

SECTION 1

Welcome to adoption and permanent care



Thank you for expressing an interest in offering a permanent home to a child.

This pack provides information for people who are interested in finding out more about adoption or offering a permanent foster placement to a child or young person. It includes information about the different legal routes for adoption or permanent care, as well as letting you know what we would expect from you as a prospective adoptive parent or permanent carer. The pack includes information on how to take forward an application to become an adoptive parent or permanent carer and what will happen next.

Why Children Need Permanence

Angus Council provides a range of services and resources to support parents to look after their own children. While our goal is to help families stay together, there are times when children and young people cannot live in their own home. Illness, unemployment and changing family circumstances can all lead to tension and stress. Sometimes parents feel unable to cope, sometimes children are neglected or abused.

Once it is established that a child cannot remain with their birth family plans will be made to achieve the best permanent alternative placement. The aim is to give the child the chance to grow up feeling safe and secure as part of a family. For young children an adoptive placement is most likely to provide the long term stability they need. For some older children a permanent fostering arrangement may be the best option. In both cases a legal process must be followed to get the agreement of the courts that the child cannot remain with their birth family and should be placed with adopters or other permanent carers. In some cases the birth parents may be actively opposed to the plan for their child being placed in alternative permanent

care and will contest the application. The legal process can be protracted in these cases, but the process will be managed on behalf of prospective adopters and permanent carers by the Council and legal representatives.

In the past adoption most often involved the placement of babies who had been voluntarily relinquished by the mother. Adoption is now seen as the best option for a much wider range of children and the number of babies available to be adopted is quite small.

Children placed for adoption now tend to be older and include many who are primary school age. These children may have complex needs as a result of the lifestyle and health histories of their birth parents. The children may have been exposed to the effects of parental alcohol or substance misuse or have been affected by their parent's mental health problems. Whatever their circumstances, the children's needs will be discussed in detail with any prospective adopters or permanent carer before a placement is agreed. For some of the children it may be necessary to have continuing additional support from social work, education or health services.

Older children may also have brothers or sisters who also require adoptive parents. Wherever possible these children are placed together as a family. When this is not the best option for them then we will look for families that will help to maintain and promote their contact with brothers and sisters placed elsewhere.

Adopting a Child

Evidence gathered over many years shows that adoption is mostly highly successful for the children and families involved. Adoptive parents speak of the

joy and fulfilment they and their families derive from adoption. At the same time, it is also clear that being an adoptive parent is different from parenting a child of your own. While many of the day to day things are the same there are important differences if a child who has been adopted is to grow into a well adjusted adult.

We all need a secure sense of identity. We all need to know and understand who we are and where we come from. This is more complicated for adoptive people whose identity is linked to two families. A person who has been adopted is more likely to have a secure sense of identity if they have grown up with parents who are open about the adoption and support the child to develop a positive and realistic understanding of their birth family. For some children there may be some level of continuing contact with their birth family. Again any such contact will be considered carefully and discussed in

advance of any placement being agreed. Adopted children who have not had contact with their birth family will benefit from knowing that if they want to search for their birth family at some point, they will do so with the support and understanding of their adoptive family.

Adoption is not the best solution for all children requiring permanent placements. In some cases, particularly with older children, the child retains some loyalties to their birth family even though they may understand that a return home is never going to be possible. These children may still need the security and stability that comes from knowing that they have a permanent home with another family, but they may not want to sever all legal ties with their birth family as happens in adoption. In such situations links with the birth family may continue to be an important part of the child's life.

What We Look For From You

You must be 21 or over to adopt a child. There is no upper age limit, but the age of the applicants will be one of the factors that is considered during the assessment and which may be relevant at the point where the family is being considered for a match with a particular child. You must be in reasonably good health and medically fit to undertake the parenting task. If you drink alcohol, we need to know that you drink moderately and responsibly. You cannot adopt if you use illegal drugs or have a record of offences against children. You must also declare if you have any firearms or hold a Firearms Certificate. Angus Council does not accept applications to adopt from people who keep dangerous pets such as Rottweilers or Pit Bull Terriers. We may need to seek further advice if you own a pet that we think might pose a risk to children

As an adoptive parent you need to ensure that any child placed with you has a positive understanding of their origins, religion and culture. It is important that adoptive parents avoid discrimination including issues such as race, gender, religion, sexual orientation or disability. It is Angus Council's policy that the use of corporal punishment to physically chastise children is never acceptable. There is strong evidence that passive smoking can damage the health of children. We do not

place children under the age of 2 with adoptive parents who smoke. We would ask adoptive parents of older children to do everything they can to minimise the impact of passive smoking on any children in their care.

