

## LEEDS SOCIAL SERVICES

### ADOPTION AGENCY POLICY

#### 1. Introduction

- 1.1 Adoption must serve children with a wide range of different experiences, circumstances and needs. This includes children of different ethnic and cultural backgrounds, different religions, different ages, children with special needs and children needing to be placed with siblings. It is, therefore, important to note that this policy is not over-prescriptive and that the paramount consideration for choosing an adoptive family should be their ability to meet the needs of individual children.
- 1.2 Current guidance from the Department for Education and Skills states that Adoption Agencies should be more open about their policies and the criteria used in assessing adopters and matching children appropriately.
- 1.3 The Policy and Procedures of the Adoption Agency should be reviewed at least once every three years.

#### 2. Race, Religion, Language and Culture

- 2.1 The Agency has a clear expectation that prospective adopters should demonstrate anti-discriminatory attitudes and a respect for others' race, religion, language and culture. Account of a child's ethnic and cultural origins should play an important part in selecting a suitable match.
- 2.2 However, the Government has made it clear that it is unacceptable for a child to be denied loving adoptive parents solely on the grounds that the child and adopters do not share the same racial or cultural background ("Adoption-Achieving the Right Balance 1998").

#### 3. Eligibility to Adopt

##### 3.1 Age of Adopters

The Agency takes the view that adopters should have the ability to cope as the adopted child grows into adulthood. Consequently it is normally the expectation that adopters will not have reached the age of 60 by the time the child placed with them is 18 years of age. In exceptional cases an application by a couple, where one partner exceeds the age limit will be considered. However advice must be sought from the medical adviser regarding the applicant's health and reference must be made to Section 7 of this policy – Health Issues.

##### 3.2 Marital Status

Applications will be accepted from single people (male and female), from married and unmarried couples and those in civil partnerships.

3.3 Sexual Orientation

A person's sexual orientation will not affect his or her eligibility to adopt.

3.4 Children in the Family

The Agency is unlikely to place children under the age of two with adopters where birth children are already within the family unit, unless the child has special needs that will be met within the placement. However, an older child with a sibling under the age of two could be placed with adopters who have older children

3.5 Infertility

If couples are in the process of fertility treatment, an assessment will not be undertaken until the treatment has ceased.

3.6 Religion

Applications to adopt will be accepted from people whatever their religious beliefs, unless these beliefs are likely to be detrimental to the welfare of any child placed with them.

3.7 Lifestyle

Prospective adopters should be prepared to modify their lifestyle to ensure the health and general wellbeing of the child. The agency follows the following guidelines:

(i) Alcohol Consumption

Applicants who drink alcohol will be expected to do so within the current safe limits guidance set by the Department of Health.

(ii) Smoking and Drugs

The Agency takes the view that smoking and drug-taking is harmful to the individual and to others in the household. It would, therefore, wish to promote a smoke and drug-free environment for adopted children. BAAF (British Association of Adoption and Fostering) guidance states that babies, young children up to the age of two years and children with respiratory problems should not normally be placed in households with smokers. The Agency policy is to follow this guidance and where such children are placed in households with smokers there should be positive reasons for doing so and these should be clearly recorded in the matching report.

People using illegal drugs will be considered unsuitable to adopt.

(iii) Dangerous Pets

The Agency is happy for prospective adopters to have household pets. However, some pets, particularly dogs, can pose dangers. It is policy not to accept anyone as an adopter who possesses a pet listed as dangerous in current legislation. Applicants who own pets are required to answer questions related to the control and management of their pets.

(iv) Pornography

The Department follows the City Council's policies of promoting equality and combating discrimination and is opposed to anything which will lead to people being viewed as objects which will degrade them. It is absolutely opposed to pornography which involves children or adults posing as children. (For more information – see guidelines on pornography for Foster Carers, Adopters and Panels).

3.8 Criminal Convictions

Enhanced Criminal Record checks will be taken up on all persons aged 18 years and over who are regular members of the household. Where any such member of the household has a criminal conviction within the last 2 years, a serious offence, or a long history of offending, an application will be unlikely to proceed. In some cases, matters will be brought to the attention of the Adoption Panel, who will make a recommendation whether to proceed with the application. Regulation 23.2 of the Adoption Agency Regulations (AAR) "stipulates that an agency may not consider a person suitable to adopt a child if he or any adult members of his household has been convicted of a specified offence committed at the age of 18 or over or has been cautioned by a constable in respect of a specified offence which, at the time the caution was given, he admitted." Specified offences are listed in AAR Part 1, and Part 2 of Schedule 3 (Regulations 23.3 & 23.4); they relate to sexual offences against children and adults.

