

Draft policy for financial support in adoption

Introduction

The purpose of this policy is to set out Herefordshire Council's ("the local authority") approach to financial support to adoptive families. The scheme of the policy is as follows:

- Legislative background
- General principles
- Conditions of support and cessation of support
- Former foster carers
- Assessment and approval
- Review
- Appeals

A draft of this policy was the subject of a consultation exercise between [dates] and an Equality Impact Assessment was carried out on [date]. A list of those consulted is available upon request.

It is intended that this policy will be reviewed 6 months after it comes into effect and thereafter annually. Comments or feedback on the initial operation of the policy are welcomed.

Legislative background

1. The relevant legislation is contained in the Adoption Support Services Regulations 2005. In addition, there is statutory guidance issued by the Department for Education "Statutory Guidance on Adoption" July 2013. In particular:
 - Reg. 8 outlines the circumstances in which financial support can be paid
 - Reg. 9 limits the arrangements for providing remuneration to foster care placements to only those transitioning to adoptive placements; and for a period of two years.
 - Reg. 10 specifies the circumstances where an adoption allowance may be paid; and in all other cases by a single payment.
 - Reg. 11 specifies when financial support arrangements should cease
 - Reg. 12 specifies the conditions for which the adoptive parent must agree before an adoption allowance is paid.
 - Reg. 15 specifies the information that must be taken into the account when undertaking an assessment of a person's need for financial support. In particular it stipulates the circumstances where means testing must be undertaken and when it is within the discretion of the Local Authority to decide if means testing is appropriate.
 - Reg. 20 specifies the arrangements for reviewing an adoption allowance

Principles

2. The following principles underpin the payment of allowances and other awards of financial support:

- The adoption of a child or the continuation of adoption arrangements should not be prevented due to lack of financial support.
- No child should be unfairly disadvantaged.
- People should be treated equally and fairly.
- Allowances and grants are paid for the child and payments are to cover the specific needs of the child e.g. for protection, safety etc.
- Support services should not be seen in isolation from mainstream services and it is important to ensure that families are assisted in accessing mainstream services.
- Eligibility for financial support will be based on an overall assessment of the child and adoptive family's support needs.

Conditions of support and cessation of support

3. Following an assessment of support needs, consideration for financial support will be given under the following circumstances:
 - a. Where the local authority is satisfied that it is necessary to ensure that the adoptive parent can look after the child.
 - b. Where the child needs special care which requires greater expenditure of resources because of illness, disability, emotional or behaviour difficulties, or the continuing consequences of past abuse or neglect. Payment under this category will usually apply where the child's condition is serious and long term.
 - c. Where it is necessary for the local authority to make any special arrangements to facilitate the placement or the adoption because of:
 - i. The age or ethnic origin of the child, or
 - ii. The desirability of the child being placed with the same adoptive parent as his brother or sister (whether of full or half-blood) or with a child with whom he previously shared a home.
 - d. Where support is needed to meet recurring costs in relation to contact
 - e. Expenditure on legal costs, including fees payable to a court in relation to an adoption
 - f. Expenditure the local authority considers necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child.

Adoption allowances

4. Where the adoption support assessment identifies a support need that requires ongoing financial expenditure, consideration will be given to paying the adoptive parent an adoption allowance.
5. The DSCF standardised means test will be used to determine the amount to be paid. That is addressed further below.

Single payments

6. Single payments of financial support may be provided in cases where the identified need does not require ongoing expenditure. Single payments can be one off payments or paid by instalment where the local authority and adoptive parent agree.

Remuneration for former foster carers

7. Financial support will be paid to former foster carers in the form of remuneration/ fee/ award in the following cases:
 - Where the decision to include it has been made before the adoption order is made and the support assessment considers it to be necessary
 - Where the adoptive parent has been a local authority foster parent to the child and they received remuneration/ fee/ award element whilst fostering the child. For the avoidance of doubt, this remuneration/ fee/ award element is separate to the “allowance” element of the fostering payment.
8. The remuneration element of the financial support will end two years after the adoption order is granted. Child benefit and child tax credits will be deducted in these two years.
9. In exceptional circumstances following an adoption support assessment and completion of a means test the head of service may consider further financial support.
10. The remuneration element will only be payable where it has been agreed by a permanence planning meeting that adoption by the foster carers was the only practicable way to achieve permanence for the child. Each case must be looked at on its individual facts, but by way of example, where the proposed adoption is of a child for whom the local authority is satisfied that adopters could easily have been identified, the remuneration element would not usually be payable.
11. Where the foster carer was approved by an independent fostering provider, the allowance and fee payment may be negotiated individually between the local authority and adopter, as there may be significant disparity between the allowance and fee paid to a local authority foster carer and that which has been received from an independent fostering provider.

