applies, the matters to be taken into account by the adoption agency in determining, or making any report in respect of, the suitability of any person to adopt a child may be limited to any information received under regulation 25(2), (3) or (4), or other information received as a consequence of which the agency is of the opinion that the prospective adopter is unlikely to be considered to be suitable to adopt a child.

Statutory Guidance on Adoption: For Local Authorities, Voluntary Adoption Agencies and Adoption Support Agencies (Department for Education; July 2013)

Chapter 3: Preparing, Assessing and Approving Prospective Adopters

Brief Prospective Adopter's Report

3.61 - AAR 30(4) provides for cases where the agency's assessment of the prospective adopter, while still incomplete, reveals information that leads the agency to consider that the prospective adopter may not be suitable to adopt. Under AAR 30(4) the agency may prepare a brief prospective adopter's report (brief report) even though it may not have obtained all the information required by AAR 30.

3.62 - In brief report cases, it is likely that the information that suggests to the assessing social worker that the prospective adopter may not be suitable will be discussed during the course of supervision. A decision not to complete the full assessment is a serious step to take and advice should first be sought from the social work team leader or line manager. Depending on the nature of the information, advice may also need to be sought from the agency's medical adviser or legal adviser, or both. The agency should explain its concerns to the prospective adopter and offer counselling, involving other professionals as appropriate. As a result of the counselling and advice, the prospective adopter may decide to withdraw their application. If they decide not to withdraw their application, the agency should prepare the brief prospective adopter's report.

PROCEDURE

Information to be included in a brief report

It is important for the brief report to provide enough evidence to show why the prospective adopter(s) are not suitable to adopt and therefore should not have a full assessment and PAR completed.

In most cases the agency report format for a brief report will be used (see appendix one).

In some cases, the full PAR format will be used with a clear indication of where work has not yet been undertaken on each section due to the decision to complete a brief report.

The ATV Brief report format includes:

- ✓ The date the Registration of Interest (ROI) was accepted and the date the applicant(s) moved to Stage Two, details of the number of visits undertaken and the date the brief report was prepared.
- ✓ All statutory checks undertaken, including DBS, medicals and personal and professional references and their outcomes, with an analysis of any concerns that arise from these checks and why a decision was taken to proceed to Stage Two.
- ✓ Written accounts of any reference interviews and at what stage of the process they were completed with an evaluation of the information provided. These may provide helpful evidence to support the recommendation or may offer another view of the applicant that needs to be recorded to provide balance.
- ✓ Where issues may have arisen primarily related to third party information from references, consideration will be given to how this information is presented within the report if it has been given as confidential information and a request has been made not to disclose this to the applicant(s). Advice may need to be sought from the agency's legal adviser.
- ✓ Full details of all the information gathered during the assessment to date.
- ✓ A summary of the issues that have raised concerns and how these have been discussed with the prospective adopter(s). It is important that a distinction is made between information that is evidenced and the social worker's professional opinion.

- ✓ Any response from the prospective adopter(s) together with any supporting evidence offered by them should be included in the brief report.
- ✓ Analysis of the strengths and concerns raised by the assessment setting out clear reasons for reaching the conclusion that a recommendation is made that the applicant is not suitable to adopt.
- ✓ Although not required by legislation, a second opinion visit should be undertaken to provide another view of the concerns being raised. Where this takes place, a report on the visit, with analysis of the information provided and a recommendation on suitability, should be included with the brief report and be seen by the applicant.

The Panel process for prospective adopters

As with the full report, a copy of the brief report must be given to the prospective adopter(s) who will be invited to send their written views with their signature and date to the agency within 5 working days of receiving the report. If there are exceptional circumstances requiring a longer period, this must be agreed with the Adoption Tees Valley Service Manager and the reasons noted. Once this time has elapsed or the prospective adopter's views have been received earlier, the report (and any information obtained under AAR 30) should be sent to the Panel Manager together with the written and signed views expressed by the prospective adopter. If the prospective adopter(s) does not wish to provide their views this should not prejudice the outcome of the Panel discussion.

Prospective adopters will be invited to attend the Panel to enable their views to be presented and to respond to questions Panel Members may have. The purpose of the prospective adopter(s) attendance at Panel is to provide an opportunity for both the Panel Members and the prospective adopter(s) to discuss and clarify the prospective adopter's reasons for wishing to adopt, and any other matters that either party considers relevant to the application. Prospective adopters are not required to attend Panel, but it is encouraged.

Prospective adopters may wish to have a supporter whilst in Panel. This can be helpful particularly if the applicant is single. However, supporters will not be allowed to speak in Panel given they will be present only in a support role and must understand the confidential nature of Panels. If the prospective adopter(s) requests that a solicitor acts as their supporter, the Panel Manager will seek legal advice on behalf of Panel Members as to the appropriateness or not of this request. If a supporter is to be brought into Panel, the Panel Manager must be made aware prior to the date of Panel to enable arrangements to be made.

Prospective adopters must be supported to be present in Panel and it will be the role of the assessing social worker to determine what support the applicant may need. For

example, ensuring their access to IT equipment, if the panel is to be held virtually. The assessing social worker should confirm whether the prospective adopter has IT equipment to enable them to connect to Panel? If not, arrangements should be made to ensure the prospective adopter is not adversely impacted.

If the panel is to be held in person, the timing should be confirmed to the applicant in advance, and a check on their ability to attend.