We accept applications from single people and from couples who have been in a stable relationship for over two years. We would generally ask people to wait for a time before making an application if they have recently entered a new relationship, experienced the break-up of a relationship or lost a loved one. We accept applications from single people and from couples whether heterosexual or same sex who have been in a stable relationship for two years.

We strongly encourage prospective adopters to take their full statutory adoption leave entitlement (now equivalent to maternity leave). Time spent during the early stages of a placement helping the child make the adjustment to life in a new family can help to make what is sometimes a difficult transition as successful as possible.

Adopting a child is a major commitment for both parties. If you are applying as a couple it is essential that both of you attend the training course and are actively involved in the assessment process.



Fertility treatment

Applications to adopt a child will be accepted from people both with and without children. Applications will not be accepted from women or couples who are pregnant, have a child under the age of 12 months or are actively engaged in fertility treatment, including those on a waiting list for treatment.

Your Home

A child or young person coming to live with you needs to feel that you have the time and energy to care for them and that they have space in your home they can treat as their own. Any child you are adopting should therefore have their own room.

We would expect you to have your own transport or readily available access to public transport. This is important for helping the child to maintain a range of activities, for example helping them to stay fit and active through participation in sports or to attend clubs and activities in which they show an interest.

Angus Council does not set precise household standards for adoptive parents or permanent carers but we do expect your home to be safe, reasonably clean and to meet basic health and safety standards. You must also have a telephone.

Just as the children who need permanent families come from different backgrounds and with different experiences, so do the people that care for them. If you have space in your life to offer love, commitment and a family home to one of the children waiting for a family to grow up with, whatever your circumstances, please get in touch with us to talk about what might be possible.

Further information about adoption and permanent placements including the legal issues involved are outlined in Section 2.

SECTION 2

Adoption and the law



Adoption is the legal process by which a child becomes a full and permanent member of a new family. All parental rights and responsibilities are transferred to the adoptive parent(s).

The granting of an adoption order severs the legal relationship between a birth parent and their child replacing it with an equivalent legal relationship between the adoptive parent and child. In Scotland, the law on adoption is governed by the Adoption and Children (Scotland) Act 2007.

A birth parent must either agree to the granting of an adoption order or the court must decide that his or her agreement can be dispensed with. The specific grounds on which parental consent can be dispensed with are set out in the above Act.

When a local authority considers that a child will be unable to return to their family and requires a permanent alternative placement, the local authority can apply to the court for a 'permanence order'. If adoption is being proposed, the court can grant a 'permanence order with authority for adoption'. The granting of such an order clarifies the legal route being pursued for the child and provides a degree of legal security prior to an adoption order being granted. The child can then be placed with prospective adopters who apply to the court for an adoption order.

Only a person or a couple (as opposed to an agency or local authority) can apply for an adoption order. This is done by submitting an adoption petition to the court. The adoption order cannot be granted until the child has lived with the petitioners for a minimum period of 13 weeks. If the birth parent(s) contest the application the court process can be lengthy.

For children who require permanent care but not adoption, the local authority can apply to the Court for a permanence order without authority to adopt.

The Children's Hearing

The majority of children placed by the local authority with adoptive parents will have been living with foster carers before they move to their adoptive family. In almost all cases, the decision to place them with foster carers will have been taken at a Children's Hearing and the children will be subject to a 'supervision requirement'. The Children's Hearing is composed of lay panel members specially trained to consider the needs of children and to decide if some form of compulsory care measures are required.

Although decisions about adoption and permanence are made in a Court, the Children's Hearing will be asked to provide the Court with their advice on the matter. The Children's Hearing will also determine the level of contact the child has with their birth family in the period before the permanence order is granted. Where children are placed with prospective adoptive parents while still subject to a supervision requirement, the Children's Hearing may decide that some level of continuing contact is in the child's interests prior to the granting of the adoption order.

Children Placed for adoption with the agreement of birth parents

In the days when adoption mostly involved single mothers relinquishing their infants because of the difficulties they would face with a child on their own, adoption orders were generally granted with the consent of the parent. This is now less common, with the majority of the children being placed for adoption because of concerns about the parent(s) capacity to provide adequate parenting. In many of these cases the parent(s) oppose the application for adoption.

