

FALKIRK COUNCIL

SUBJECT: ADOPTION ALLOWANCES CRITERIA
MEETING: EXECUTIVE
DATE: 17 SEPTEMBER 2013
AUTHOR: DIRECTOR OF SOCIAL WORK SERVICES

1 PURPOSE

- 1.1 In February 2012, Members considered a report outlining the Council's Adoption Services Plan. Members approved the plan for submission and asked the Service Director to provide an update on the Adoption Allowances Scheme and shared services work. This report outlines developments since that time, and seeks the approval of Members for the proposed adoption allowances scheme.

2 BACKGROUND

- 2.1 Falkirk Council is an Adoption Agency in terms of the Adoption (Scotland) Act 1978. This allows the Council to:
- Assess and approve prospective adoptive parents
 - Register children requiring permanent substitute care
 - Match prospective adoptive carers with children registered for adoption
- 2.2 Since 2005, Adoption Agencies have also been required to register with the Scottish Commission for Regulation of Care (now the Care Inspectorate). Falkirk Council was granted registration status in November 2005. As such, the Service is subject to annual inspection, and must meet the National Care Standards for Adoption Agencies. These include a requirement for criteria and timescales for assessment of prospective adoptive carers, and for work with children requiring permanent substitute care as well as support for carers, and standards expected of those working in the Adoption Agency.
- 2.3 Nationally there are significant numbers of children waiting for a suitable adoptive placement. Recent years have also seen an increase in the number of Looked After and Accommodated Children - in Falkirk 25% more children were accommodated in 2012 than in 2011, though children are remaining in care for shorter periods. The Looked After and Accommodated population now includes a high proportion of younger children from families where drug misuse is a significant factor. One consequence of this increase in numbers is a higher number of children being registered as requiring permanent substitute care. Adoption orders on 18 young people were granted in 2011 compared to 7 in 2008.

- 2.4 Nationally there are also significant numbers of couples and individuals approved as adoptive carers waiting for children to be placed. Unfortunately, people seeking to adopt are often looking to adopt younger children whose needs are more straight forward, and there is therefore a mismatch between carers waiting for adoption and children waiting to be placed for adoption. A national adoption register was set up by the Scottish Government in April 2011 to facilitate matches of children with carers, to avoid drift in planning for children and to encourage wider sharing of resources. Falkirk Council has registered and uses this service.
- 2.5 Children requiring permanent substitute care have additional care needs. Issues highlighted within the past few years at the Council's Adoption Panel include:
- Children born addicted to drugs due to drug misuse by parents. It is known that such children are more difficult to care for through their early life.
 - Children with health issues such as asthma, cerebral palsy, ADHD and autism who subsequently require additional support and care.
 - Sibling groups, some with health and behavioural difficulties, who may need to remain together, but whose combined needs require an exceptional family.
 - Children with attachment disorders.
- 2.6 Falkirk Council, in line with good practice guidance, work alongside Clackmannanshire and Stirling Councils in identifying families for children in our care. A commitment has been made as part of the work around shared services, which will allow the 3 Councils to work to the same criteria and guidance in applications, matching of carers and children, and recruitment.

3 ADOPTION PROCEDURES

- 3.1 In September 2009, the Adoption and Children (Scotland) Act came into force. This significantly amended legislation around adoption and other areas of child care law. A report to Members in November 2008 outlined some of these changes. Apart from changes to the legal process in relation to adoption, one significant additional duty on local authorities is to assess for and provide post adoption support to any individual affected by adoption e.g. an adopted child, sibling, birth mother, friend or adoptive family. Regulations and guidance on the new Act became available in June 2010, following which the service began a review of existing procedures and practice. This process has been complex, due to lack of clarity in some areas, and work going on alongside this to develop the proposal for a shared service across Stirling, Clackmannanshire and Falkirk Councils.
- 3.2 The Council's adoption criteria were updated in 2008, in the light of new research and in anticipation of changes within the Adoption and Children (Scotland) Act 2007. These are now in line with the most up to date information in relation to health and children's welfare.
- 3.3 Amended Adoption Procedures are now in draft form. These take account of the new legislation and the decision by Members in 2008 that the Council would seek parents for children rather than children for parents, and therefore would not take on applications from prospective adoptive carers only interested in adopting a child without additional needs under two years of age. Areas covered include:

- Processes for assessment and approval of prospective adoptive carers
- Registration and matching children
- Criteria for set up and legal costs
- Adoption allowances scheme
- Inter country adoption
- Adoption by foster carers

4 ADOPTION ALLOWANCE SCHEME

- 4.1 Falkirk Council has always provided adoption allowances where a prospective adopter could not otherwise adopt a child, or where there are additional expenses associated with the care of a child placed. The Adoption and Children (Scotland) act 2007 and related Adoption and Support (Scotland) Regulations 2009, widens the definition of adoption allowances to cover areas such as set up and legal costs, and makes a clearer link between allowances and additional financial costs. The criteria for allowances within the Act indicates that allowances may be considered where additional costs are indicated, and specifically where a prospective carer could not otherwise adopt a child, and where there are special needs, including those associated with disability, or ethnic origin , or to allow siblings to be placed together.
- 4.2 Falkirk Council's proposed adoption allowance scheme is attached in **Appendix 1**. This proposes:
- Set up costs and legal costs associated with the adoption petition should be covered for all prospective adopters, regardless of personal income. The exception would be that set up costs would not be payable for children under two years of age, unless the family are dependent on benefits or on a low income or meet another criteria.
 - Adoption allowances should be clearly related to additional costs, based on assessed need within the adoption support plan.
 - Allowances would not be payable where the additional costs could reasonably be expected to be met by a universal or other service.
 - Allowances may be periodic e.g. to meet the costs of occasional birth family contact - or regular and for a set period, or longer term
 - Adopters of children under the age of two years would not be eligible for allowances, unless other criteria are met.
 - Siblings would usually attract a regular allowance, to facilitate placement together.
 - All allowances will be reviewed on an annual basis.
- 4.3 It is proposed that eligibility for allowances, with the exception of set up and legal costs, should be means tested. The proposed criteria and thresholds are outlined in the procedures, with a suggested threshold of a gross income excluding benefits, equivalent to circa Band K (£40,160) on the council's salary scale. This ensures that prospective adopters on a low income are supported, and only those with significant income would be above the threshold.

