

FALKIRK COUNCIL

ADOPTION ALLOWANCE SCHEME

RELEVANT LEGISLATION

Adoption and Children (Scotland) Act 2007

Adoption Support and Allowances (Scotland) Regulations 2009

Where a person was receiving an adoption allowance under the Adoption Allowance (Scotland) Regulations 1996, that person may continue to receive payments as agreed under those Regulations. (Regulation 17)

1.0 INTRODUCTION

An adopted child becomes a full member of their adoptive family. Their adoptive parent may claim any benefits or tax credits in respect of the child and have full parental responsibilities and rights. Advice should be obtained from the Money Advice Service to maximise income from Tax and Benefits.

The payment of Adoption Allowances should therefore be based on need and supplement the income available to the family where this is required to cover additional expenditure to related to the needs of the child.

Adoption Allowances are available for children over the age of 2 years, but may be payable to those under 2 years where other criteria are met.

The payment of allowances is only one part of the overall Adoption Support Service offered by the Council and its partner agencies in the statutory and voluntary sector.

2.0 WHAT CAN AN ALLOWANCE BE PAID FOR?

2.1 Single Payment for Specific Costs

With reference to Regulation 10(2)(e) Falkirk Council will meet the reasonable costs in respect of:

2.1.1 *Legal costs* (including court fees and obtaining certificates) where a prospective adoptive parent instructs a solicitor in pursuance of the child's plan. This must be agreed in advance by the Service Manager and at least two written estimates are required.

2.1.2 *Payment of costs for the purpose of introducing a child to the child's prospective adoptive parents.* This may include travel, reasonable subsistence and accommodation if required. The Placement Co-

ordinator should advise the applicants how to claim these costs (AA 2a or 2b or 2c).

2.1.3 *A “Settling In” grant required to meet the needs of a child.* Falkirk Council may pay up to £750 per child, aged 2 or over, for the purchase of necessary furniture or equipment (see AA 1(b)) from an agreed list of appropriate items). The Placement Co-ordinator should clarify with the prospective adopters and their Supervising Social Worker if such assistance is required either at the Linking or Co-ordination Meeting.

2.1.4 Exceptional Payments: Payment of a Settling In Grant for a child below the age of 2 years may be considered by the Service Manager if the prospective adopters are on Income Support or a low income (i.e. eligible for Tax Credits or Housing Benefit).

2.2 Periodic Payments

2.2.1 Falkirk Council may meet the identified costs for specific expenditure known as “periodic payments”. This may be where there are significant travel costs in maintaining contact with the child’s birth family or a specific expenditure necessary to support the child which is not available from other agencies or services.

These costs should, as far as possible, be identified by the Placement Co-ordinator at the Linking Meeting or Co-ordination Meeting and sent to the Team Manager (Adoption and Fostering) on Form AA 2(a) and claimed by the Adoptive Parents on Form AA 2(b) or (c) as agreed in advance.

2.2.2 Where a regular Adoption Allowance is being paid, (see section 2.3) these payments would be expected to meet any requirement for a periodic assistance. They may be paid in addition to the regular Adoption Allowance at the discretion of the Service Manager.

2.3 Regular Payments

2.3.1 Circumstances in which Regular Adoption Allowances may be paid (Regulation 10)

- Where it is necessary to ensure that the adoptive parent is able to look after the adoptive child.
- Where the child needs special care which requires resources by reason of illness, disability, emotional and behavioural difficulties or the continuing consequences of past abuse or neglect where this is not the responsibility of other agencies or services.

- Where special arrangements incurring financial costs are required to facilitate the placement of a child due to the age or ethnic origin of the child.
- Where the payment of an allowance is necessary to allow the child to be placed with a sibling or a child with whom they previously shared a home.

3 HOW MUCH IS THE ADOPTION ALLOWANCE?

3.1 “Periodic” Allowances

These are generally paid for a specific purpose as detailed in 2.2 above. Costs should be agreed in advance and claimed on Form AA2 (a), (b), (c) as appropriate.

