North Tyneside Council recognise the benefits of national initiatives in reducing delay and securing better outcomes for children, where adoption is the Local Authority plan.

Fostering for Adoption is the newest initiative and one that North Tyneside Council consider as part of a raft of placement options.

Where North Tyneside Council’s care and permanency planning process has decided that adoption is the best plan for a child and where this is opposed by the parents, North Tyneside Council are limited in what it can do to identify or make a placement other than preliminary family finding until it has the authorisation of the Court through the making of a Placement Order. This usually means that children are placed in temporary foster care until the Placement Order is made, a match is identified and agreed by the Panel and the necessary information, advice, counselling, introductions and support arrangements are completed.

However, there are circumstances where it is appropriate and lawful to place a child with carers who are dually approved as adopters and foster carers during the period of temporary care and until the Court makes its decision about the appropriate order to secure the child’s long term future, if indeed an order is needed.

From a child’s perspective, the often lengthy process associated with permanent placement planning and the adoption plan has significant disadvantages. It is well known that the early months and years of a child’s life lay the foundation for their development. The attachments formed in this period are essential for future positive attachment styles and good mental health.

In traditional permanency planning the relationship between the child and his/her primary attachment figures, the foster carers, is naturally disrupted when the child is finally placed with adoptive parents.
The consequences of this disruption are variable and where those involved are well prepared and supported over time, these consequences can be mitigated and new attachment relationships formed, although the challenge of this should not be underestimated. However, given all that is known about child development, disrupting attachment relationships is not something that should happen and it is only the force of very difficult circumstances resulting from care planning and the Court process that makes this acceptable at all.

A previous solution to these challenges was the model of concurrent planning.

As concurrent planning requires the identification and delivery of a detailed rehabilitation plan while the child is placed with carers who are approved for both fostering and adoption and who support that plan, where the rehabilitation plan proves to be unsuccessful, the foster carers can go on to adopt the child once care proceedings are the Placement Order is achieved.

If rehabilitation is successful then the carer is integral in the reunification process. Concurrency did not prove a successful alternative placement option in North Tyneside due to a number of factors. However Fostering for Adoption’s slightly different emphasis/model make it a more viable placement option.

Legally it is for the Local Authority to determine which foster carers a child is placed with until care proceedings and the Placement Order application is decided.

“Where a placement with the child’s parents is not possible, the responsible Authority should place the child in ‘the most appropriate placement available’, that is, the one that they consider will best promote and safeguard the child’s welfare.” Children Act 1989

Where North Tyneside Council has identified a plan of permanence via adoption, the placement choice must not suggest that the Local Authority have predicted the likely outcome of the Care Proceedings. This strict interpretation of that requirement results in most placement planning taking the sequential pathway of foster care placement(s), the Agency Decision Maker taking the decision that the child should be placed for adoption, the Placement Order application, the making of the Placement Order and then linking, matching, introductions and finally placement. However, compliance with that principle does mean that there are children where the likelihood of them returning home or being placed with family or friends is so small that the advantages of placing with approved carers who could then be matched with the child as adopters following the making of the Placement Order proves to be unsuccessful, the foster carers can go on to adopt the child once care proceedings are the Placement Order is achieved.
Order ‘will best promote and safeguard the child’s welfare’. Exploring the viability of and identifying and making such a placement is child-centred practice.

There are a range of circumstances which may suggest that in planning for the child, placing with carers who are approved for both adoption and fostering might be the best child-centred plan. Before considering a Fostering for Adoption placement North Tyneside Council will have fully exercised its responsibilities to engage the birth parents and the wider family in identifying solutions and all placement options have been properly discharged and decision making is fully evidenced. Where these have been explored and no options have been realistically identified then Fostering for Adoption may apply and typically in one of the following circumstances:

1. Where parents have had one or more children previously placed for adoption or other forms of permanent placement and the evidence strongly suggest that their circumstances have not changed and pose the same risks as they did to the previous child/ren. The Local Authority does not have a proactive plan to rehabilitate the child as the circumstances of the parent are such to pose a serious on-going risk.