- 4.4 For regular payment e.g. to facilitate a sibling placement the weekly adoption allowance payment proposed is two thirds of the current fostering payment for 5 – 10 year olds of £153.20 week This places the weekly adoption allowance at a level roughly equivalent to child benefit and child tax credit where applicable. This rate will be reviewed annually. Periodic payments will link directly to the additional costs involved.
- 4.5 The circumstances of adoptive families can change over time, and the legislation makes clear that support should continue to families for at least a three year period, and that anyone affected by adoption may request a post adoption support assessment at any point. This along with the annual review of allowances ensures that if assistance is required at a later point in the life of the adoptive family, this can be provided in kind or financially.

5 INTER COUNTRY ADOPTION/RESIDENCE ORDERS

- 5.1 Members will be aware that there are occasions where people wishing to adopt seek to do so from abroad, particularly where they wish to adopt a very young child. Good practice indicates that children are best placed within a family of the same origin and background, but also recognises that where this is not possible, families should be able to provide for the cultural needs of a child.
- 5.2 Adoption from other countries is an expensive process, requiring the prospective adoptive family to have access to significant funds. Processes vary from country to country, but all require as part of this, a home study by the local authority and ratification involvement from the Scottish Government.
- 5.3 Numbers of requests for home study reports are not great, with only a few being undertaken by Falkirk Council in recent years. The service does not have the capacity to undertake this work, which can be in the region of 80 – 90 hours of work, within current resources, and in May 2000 Members agreed that a £3,000 charge be made to allow this work to be undertaken by bringing in sessional staff to do the assessments. This no longer covers the costs of undertaking the work and is not in line with charges by other authorities. It is therefore proposed that the same means test is used as for adoption allowances, with a charge made to the prospective adopters which covers the costs of the assessment based on the hourly rate of pay of those involved – social worker and administration. This is likely to be between £3,000 and £5,000 at current rates.
- 5.4 Charging for inter country adoption is also in line with the Scottish Government approach who have intimated in 2012 that they will be levying a charge of £1,675 to cover admin costs. Scottish Government are applying a means test with no charge for an income under £25k, 50% for an income of £25k to £45k and above that full charge.
- 5.5 Falkirk Council also provide allowances in some circumstances where people have a residence order, and a means test similar to the one outlined above has always been applied to determine eligibility in this situation. It is proposed that the adoption allowance test is therefore applied to residence payments.

6 SHARED SERVICES

- 6.1 As part of the shared services agenda, work has been ongoing in relation to a shared fostering and adoption service across Falkirk, Stirling and Clackmannanshire Councils. Agreement was reached in late 2011 that:
- a post adoption service could be provided across the three Councils which would allow development of an effective service which none of the three Councils could provide on their own.
 - Falkirk should be the lead agency for the development of a shared service
 - the procedures and policies of the lead authority would apply across Forth Valley
 - the service is best provided by means of a joint working agreement, with staff remaining employees of their home authority.
 - progression on an incremental basis was the preferred way forward.
- 6.2 Developments in Clackmannanshire and Stirling joining services led to a break in discussions, and work is now beginning again to consider the details of how a shared service could operate. It is intended, with Members approval, to progress a shared post adoption service in the first instance.
- 6.3 While there are no current resource implications to these developments, final proposals may lead to a reconfiguration of how fostering and adoption services are delivered.

7 FINANCIAL IMPLICATIONS

- 7.1 Provision of adoption allowances is already contained within the service budget, and an administrative process is already in place in relation to funding for set up and legal costs, and means tests which will be adjusted to meet the new procedures. There are therefore no financial implications in relation to this provision.
- 7.2 Post adoption support over the first three years, and following that for people who require support later in the process is a new requirement which needs to be met within existing resources. Consideration is currently being given to ring fencing existing staff time across the three Councils to create a dedicated post.
- 7.3 The three Councils currently fund by means of small grants, three post adoption support services which provide counselling and group support functions to adopted people. Consideration will be given to whether these services adequately meet the need or if there is scope to redesign support services.

8 RESOURCE IMPLICATIONS

- 8.1 There are no resource implications for the proposed adoption allowances scheme.
- 8.2 Members will be provided with an update on the shared services work, and the resource implications of this as the work progresses. HR and legal services have worked with staff as part of this work.

- 8.3 An Equality & Poverty Impact Assessment Screening has been undertaken, and this has not raised any equality or poverty issues.

9 RECOMMENDATIONS

That Members of Executive:

- 9.1 Agree the revised Adoption Allowances Scheme, and application to inter country adoption and residence allowances;
- 9.2 Agree the amended charging policy for inter country adoption;
- 9.3 Note developments in relation to a shared adoption and fostering service and request the Director of Social Work Services to update Members as the work progresses

Margaret Anderson.

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Margaret Anderson
Director of Social Work Services

Date: 23 August 2013
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LIST OF BACKGROUND PAPERS