3.2 Regular Allowances: amount payable where an Adoption Allowance has been agreed (subject to Means Test below)

Regular adoption allowances are weekly payments and may be paid either for a time limited period or with a view to supporting a child’s placement throughout their childhood. Such adoption allowances are means tested, and reviewed on an annual basis.

The amount payable is set by the Service Manager and is part of the child’s adoption support plan. The current amount payable is a flat rate of 2/3 of the Age Related Fostering Allowance for a child aged 5 – 10, (the ‘standard rate’) with no deduction for benefits received by the family. This is roughly equivalent to child tax and child benefit levels.

3.3 Means Test:

An Adoption Allowance may be payable where the gross income of the household, excluding any state benefits or Tax credits, is lower than the Local Government Spinal Column 82 circa (Grade K £40,160);

In considering an application it is important to anticipate the household income post placement as often this may reduce while an adoptive parent takes a career break.

4 APPLYING FOR ADOPTION ALLOWANCE

4.1 In anticipation or immediately following placement

The Placement Co-ordinator should ensure that this application (AA 3 and 4) is made at the appropriate time which may be:

- at a Linking Meeting which will take place prior to any Adoption Matching Panel.
- at the Placement Co-ordination Meeting which takes place following the Adoption Matching Panel and ADM agreement to the placement.

4.1.1 Application Process

- The Supervising Social Worker should verify the income of the Adoptive Parents and establish whether they meet the threshold for this to be payable. This should reflect the current income and anticipated income of the family after the child is placed.
- *Adoptive Parents* complete either form AA 2 (expenses) or AA 3 (Regular Allowance) as appropriate, supported by their Supervising Social Worker and send it to the Placement Co-ordinator.
- *Placement Co-ordinator* checks the application and sends it with the Minute of the Linking Meeting; the Matching Panel; and the Co-ordination Meeting as relevant to the Service Manager.
- The *Service Manager* writes within 28 days to the Adoptive Parents, with copies to their Supervising Social Worker, Placement Co-ordinator, child's Social Worker, and finance officer advising of the decision regarding Adoption Allowances. Where an allowance has been approved, form AA5, adoption allowances agreement should be enclosed.
- The *Senior Administrator* will:
 - Send the BACS form to the Adoptive Parents
 - Implement the payment instructions

4.2 Request for an Adoption Allowance as part of an Adoption Support Plan request

Anyone affected by adoption may request an assessment of their post adoption support needs at any stage e.g if a families circumstances or the needs of a child change many years after the adoption. Following such an assessment in relation to a child or adoptive carer, the need for an adoption allowance may in some circumstances be identified.

The payment of an Adoption Allowance is not compensation for any difficulties a child or family may be experiencing, and must be clearly identified as supporting the child and their adoptive parents to meet additional financial need identified in the Adoption Support Plan where this is not the responsibility of another service or agency. The circumstances where these might be considered are:

- The financial circumstances of the parents change (e.g. redundancy, bankruptcy).

- The family need financial support to prevent a disruption of the placement.
- For a periodic payment for a specific purpose (e.g. contact arrangements, or where the needs of a child require a longer than anticipated period of adoption leave) (Section 2.2)
- Any other matter identified in the Adoption Support Plan.

An adoption allowance will not be paid where the services or needs of a child or family could reasonably be expected to be covered by mainstream services.

4.2.1 The Co-ordinator of the Adoption Support Plan should arrange to support the adopters in applying for an Adoption Allowance.

The Adoptive Parent should :

- Complete the application form AA 2 or AA3
- Complete the Financial Assessment (AA 4)

The Co-ordinator, Adoption Support, should :

- Send the above application with a copy of the Adoption Support Plan and any other relevant material to the Service Manager.

The Service Manager should:

- Consider the application.
- Follow the procedure in 4.1.1.