2. Where this is the first child, the circumstances of the parents and the risks to the child are such that there is no proactive plan to return the child to the birth parents or to other family members.

3. Where parents have indicated that they may want their child adopted, but have not formally consented.

The position of the birth parents: Fostering for Adoption can be considered at various points in the care planning process. There are two likely scenarios:

1. Where the child is accommodated under Section 20, Children Act 1989 and prior to proceedings. It is vital in such cases that the parents have access to support and legal advice and they are fully consulted and their views incorporated into North Tyneside Council’s care plan. It is important that North Tyneside Council is clear about the appropriateness of the child continuing to be accommodated under Section 20 when their plan in adoption.

2. Where care proceedings have begun and the child is subject to an Interim Care Order. Where a Fostering for Adoption placement is being considered and may be viable, it is essential that the birth parents are consulted about their views on
such a placement and wherever possible their cooperation established. The Care Planning Placement and Case Review statutory guidance details this.

The statutory duty to ascertain wishes and feelings should reflect the specific circumstances and stage of the care planning process. While North Tyneside Council have identified that the likelihood of the child returning to their birth parents is very small and placement with Fostering for Adoption carers is in the child’s best interests, the parents must be informed that North Tyneside Council cannot pre-judge the outcome of care proceedings and only the Court can authorise placement for adoption if the parents do not consent to their child being placed for adoption. In seeking the parent’s cooperation in the Fostering for Adoption plan, North Tyneside Council should make it clear that they are focussed specifically on the needs of the child and the benefits for the child of making such a placement. Further, it must be explained that while North Tyneside Council believes that adoption is the right plan, they cannot and will not interfere in the parent’s right to have their evidence presented and heard before the Court if that is what they decide they want to do. If the Court decides that the parents’ case is strong and dismisses the Local Authority’s case, then the child will either be placed with the parents or an alternative suitable permanent carer, eg a family member.

Parents will need and should always be advised to discuss their position, view and circumstances with their legal representatives. Some parents will understand that such planning is clearly on the side of their child and will want to maximise their child’s opportunity for healthy development in the context of a foster care placement even though it is a very painful experience when they would want to be able to do this themselves. For many, knowing the child will not be moved if a Placement Order is made or that they are being placed with a sibling will be seen to be the right thing to do.

While parental consent or Court Order is not necessary in order to place a child with specific foster carers, if the Court considers that North Tyneside Council’s plan is an interference in the parent’s rights under Article 6 or 8 in relation to the Care and Placement Order application, then an alternative placement plan will be necessary.

Foster care placements when made in usual circumstances are assumed to balance the needs of the child for a strong sense of commitment from the foster carers while recognising that this commitment and core relationship in most circumstances will be temporary. When placing a child in a Fostering for Adoption placement is intended to avoid this serious disruption, until the Court grants a
Placement Order, the placement with the dually approved carers is a temporary placement made under the Fostering Regulations.

The single Fostering and Adoption Panel in North Tyneside is ideally placed to consider the approval of Fostering for Adoption carers and can recommend their general approval under both the Fostering and Adoption Regulations at the same Panel meeting and utilising the same paperwork. This reduction in duplication is a positive aspect of planning in North Tyneside Council.

The Agency Decision Maker will be involved in a number of ways:

- Where Care Planning for a child identifies them as potentially suitable for a Fostering for Adoption placement, the Agency Decision Maker will be required to approve the plan that the child should be adopted which will set in motion North Tyneside Council’s application for a Placement Order; the early involvement of the Agency Decision Maker in this will have consideration advantages.

- Where the Panel has made a recommendation for a match for a child with adopters where the child is already placed with them under Regulation 25A. (Care Planning, Placement and Case Review Regulations 2010) The Agency Decision Maker will be making their decision about the suitability of the match.

Fostering for Adoption carers: The Care Planning, Placement and Case Review (England) Regulations 2010 enables approved prospective adopters to be temporarily approved as foster carers for a named child by the Local Authority with responsibility for that child without having to be approved as foster carers under the Fostering Services (England) Regulations 2011. This regulation does not apply if the adopters had already been fully approved as foster carers under the Fostering Regulations. This latter route is utilised in North Tyneside Council at the point of initial approval where there is no named child.

