

AGENDA MANAGEMENT SHEET

Name of Committee

Cabinet

Date of Committee

20 October 2005

Report Title

Changes in Adoption Legislation – Policy and Practice Implications

Summary

This report provides an overview of changes required by Warwickshire County Council as an adoption agency in response to the implementation of the Adoption and Children Act 2002. Recommendations are made in respect of the elected members representation on Warwickshire County Council Adoption Panel, and the levy of fees in respect of individuals who are seeking to adopt from overseas (intercountry adoption).

For further information please contact:

Chris Hallett – Head of Children’s Services Ex 2394	Brenda Vincent Principal Operations Manager Fostering and Adoption Ex 3313
--	---

Would the recommended decision be contrary to the Budget and Policy Framework? [please identify relevant plan/budget provision]

No

Background papers

None

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

Other Committees

Local Member(s)

Other Elected Members

Cabinet Member

CLlr Izzi Seccombe, Children’s Services Portfolio Holder ‘Approve for Cabinet’
CLlr Peter Fowler, Family Services Portfolio Holder

Chief Executive

Legal

Victoria Gould, Legal Services

- Finance Philip Lumley Holmes, Financial Services Manager
- Other Chief Officers
- District Councils
- Health Authority
- Police
- Other Bodies/Individuals

FINAL DECISION Yes

SUGGESTED NEXT STEPS:

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Cabinet 20 October 2005

Changes in Adoption Legislation – Policy and Practice Implications

Report of the Director of Social Care and Health

Recommendation

1. Cabinet agrees to adjust the membership of the Adoption Panel to comply with the new regulations
2. Cabinet agrees the increased fee for intercountry adoption in line with the British Agencies for Adoption and Fostering (BAAF) recommended rates

1. Introduction

This report highlights fundamental changes in relation to adoption practice, to accommodate the requirement of the Adoption and Children Act 2002.

- 1.2 The most significant regulations linked to the Adoption and Children Act 2002, are the Adoption Agencies Regulations 2005, and the Adoption Support Services Regulations 2005. These determine how the agency should proceed with making arrangements for children to be adopted and the approval of prospective adopters.
- 1.3 The Adoption Agencies Regulations 2005 specify the membership of Adoption Panel from 30 December 2005. These require the agency to appoint an independent chairperson to the Adoption Panel, to reduce the elected member representation from three members to one, and to appoint two further independent members.
- 1.4 The Adoption Support Services Regulations 2005 recognise that appropriate support is crucial in ensuring successful outcomes for children particularly in view of the more complex needs and circumstances of those children who are now placed for adoption. These regulations make it a requirement to complete an assessment of the need for adoption support at the point that a child is approved for adoption, at the placement stage and at any time at the request of the adoptive family or adopted child. They specify prescribed services that should be made available by the agency and stress the importance of providing services with other agencies.

- 1.5 The Local Authority (Prescribed Fees)(Adoptions with a Foreign Element) Regulations 2005 (draft) allow Local Authorities to levy charges where individuals wish to adopt a child from abroad. The Local Authority has statutory duty to provide an Intercountry Adoption Service, and in all circumstances individuals cannot proceed with adopting from abroad unless a registered adoption agency has completed the 'home study' assessment report. On 29.9.05, five of the twenty nine (17%) approved adopters in Warwickshire were for overseas placements, and four of the current twenty one adoption assessments (19%) are being completed by Adoption Services Team are on applicants seeking to adopt from abroad.

2. Adoption Agencies Regulations 2005

- 2.1 The Adoption Agencies Regulations 2005 deal with the following matters: -

- The establishment and arrangements for the work of the Adoption Panel
- Arrangements and requirements in considering adoption for a child
- Duties in relation to prospective adopters
- Duties and arrangements in relation to proposed placements (matching)
- Placement and reviews for children prior to a placement for adoption.
- Case records

- 2.2 The Regulations require changes to the membership of Adoption Panel. The current membership is guided by the Adoption Agencies Regulations 1997. The new Regulations state that the Adoption Panel will continue to consist of 10 members but the chair of the Panel has to be independent of the agency and must not be, or have been within the last year, a member or employee or related to an employee of that authority. Warwickshire County Council will therefore need to change the current chairing arrangements and seek to appoint an independent chair of the Adoption Panel.