Assessment and approval of financial support

12. In determining the level of financial support to be paid the local authority must take account of any other grant, benefit, allowance or resource which is available to the person as financial support paid under the terms of the Adoption Support Regulations cannot duplicate any other payment available to the adoptive parents. Adoptive parents will therefore be required to establish entitlement to welfare benefits such as incapacity benefit, statutory maternity, paternity and adoption pay or allowances, bereavement benefits, working tax credits, child tax credit, income support, housing benefit, child benefit. Income and investments of the family, including other properties will be taken into account, excluding the current family home.

Calculating the amount to be paid and deciding if the payment should be means tested

13. In deciding how much to pay an adopter, either through an allowance or single payment, the regulations require a local authority to consider whether a means test should be applied. The regulations prescribe the circumstances where means testing cannot be applied and those circumstances where it is within the discretion of the local authority to decide if means testing should be undertaken. Where the family is in receipt of Income Support means testing will not be undertaken as recommended by the DCSF Model. Where families are in receipt of Income Support they will be paid the applicable maximum payment.
14. These allowances are linked to the local authority's fostering allowances and are based on the needs of the child.
15. Any Child Benefit and Child Tax Credits received for the child will be deducted from the allowance as these benefits would not be available to a foster carer.
16. The Local Authority will consider making the following payments without means testing prior to authorisation. Such payments require authorisation from the adoption service manager.
 - a. A reasonable amount as a settling in grant to enable the purchase of essential items of equipment which the family could not afford to purchase, for example safety gates, push chair etc where more than one child is to be placed
 - b. Reasonable expenses necessarily incurred by the prospective adoptive parent during introductions to the child, for example the cost of overnight accommodation, mileage or transport fares to visit the child etc.
 - c. Reasonable legal fees necessary to advance the process of adoption subject to the Legal Aid eligibility of the prospective adopters and limited to payment of such fees at Legal Aid rates or such rate as the Local Authority considers reasonable.
 - d. Recurring costs in respect of travel for the purpose of visits between the child and a related person.

17. All other requests for payment, for example requests for vehicles or major housing works, will be considered following assessment and if appropriate, means testing.

Review

18. Eligibility for the allowance, and the proportion payable to an adopter, are subject to review every year to take account of both the changing needs and circumstances of the child and the adoptive family. The model means test will be applied annually or on receipt of notification of a change in circumstances prior to the annual review.

19. The level of the full adoption allowance will be reviewed annually by the local authority.

Discontinuation and suspension of allowance

20. An allowance will be discontinued if:

- The child ceases to have a home with the adoptive parent,
- The child ceases full-time education and commences employment,
- The child qualifies for income support or jobseeker's allowance in his own right, or
- The child reaches the age of 18, unless he remains in full-time education or training, when it may continue until the end of the course or training he is then undertaking.
- The child marries
- The review determines that the allowance should be terminated
- The child dies

21. Suspension of an allowance may be considered appropriate where the adopters have not provided an annual review statement. This will be at the discretion of the Head of Service.

22. Where an adoptive parent does not provide an annual statement the local authority **will not** suspend the allowance until:

- The local authority have sent the adoptive parent a written reminder of the need to provide an annual statement, and
- 28 days have expired since the date on which the notice was sent.

Appeals

23. If dissatisfied with a decision as to payment or amount of allowance, the adopter may appeal against any decision relating to the provision of an Adoption Allowance. [INSERT DETAILS OF APPEAL RIGHT – E.G. IN WRITING, TO WHOM, TIME LIMIT FOR AN APPEAL].