Nevertheless, a number of adoption orders are still granted with the consent of the parent. Where the parent is in agreement with the plan, the child is likely to be subject to Section 25 of the Children (Scotland) Act 1995 which means the child is received into the care of the local authority on a voluntary basis. This allows for a more cooperative approach to the adoption process but also carries the risk that the birth parent can withdraw their agreement at any point up to the granting of an adoption order. In theory it is possible for a birth parent in such circumstances to change their mind after the child has been placed with the prospective adoptive family. It is very rare for this to happen.

Children Placed Against the Wishes of the Birth Parents

The majority of children requiring permanent placements will be subject to a supervision requirement imposed by the Children's Hearing. The supervision requirement will specify where the child should live and who they should have regular contact with. When the Local Authority decides that a child should be registered as requiring permanence, the Children's Hearing will be asked to provide the court with their advice on the plan.

Subsequently, when the child is moving to prospective adopters or permanent carers the Children's Hearing will be asked to agree to the move. In most cases the child will continue to be subject to a supervision requirement until the adoption order or permanence order is granted.

Birth parents have a right to attend Children's Hearings, and also to know where and with whom their children are living. These details may be withheld if a strong case can be made that it is not in the child's interest to share them, for example, if the child or their carers were thought to be at risk from the parent.

Permanent Care

Permanent carers are making a long term commitment to a child to be part of their family. They are approved as permanent carers following a training process, assessment and approval. They will also have access to support, further training and financial allowances.



SECTION 3

Being assessed as an adoptive parent or permanent carer



What is involved?

Once you have decided that you are interested in taking forward your application to adopt or become a permanent carer you (and your partner) will be required to attend group preparation sessions. This is where you will receive more information about permanence including adoption. Social work staff run the group with input from the medical and legal advisor, adult adoptees, permanent carers and/or adoptive parents. Sharing your experiences, and hearing more about the needs of children who have been received into accommodation will help you build on your current parenting and communication skills. You will learn how a child's early life experiences may impact upon their longer term development. The training will help you to gain an insight into the needs of children requiring permanent care and help you to understand how this may differ from raising your own child.

Home study (assessment and preparation)

The assessment is a two way process in which we aim to give you information to prepare you for the task of adopting a child. The assessment involves both you and all members of your immediate family. You will be expected to demonstrate, or have the potential to develop, the following skills:

- ability to communicate with children, their families and professionals
- an awareness of child development, and the particular needs of looking after a child
- a willingness to work towards the social work plan for the child during the time leading up to the adoption - this may include facilitating contact between the child and their birth family
- flexibility and an understanding of anti-discriminatory practice.

You are expected to attend group preparation sessions prior to approval which cover a wide range of issues about adoption.

Once you have submitted your application form a social worker from the permanence team will work with you to complete an assessment of your family. This assessment is commonly referred to as the homestudy. The social worker will visit you and your family at home to assess both you and your family's suitability to take on the permanent care of a child

or sibling group. The home study will involve looking at the skills and experience you already have as well as areas that may need further development and support.

During the home study social work staff will discuss your application to adopt or become a permanent carer with your own children. Caring on a permanent bases for a child will have an impact on everyone in your household – including any children you have. It is important that you chat with your children at an early stage and be sure that the timing of your application to adopt or become a permanent carer fits with their needs. Sometimes this may simply mean that any child who is placed with you needs to be in a specific age category or a specific sex. In other cases you may be advised to reconsider the timing of your application. By the end of the homestudy you will have had the chance to discuss all of these issues with the social worker so that a decision is reached that is for everyone's benefit.

Once the homestudy report is completed it will be presented to the Adoption and Permanence Panel. You will see the report and have the opportunity to comment on it before it is submitted to the panel – to which you are invited to attend. A final decision about approval will be made after the panel by the "Agency Decision Maker" who is a Senior Manager in the Social Work and Health Department.

Checks

The legislation requires the Council to undertake a range of checks on people who are applying to be approved as prospective adoptive parents or permanent carers. The following checks are undertaken:

Disclosure Scotland Check

With your consent, we will ask Disclosure Scotland to carry out an Enhanced Disclosure Check. This will inform us of any convictions you have had in Scotland or elsewhere. If you have a criminal conviction, it does not necessarily mean that you may not adopt or become a permanent carer for a child, but it will mean that we will have to discuss your convictions with you. If you have any convictions, it would be best if you mentioned them to us when you begin the application process.