**4. Contact**

- 4.1 There is a clear expectation that the possibility of contact should be considered between an adopted child and his or her birth family. This may range from infrequent, frequent, direct or indirect contact. In some cases it may be in the child's interests to have no contact. A clear plan for contact should be presented by the social worker to the Adoption Panel.
- 4.2 Where the plan is to refuse contact, or where contact is to be defined by the Court, there is **no** requirement for this to have been resolved before the child's application is presented to the Adoption Panel. However, it is expected that the issue of contact be resolved prior to matching the child with prospective adopters.

4.3 The Agency operates an Adoption Contact Register which is located in the adoption archive section. The register provides a confidential post box service for the exchange of information between a birth family and the adoptive family. It also records any contact arrangements either direct or indirect agreed between the respective parties.

4.4 The Department has an Adoption Support Team which can be accessed for advice and consultation on matters relating to contact.

### **5. Placement with Siblings**

5.1 Whenever possible siblings should be placed together. However, the overriding concern should be the needs of the individual children and in some cases this may lead to the use of different placements. In such circumstances contact needs must be given close attention.

### **6. Legal Issues**

6.1 The Adoption Panel will give advice on whether a placement order application or a section 19 consent order should be sought.

6.2 The department will meet the costs of an application to adopt a child from care. Where the adoption is contested applicants should apply for legal aid. In the event of this being turned down or not covering the full costs, the Local Authority will normally cover legal fees.

### **7. Health Issues**

7.1 The Adoption Panel receives up to date health reports on applicants and children. For agency adoptions, the health report is valid for two years after the applicants are presented to panel for acceptance as prospective adopters. It is an expectation that applicants should have sufficiently good physical and mental health to meet the needs of the child until they reach the age of independence.

When a child is matched with an adoptive family, the child's health report should be updated within six months prior to the matching panel. Best practice recommends that for a child aged under 5 years, a medical should be updated every 6 months and for a child over 5 years, it should be updated once a year.

### **8. Confidentiality/Access to Records**

8.1 Adoption records must, by law, be kept in a secure place for 100 years. Closed records are maintained in the adoption archive. Both adopters and adopted children (on reaching 18 years) have a right to access to their own records. Counselling will be offered prior to release of records. It is a legal requirement that those adopted before 1975 receive such counselling.

## **9. Inter-Country Adoption**

- 9.1 The Agency undertakes work associated with inter-country adoption and follows DFES guidance. The Agency is required by law to provide a service for inter-country adoption. Such work is subject to a fee, usually one third of the BAAF Inter-agency fee.

## **10. Non-Agency Adoption**

- 10.1 The Agency has a duty to provide information and to offer counselling to people applying to adopt a child not in the care of the Local Authority. Such applications are likely to include step parent adoptions, family adoptions, and private foster carer adoptions. In relation to non agency adoptions health reports must be within 6 months of the application to adopt for adults and within 3 months for children. The paramount consideration must be given to the welfare of the child and the child's views must be sought. Alternatives to adoption need to be explored with the applicants including consideration of any other more appropriate orders.
- 10.2 These applications do not come to the Adoption Panel and the counselling and preparation of the court reports are completed by area based social workers.

## **11. Children Awaiting Placement**

- 11.1 Following the recommendation of the Adoption Panel and decision by the Agency that a child should be placed for adoption, it is important that a suitable placement is found as quickly as possible. If a placement has not been found from the agency's own adopters within three months then consideration will be given first to the regional consortium and then to the National Adoption Register for an inter-agency placement.

## **12. Adopters Awaiting Placement**

- 12.1 Adopters who have been waiting for a placement for 1 year should be reviewed and their applications re-submitted to the Adoption Panel indicating any change to the registration. Statutory checks, including CRB, health (including medicals) and child protection must be updated every 2 years.

## **13. Adoption Panel**

- 13.1 The Adoption Panel complies with regulations and contains members with a wide range of experience.
- 13.2 Nominations are sought for membership and each Panel has ten places as follows:
- Independent Adoption Panel Chair
  - Vice Chair
  - Two Elected Members

- One Social Worker
- A Medical Advisor
- A representative from Education
- Three independent members, to include an adopted adult, an adoptive parent or a community representative.

13.3 All members of the Adoption Panel receive confirmation of their representation on the panel and are required to agree to the adoption panel protocol, which includes signing of a confidentiality statement.

13.4 Induction training is provided for Panel members and there is annual training to keep members abreast of relevant changes.

### 13.5 Work of the Adoption Panel

The organisation and conduct of panel meetings enable proper consideration to be given to items brought before it, satisfying itself that the subject of the reports are, as far as possible, aware of these and have had a clear opportunity to express their views.

The Adoption Panel makes recommendations to the agency decision-maker (the Chief Officer, Children) in respect of:-

- (i) applications from prospective adopters
- (ii) applications on behalf of children who should be placed for adoption
- (iii) proposed matches between children and adoptive parents
- (iv) need for a placement order
- (v) eligibility for adoption support for child and family.
- (v) contact issues
- (vi) parental responsibility issues