The Panel process for considering brief reports

1. The Panel paperwork will be circulated to Panel Members at least 5 working days of the date of Panel to be held. The prospective adopter's written views to be circulated no later than one day before Panel and preferably at the same time the Panel paperwork is circulated.
2. Panel Members will submit any questions they would like to explore to the Panel Chair two days before Panel. Questions for the prospective adopter(s) will be provided to them by the agency no more than one day before Panel is held.
3. On the day of the Panel, the Panel Chair will agree with Panel Members any questions they want to explore with the social worker.
4. Following the above, the prospective adopter(s) and assessing social worker will be invited into Panel together. If the prospective adopter has invited a supporter along, the Panel Chair to explain the role of the supporter to Panel Members. The prospective adopter will be asked the Panel's pre-prepared questions and will also have the opportunity to explain their views regarding their assessment. Following this, the prospective adopter will be asked to leave the Panel meeting. They will be moved into a breakout room if the Panel is virtual, or another room if the Panel is in person. The assessing social worker will remain in panel.
5. The assessing social worker will then be asked questions as prepared by Panel Members.

Options available to Panel

6. The Panel Members will then discuss their views and make their recommendation. In the case of a brief report, the Panel will not be able to make a recommendation that the prospective adopter is suitable because not all the necessary information will be before it. Its recommendation is restricted to a recommendation that the prospective adopter is either:
 - Not suitable, or
 - A request to the agency to complete a full Prospective Adopter's Report.

7. Once Panel has reached its recommendation, the Panel Chair, Panel Manager/ Agency Adviser, and the assessing social worker will meet with the prospective adopter(s) to provide the outcome of Panel's discussions and explain the next steps available to them as appropriate and relevant.
8. The Panel minutes and the proposed decision will be sent to the Adoption Tees Valley Agency Decision Maker within 7 days of the Panel being held. Once received, the Agency Decision Maker must reach a decision within 7 working days of receiving the Panel's recommendation and final set of minutes and Panel paperwork.

The options available to prospective adopters following presentation at Panel.

Decision-making process

If the Agency Decision Maker determines that the prospective adopter(s) should not be approved as an adoptive parent, they must notify the applicant(s) in writing, providing reasons. This is referred to as a "Qualifying Determination."

The applicants will then have 40 working days in which to decide what to do.

The applicants can:

- **Accept the proposed decision.** A decision will be made at the end of 40 days or earlier if the applicant(s) confirm in writing that they are withdrawing.
OR
- **Make representations to the Agency Decision Maker.** The ADM will probably be in receipt of written information from the applicant(s) and may meet with the applicant(s). The ADM can decide whether or not to re-present the case back to Panel. If it is presented back to Panel, the Panel must make fresh consideration and make a recommendation, and the ADM must take this recommendation into account when making the decision.
OR
- **Apply to the Independent Review Mechanism Adoption and Fostering (IRM).** This is an independent review process, conducted by a Panel. Applicants may apply to the IRM following a "Qualifying Determination" made. The applicant will be invited to attend an independent Panel set up in a similar way to the agency's Panel. The agency will send representatives to the IRM Panel, and all paperwork will also be forwarded. However, it will not have a copy of the Panel minutes. The IRM's Panel recommendation and minutes will be sent to the ADM for the agency who will make a **final** decision. The ADM will take account of the IRM recommendation, and panel minutes but is not obliged to follow the IRM recommendation.

Further information on the IRM can be found at:

www.gov.uk/government/organisations/independent-review-mechanism

Appendix 1

TEMPLATE

BRIEF PROSPECTIVE ADOPTER REPORTS

Brief prospective Adopter Report

Date of Brief Report:

Assessing Social Worker:

Applicant(s) and DOB:

Applicant(s) Address:

Date Registration of Interest Form Accepted:

Date Applicant(s) moved to Stage Two:

Dates of Social Work visits to Applicant(s):

Statutory Checks

Please list and detail:

All statutory checks undertaken, including DBS, medicals and personal and professional references and their outcomes, with an analysis of any concerns that arise from these checks and why a decision was taken to proceed to Stage Two.

Reference Interviews

Please list and detail:

Written accounts of any reference interviews and at what stage of the process they were completed with an evaluation of the information provided. These may provide helpful evidence to support the recommendation or may offer another view of the applicant that needs to be recorded to provide balance.

Third Party Information from References

Where issues may have arisen primarily related to third party information from references, thought will need to be given to how this information is presented within the report if it has been given as confidential information and a request has been made not to disclose this to the applicant(s). Advice may need to be sought from the agency's legal adviser.

Full details of all the information gathered during the assessment to date

Please ensure as much information is provided within this report as possible to enable a full picture to be provided.

Summary of the Issues

A summary of the issues that have raised concerns and how these have been discussed with the prospective adopter(s). It is important that a distinction is made between information that is evidenced and the Social Worker's professional opinion.

Analysis of Strengths and Concerns

Analysis of the strengths and concerns raised by the assessment setting out clear reasons for reaching the conclusion that a recommendation is made that the applicant is not suitable to adopt.

Details of the Decision to Cease the Prospective Adopter Assessment

Provide detail including the date of the meeting held with a Team Manager where the decision was made to halt the prospective adopter assessment.

Second Opinion Visit if Undertaken

Although not required by legislation, a second opinion visit should be undertaken to provide another view of the concerns being raised. Where this takes place, a report on the visit, with analysis of the information provided and a recommendation on suitability, should be included with the brief report and be seen by the applicant.

Please add names and signatures of Assessing Social Worker and Manager responsible for oversight of the Brief report, and include date report is signed as a final document.

Please attach the response from the prospective adopter and supporting evidence offered

Any response from the prospective adopter(s) together with any supporting evidence offered by them should be included in the brief report.