- 2.3 Regulation 3.3 stipulates that the other positions on the Adoption Panel are as follows: -

- 2 social workers with at least 3 years relevant post qualifying experience
- 1 elected member – a member with responsibilities for Children's Services
- 1 medical advisor
- At least three other persons – 'independent members' where at least two individuals have personal experience of adoption and then other specialists in education or child and adolescent mental health.

Independent members cannot be current employees or Members of the agency nor can they have been employees or Members in the preceding year. Additionally they must not be related to such an employee.

The Regulations limit the tenure of office of all Panel Members.

- 2.4 To comply with this Regulations Warwickshire County Council will therefore need to reduce its elected member representation from three to one and ensure that the elected member has responsibilities for Children's Services.

2.5 Under regulation 10.1 all members of the Adoption Panel established before 30 December 2005 will cease their appointment on that date. With effect from the 30 December 2005 the agency will establish a new Adoption Panel. Some existing Adoption Panel members will be eligible to be appointed onto the new Adoption Panel but their period of tenure will be limited by the length of time that they have previously been members of the Adoption Panel.

3. The Local Authority (Prescribed Fees) (Adoptions with a Foreign Element) Regulations 2005

3.1 The power to levy fees currently exists under the section 57(3) of the Adoption Act 1976 in respect of intercountry adoption. The current rate applied by Warwickshire County Council is £3250.00 for the first application and £1,600 for subsequent applications.

3.2 The regulations do not set or recommend the level of fees; it is a matter for the Local Authority to decide. However the responsibilities of the Local Authority have been increased and go beyond the completion of the home study assessment report. Under the Adoption and Children Act 2002: -

- A more proactive approach from the agency is required in informing prospective intercountry adopters of the legal requirements and processes pertaining to the country from which they wish to adopt
- There is now requirement on the agency to discuss the proposed placement match with the prospective adopters and to confirm this has taken place and provide a report to this effect to the Department of Education and Skills (DfES).
- The assessment and provision of post adoption services is a statutory service now available to overseas adopters and their children.
- Increasingly there is the requirement to provide progress reports post placement to the child's placing agency

3.3 It is proposed that with effect from the 1 January 2006 that the fee is based on the British Agencies for Adoption and Fostering (BAAF) recommended rate. This covers the work up until the Adoption Panel recommends the prospective family for approval. It includes initial counselling, adoption preparation groups, the home study assessment and presentation of the report to the Adoption Panel. The current assessment fee would be increased to £4000.00. It is further proposed that second and subsequent applications should be £2000.

3.4 In terms of further reports to the agencies involved in the adoption placement process it is proposed that a charge is levied that would cover the actual cost of the work involved. The costs are likely to be in the region of £100 - £200 for each report.

4. Summary

- 4.1. Both nationally and locally adoption for looked after children has received greater attention. The Adoption and Children Act 2002 with its associated regulations and guidance provide a sound basis for securing the best arrangements for making adoption work for looked after children in future.
- 4.2. The plan for adoption is one of the most crucial decisions that can be made by the Local Authority in respect of the future care of a looked after child. The Adoption Panel therefore has a crucial role in ensuring that the plans and decision making have been made on a sound basis that is child centred. The regulations relating to the membership of the Adoption Panel seek to ensure a balanced perspective that requires panel members to have a range of skills, experiences and independence to make objective and well considered recommendations.
- 4.3 The requirements in relation to intercountry adoption have been strengthened and bring them in line with regulations pertaining to other adoptions. However, the resource implication for the Local Authority should be considered and the proposal in respect of the fees reflects a fair account of the cost of work involved in providing this service.

MARION DAVIS
Director of Social Care and Health

Shire Hall
Warwick

September 2005