We will also carry out Enhanced Disclosure Checks on anyone else in your household over the age of 16.

Employment History and Employer's Reference

We will talk to you about your employment history since you left school. We will also ask for written reference from your employer, if you are working. If you are no longer working we will ask for a reference from a previous employer.

Previous Partners and older and Adult Children

If you have been married before or were in a long-term relationship, we may wish to contact your former partner and any adult children of the relationship. We understand that this might feel intrusive. If you're worried about this, please talk to the Social Worker when he or she visits you at home to discuss your application.

Medical Reference

You will have to ask your General Practitioner to give you a medical examination. If you have been seeing a Health Visitor recently, we will also get in touch with them. Please let us know at the outset if you have a history of medical problems. Again, these would not necessarily preclude you from adoption or permanent care but would need to be discussed as part of the assessment process.

Anyone else in your household aged 16 or over will also be asked to agree to a Medical Records check with their GP.

Local Authority Check

We will check if you have had contact with social work agencies in the past, and whether this is relevant to your application.

Firearm and Health and Safety Checks

We will check if you hold a licence to hold a firearm and we will also carry out a health and safety check of your home and garden.

Personal References

We will need to take three references from people who know you (and your family). We will visit two of these referees to discuss your application. In addition family members who will be involved in the child's life will be interviewed.

Finance

In a limited set of circumstances it is possible for adoptive parents to receive continuing financial support to care for an adopted child. Essentially the criteria relate to anticipated costs associated with parenting children who have significant additional needs or who would be hard to place with an adoptive family if financial support was not available.

In most cases the financial support is limited to assistance in the early stages of placement, for example where adopters do not have the essential furniture and equipment that they need for the child. Expenses incurred in the introductory process will also be met.

In cases where a continuing adoption allowance will be payable, the carers will be eligible for fostering payments in the period before the adoption order is granted.

Applications for Adoption Allowances are considered by the Adoption and Permanence Panel and are subject to annual review.

In most cases, permanent carers will be approved under the fostering regulations and will be entitled to receive continuing fostering allowances.



SECTION 4

The Adoption and Permanence Panel



The main functions of the Adoption and Permanence Panel are to consider:

- whether adoption is in the best interests of a particular child and if so, whether an application for a 'Permanence Order with Authority to Adopt should be made
- whether a prospective adopter is suitable to be an adoptive parent
- whether prospective adopters would be suitable adoptive parents for a particular child or whether a permanent carer would be a suitable permanent carer for a particular child or sibling group.

The supplementary functions of the panel include:

- to consider permanence plans for children other than adoption
- to monitor and review the implementation of permanence plans for children
- to review, after a specified time, approved adoptive parents who have not been linked with a child
- to consider applications for adoption and residence allowances and to review the payment of these allowances
- to advise on any other matter relating to permanency.

Where a child is linked to a prospective adopter or permanent carer from another agency, the linking is considered by the Adoption and Permanence Panel of the agency with responsibility of the child.

Membership of the Adoption and Permanence Panel

The members of the Adoption and Permanence Panel are drawn from different disciplines and are selected on the basis of the contribution they can make to planning for the long term needs of children. Currently there are two chairs and 16 panel members. These members attend alternate panels with up to eight members in attendance at each meeting. Panel members include a medical adviser, legal adviser, representatives from different parts of the social work department, independent members and an educational psychologist. The Adoption and Permanence Panel has knowledge and experience of the community it serves and can call on expert advice if necessary. Each panel member goes through relevant police and local authority checks.

Panel members have regular training days and have knowledge of child development and the needs of children in local authority accommodation. Each Panel has a Chair who will lead the discussion in the meeting. Adoption and Permanence Panel Process

Angus Adoption and Permanence Panel and Angus Foster Panel are managed and co-ordinated by the Permanence Team Manager who offers consultancy to social workers, advises the panel members on policy and procedural issues and also sits as a panel member.

The panel makes its recommendation on the basis of reports circulated in advance of the meeting and through discussion with those invited to attend. The reports include those written by the social worker and other professionals involved in the case.

Panels Considering Registering a Child for Permanence

Where permanence plans for children are being considered the panel will want to speak to child's social worker, team manager, foster carer and any other professional who has a central role in supporting the child. They will also speak to the

parent and possibly the child themselves. Depending on the circumstances of the case, the panel may ask to speak to contributors separately rather than have everyone in the meeting at the same time. Panels considering the approval or review of adoptive parents or permanent carers will generally only involve the adoptive parents, or permanent carers, their link worker and the team manager from the Family Placement Team.

