

WIRRAL COUNCIL

CABINET

12TH APRIL 2012

SUBJECT:	FINANCIAL SUPPORT FOR ADOPTERS
WARD/S AFFECTED:	ALL
REPORT OF:	DIRECTOR OF CHILDREN'S SERVICES
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR SHEILA CLARKE
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 Adopters are generally people who have applied to the local authority because they wish to begin or extend their family through adopting a child that is not known to them. It is recognised nationally that some children and young people may have specific additional needs that will require financial support to enable them to be adopted. Therefore Wirral Council will ensure that the needs of the adopted child are supported appropriately and finances will not be a barrier to finding adopters that meet a child's needs. This revised policy details the eligibility for adoption financial support
- 1.2 The report proposes a revised policy for financial support for adoption. The proposal is to continue with the model means test provided by the government, using DFE criteria. The approach differs to the one used for special guardianship and assisted residence orders to reflect the specific circumstances of adoption compared to other permanence arrangements.
- 1.3 The amendments to the financial support policy for adoption clarify the eligibility criteria for financial support and the decision making process. The revised policy includes how financial support is determined when children are placed for adoption, and brings the financial support available to previous foster carers that adopt in line with regulations.
- 1.4 The revised policy complies with the requirements of the Adoption Support Services Regulations 2005.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 Amendments were made to the policy for special guardianship and assisted residence orders in April 2011 as a result of potential legal challenges to the previously agreed policy on 12th June 2008 for financial support for adoption, special guardianship and assisted residence orders. However amendments were not made to the financial support to adoption at this time due the different circumstances of adopters compared to those of special guardians or people applying for residence orders and the fact the legal challenges did not relate to adoption cases.

- 2.2 The reason for providing financial support in adoption is to ensure that adopters have the resources to support children with particular needs as defined in the Adoption Support Regulations, and provide for a secure and stable future for children. Financial support for special guardians and people applying for residence orders was initially aimed at family and friends who had been approved as foster carers and who were receiving a fostering allowance. The support aimed to encourage foster carers to secure the children legally as part of their family through applying to discharge the care order and request the court made a special guardianship or residence order.

Implementation of the DFE criteria

- 2.3 Wirral has implemented the DFE criteria since 2006 according to the guidance which has meant most assessed adoptive families receive the full allowance whatever their income. As a result of a review it is proposed to continue with the DFE criteria approach according to the government guidance, but there will be greater scrutiny of family's eligibility according to Regulation 8 of the Adoption Support Services Regulations 2005 and the means test only applied to adoptive parents where the Agency Decision Maker has made a decision the children they are to adopt require periodic payments according to one of the specified circumstances (see section 2.2. in the proposed Adoption Financial Support Policy in Appendix 1).
- 2.4 It is proposed that where the Agency Decision Maker has decided that a child may require additional support through the provision of periodic payments adopters who are in receipt of income support, income related job seekers allowance, pension credit or income related Employment Support Allowance will receive the maximum eligible periodic payment less child benefit. This will ensure that adopters on low incomes, where the criteria are met, are not discouraged from applying to be adopters.
- 2.5 The proposed new policy has changed the financial support available to foster carers that adopt to bring it into line with regulation 9 of the Adoption Support Services Regulations regarding remuneration of previous foster carers. The previous policy stated that previous foster carers would receive the full fostering allowance for 2 years without being means tested. According to the new proposed policy previous foster carers will be means tested for the periodic payment linked to the fostering allowance apart from any previously paid skills element. The skills fee element will continue for 2 years without being means tested and then cease unless there are exceptional reasons for it to continue.
- 2.6 The maximum periodic payment will be the local authority fostering allowance plus birthday, Christmas and holiday allowances consolidated into the weekly amount less child benefit.

Additional non means tested financial support

- 2.7 The Adoption Support Services Regulations 2005 also makes provision for additional financial support to be provided that is not means tested. This would be for legal fees, introductions, initial costs of accommodating a child, travel costs for contact, financial packages relating to special care and any specific arrangements required for the placement of children as a result of their age, ethnic origin or with their siblings. The policy for adoption in Appendix 1 details the proposed rates for introductions and start up grants in accordance with that agreed regionally through Adoption 22.

Decision making for financial support

- 2.8 The Agency Decision Maker (currently the Acting Deputy Director of Children's Services) will make all decisions regarding eligibility for financial support and the type of financial support.
- 2.9 Adopters and prospective adopters will have 28 days to make representations if they disagree with the proposed financial support (see Appendix for further information).