4.3 Foster Carers who apply to adopt a child (Regulation 11)

Where it is agreed as part of the Child's Plan that the child should be placed by Falkirk Council acting as an adoption agency, with their existing foster carers, the Council may pay the equivalent of the Fostering Fee and Allowance as an Adoption Allowance. This may be for a period of up to two years but may be paid beyond that in exceptional circumstances (Form AA3(b), for example where there is hardship or the criteria for allowance for non-carers is met.

The Team Manager (Adoption and Fostering) should ensure that if the foster carers wish to apply for an Adoption Allowance that this is done using Form AA 3(b) at the an early point in the planning process. The application should be sent to the Service Manager for consideration.

On receipt of the Form AA 3(b) the Service Manager, as with other adoption allowance requests, should make their decision within 28 days (unless further information is required) in which case a timescale should be indicated. The Service Manager should send their decision in writing to the applicant with a copy to the Team Manager (Adoption and Fostering), the foster carers' Supervising Social Worker, the child's social worker and finance officer.

The decision on whether to pay an allowance is at the discretion of the Service Manager and will be based on the criteria relating to the payment of adoption allowances detailed above.

Foster Carers in these circumstances would continue to receive full Fostering Fees and Allowances in respect of the child until the Adoption Order is granted.

As with all Adoption Allowances those payments will be subject to annual review.

4.4 Adoption Allowance: Process when Foster Carer adopts a child they fostered

When the Adoption Order in favour of the foster carer is granted the Supervising Social Worker for the carer must write to the Service Manager, copy to the finance officer, advising of the date the Adoption Order was granted and, where Adoption Allowances have been agreed, confirming that the financial circumstances of the carer have not changed since allowances were agreed, and requesting that this payment commence and fostering allowances cease. The Minute of the Adoption Matching Panel and the agreement to pay adoption allowances should be attached.

5 REVIEW OF ADOPTION ALLOWANCE

All Adoption Allowance Agreements must be reviewed annually. This will take place around March/April of each year.

The Finance Officer/Service Manager will:

- Send the Review letter (AA6a) and the Adoption Allowance Review Form AA6 (b) to all those in receipt of allowances
- On receipt of the completed form, advise the adoptive parents of any changes to the Adoption Allowance, including amounts payable and address other aspects of the agreement (e.g. time limited payments).

The Adoptive Parents:

- Must complete the Annual Review Form (AA6) and return it to the Service Manager within 28 days.

• NON-RETURN OF ANNUAL REVIEW FORM

Where the Annual Review has not been returned within the 28 day period above, the Service Manager should send a reminder AA6(c). Should this not be returned within a further 28 days, the Service Manager may suspend payment of the allowance by writing to the Adoptive Parents, and inviting them to contact the Service Manager to discuss their circumstances.

The Service Manager should make a final decision with regards to payment of allowances within three months of the initial request for the Annual Review and advise the Adoptive Parents of this, taking into account any submissions made by them.

7.0 APPEALS

Appeals against a decision regarding Adoption Allowances should first be raised in writing with the Service Manager explaining the reason for the appeal.

The Service Manager should review the decision, confirm the outcome of the appeal and the reasons for the decision in writing to the applicant and advise the applicant that they may appeal this decision to the Head of Service,

The applicant then may, within 28 days of receipt of the service manages decision, appeal the decision to the Head of Service who should consider it and come to a final a decision within 28 days.

8.0 COMPLAINTS

Falkirk Council Social Work Services wish to resolve any difficulties as quickly as possible. Any complaints relating to adoption allowances should be raised with the appropriate line manager who would always attempt to resolve the matter where possible at local level.

Where this is not successful, Falkirk Council Social Work Services has a formal complaints procedure, details of which are available from local offices and from the council web site.. As Falkirk Council are also a registered Adoption Agency, complaints may additionally be also be made to the Care inspectorate.