Applicants will be informed of the recommendation of the Adoption and Permanence Panel within 24 hours of the Panel. The final decision will be made by the Agency Decision Maker and you will be informed of this decision in writing within 21 days.

Panels Considering the Approval of Prospective Adoptive Parents or Permanent Carers

Prospective adoptive parents or permanent carers will be invited to attend the panel considering their own approval. They will always have seen this report before it is presented to panel. Panel members find it helpful to meet with prospective adopters and permanent carers, to put faces to the names in the report and have the opportunity of asking questions directly. It is also hoped that by inviting applicants to the panel, the process becomes as open and transparent as possible. Prospective adopters or permanent carers will generally be contacted by their link worker as soon as the decision of the agency decision maker is known.

Panels Reviewing Adoptive Parents Approval

If no placement has been made within two years then a review of the adoptive parent(s) or permanent carer(s) circumstances takes place. This can also happen whenever there are significant changes in the adoptive parents' circumstances.

Panels Considering a Match for a Child and a Permanent Family

When a child is being considered for a match with a family the foster carer will be invited to attend the Panel. The foster carer can help to give panel members an update on the child's situation as it may be some time since the child was registered as requiring permanence. Foster carers are likely to be asked to speak about how the child is at present, what they have said or appear to be feeling about the possible changes ahead and what the foster carer feels the child's needs are in a future placement. The child's social worker will have shared basic information with the foster carer about the prospective adoptive family or permanent carer. The foster carer will not, however, read the assessment reports on the prospective adopters/ permanent carers and will generally not be present for the part of the panel that is considering the prospective adopters' or permanent carers' circumstances.



SECTION 5

What to do if you are unhappy with decisions made about your enquiry/application



If you are unhappy about decisions taken by social work during the course of your application, you have a right to request that these decisions are reviewed. The process for reviewing the decision depends on the stage your application has reached.

Occasionally social workers will advise applicants that they do not believe their application should proceed. In all cases a decision not to proceed with an application will be confirmed to the applicants in writing with the reasons for the decision clearly set out. Applicants who disagree with a decision not to proceed have a right to request a reconsideration of this decision. In the first instance they should ask to speak to the Permanence Team Manager or the Service Manager for Family Placement Services in order to explain why they consider that the application should proceed.

If the matter cannot be resolved through discussion the applicants can request that the Adoption and Permanence Panel gives advice about whether or not the application should proceed. The applicants will be able to submit information and to attend the 'advice panel' but will need to be aware that the social workers will also be submitting their reasons for not proceeding with the application. The recommendation of the panel will be confirmed by the Agency Decision Maker and the applicants will be informed of the outcome in writing.

Decision made by the Adoption and Permanence Panel

When a completed assessment has been presented to the panel and the applicants are unhappy with the decision reached, they have 28 days in which to lodge an appeal. This should be in writing and sent to the Director of Social Work and Health. The Director will appoint a panel of suitably qualified people who have not been involved with the application to hear the appeal.

Applicants will be informed of the outcome of the appeal in writing.

Social Work Complaints Process

If you have a more general complaint about the service you have received it is possible to have this investigated. The leaflet, 'What to do if you are not

happy with social work services' gives details of the Social Work's complaints process.

Complaints to the Care Commission

All Family Placement Services are registered with a national body known as the Care Commission. It is possible for members of the public to make a complaint directly to the Care Commission relating to any of the services they regulate.

Complaints should be made to the Commission's office in Dundee (which is the headquarters and the regional office). There is a special complaints line 08456 030 890. It is likely that the commission will ask people to use local complaints procedures before they proceed with a detailed investigation.

What Next!

Still interested – we would love to hear from you!

Not sure? If there is anything you are not sure about, give us a call to discuss it. There is absolutely no obligation or expectation on you. Even if it turns out that now is not the time to be starting out on adoption or permanent care, it may be that we can help you think about what you want to do and when.

Angus Council's Permanence Team has an Open Morning on the first Wednesday of every month, from 10am-12 noon at 9 Castle Street, Forfar - Tel: 01307 473750. A member of the team will be available who can have a chat with you, answer any questions you may have and provide you with written information.

You can also contact at

The Family Placement Service
Academy Lane
Arbroath
DD11 1EJ

Alternatively you can telephone us on 01241 435078 or email fosteringandadoption@angus.gov.uk