Current adopters

- 2.10 All carers receiving financial support are required by regulation to be reviewed annually. As there are no significant changes to the method of calculation of financial support, there is not expected to be any impact on adopters already receiving financial support as a result of this change in policy.

3.0 RELEVANT RISKS

- 3.1 Continuing the use of the DFE criteria for adopters and potential adopters creates a risk that financial support will continue to be provided to all adopters rather than targeting those families most in need of support. The implementation of a decision making process about what type of financial support is needed for individual children who are being considered for adoption will be monitored by the Agency Decision Maker and the Agency Advisor for adoption to ensure compliance.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 Adjustments to the DFE criteria calculation have been considered. However legal advice is that the government guidance should be followed if the DfE model means test is used. Any alterations to the model means test could lead the local authority open to legal challenge.
- 4.2 The process of full financial assessment used for special guardianship and assisted residence orders could be introduced for adoption. However the full financial assessment is more appropriate for implementation with Special Guardianship and Assisted Residence Orders a detailed analysis enables the specific needs of the child and family to be addressed where they have taken on the care of the child in usually unexpected circumstances. In adoption the decision to care for a child is well prepared and planned; and the eligibility of the child to receive financial support can be considered separately from the carers.

5.0 CONSULTATION

- 5.1 Other adoption support services within the North West region have been contacted to compare their process for assessing for financial support. Other local authorities implement similar eligibility criteria as proposed in this policy and they continue to use the DFE criteria for adoption financial support.
- 5.2 The change in the adoption financial support policy had been discussed at the multi-agency Adoption Task Force meeting and with staff in the adoption service. All the proposals in this report have been considered within children's social care senior management meetings.

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

6.1 A clearer, consistent policy for financial support will assist those organisations providing advice and information to potential adopters.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

7.1 The budget for financial support for adoption for 2011-12 is £599,600 and for 2012 -13 is £626,000. The current forecast for expenditure for 2011-2012 is £1,000,000. The average cost per adopted child is £6,500 per year.

7.2 The current number (as of 12/3/12) of adopters receiving ongoing periodic payments to support their adopted children and children placed with them prior to adoption is 160. The amount of financial support is subject to annual review and will cease if the child is 18 unless they continue in full-time education or training when they may continue. Payments will also cease if the child leaves home or the child is eligible to receive benefits in their own right, or ceases full time education or training and takes up employment.

7.3 The introduction of this revised policy and stricter application of the eligibility criteria and decision making for adopters receiving financial support is expected to result in some saving. A reduction in the number of adopters receiving periodic payments would be cumulative each year. It is difficult to predict the actual saving as it is dependent on the needs of each individual child being adopted and the financial circumstances of each family that adopts.

8.0 LEGAL IMPLICATIONS

8.1 This policy ensures that local authority is compliant with the requirements of the Adoption Support Services Regulations 2005. This is a legal requirement.

9.0 EQUALITIES IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review can be found via the following link:

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/children-young-people>

10.0 CARBON REDUCTION IMPLICATIONS

10.1 There are no carbon reduction implications in relation to this report.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 Providing financial support to carers adopting children permanently will assist families in ensuring positive outcomes for their children and an ongoing stable home life.

12.0 RECOMMENDATION/S

12.1 Cabinet requests that the Acting Director of Children's Services consults further with representative adopters in respect of the proposed Policy for Financial Support for Adopters and that a further report is brought to Cabinet on the outcome of these consultations.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 The policy on financial support for adoption has been reviewed in accordance with the recommendations made to Cabinet in March 2011 in relation to the financial support to Special Guardianship and Assisted Residence Orders. The changes to all policies have been made to ensure that Wirral is acting in a similar way to other local authorities in the North West, financial support provided is not being duplicated with support available from elsewhere, and the means test provides a level of financial support that reflects the needs of the children being adopted.

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APPENDICES

Appendix 1: Financial Support for Adopters

REFERENCE MATERIAL

[Adoption and Children Act 2002](#)

[Adoption Support Services Regulations 2005.](#)

[Department for Education Standardised Means Test Model for Adoption and Special Guardianship Financial Support](#)

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet	17 th March 2011
Cabinet	18 th March 2010
Cabinet	12 th June 2008