Carers who are dually and fully approved as adopters under the Adoption Agency Regulations 2005 and as foster carers under the Fostering Services (England) Regulations 2011 where their primary motivation is to adopt rather than foster.

The recruitment, preparation and approval of Fostering for Adoption carers has been built into practice and the Fostering and Adoption Service can meet their individual needs for training (as foster carers) and support through a jointly managed Fostering and Adoption Service.
The recruitment and Stage 1 process includes basic information about Fostering for Adoption made available to all prospective adopters. Where prospective adopters express an interest in Fostering for Adoption the assessment process includes greater information about the role, the fostering requirements and also includes a buddy opportunity from a previous successful concurrency placement. Appendix 1 is completed in addition to the Prospective Adopter’s Report.

Finance: Once a child is placed under Fostering for Adoption the carer will be eligible for the fostering mainstream fee and the relevant allowance. Prior to a child being placed loss of earnings incurred due to attending fostering training will be considered by the Fostering and Adoption Service Manager for reimbursement.

Support and Equipment: The carer will not be differentiated from other foster carers in respect of the above.

Matching for placement under Fostering Regulations: Matching the child with the carers will need to address those issues relevant to both the fostering placement as well as the possibility that if a Placement Order is made.

The recognition of the uncertainty and potential loss in Fostering for Adoption placements and the carers’ abilities to manage their own feelings and ensure the child receives the emotional attachment he/she needs is a major factor to be considered at both the outset and monitored via the carers’ Supervising Social Worker and the child’s Social Worker. The support needs of this type of carers will be more akin to that expected of adopters in the early stages of placement and as such must not be lost by a over focus on prospective fostering aspects/requirements of care.

However the potential pain arising from this uncertainty should not deter the making of such placements as with current legal processes, adopters now manage the increased leave to appeal requests made by birth parents when the prospective adopters lodge their Application Order with the Court.

If a Fostering for Adoption placement is terminated because North Tyneside Council or the Court make a decision that the child should return to the birth parents or be placed within the extended family, North Tyneside Council will ensure this is properly planned and that the carers and the child receive support on an ongoing basis to help them recover from the loss and grief that they will inevitably experience. This offer includes therapeutic and counselling from an independent
provider. Given the ‘newness’ of such placements an independent Disruption Meeting would also be commissioned to ensure all lessons are learned and influence future practice.

Central to the whole framework of Fostering for Adoption is the child’s needs and welfare is paramount. Therefore each case would be considered on its own merits and risks to the child in the first instance but also the carer.

Where a child is identified, then all the information available on the child’s needs and circumstances will be made available to the carers including all health and developmental assessments. This sharing of information is not a ‘one-off’ event and will be continuous noting that very young children's assessed needs may change as they develop and more information becomes available during the Care Planning process. The storing of information will also include meetings with other professionals as required, ie Medical Adviser to Panel.

Given the current challenges in securing Placement Orders it is essential that paternity is established and any risk from this must be shared with the carer at the outset, so they can fully consider if this child is right for them.

North Tyneside Council also utilise Fostering for Adoption placements with older children to ensure they are not subject to another temporary placement move before the adoptive placement can be formally matched. In such cases, openness with the child (age dependent) is essential so no confusion about the status of the placement arises.

This must include an explanation that for the time being nobody knows if the placement will be a ‘forever family’ but that they will be staying until the Court makes the decision about what will happen to them. This will draw on the kind of explanation that foster carers need to use in explaining the status of the placement to their children. The appropriate use of play materials, children's workbooks and other child centred methods will be necessary in managing this task. Direct work with children must include working with the anxiety and upset that the child is likely to experience as plans and decisions are made for their future.

One very important part of the explanation to the child about the placement will be the terms the child and adults use to refer to each other and how they explain the situation to others.
Contact requires careful and thoughtful handling. Planning such arrangements can be very challenging compared to children placed with foster carers’ short term but the one principle that must be consistently applied is that the arrangements must protect the child, minimise any exposure they have to undue stress and ensure the confidentiality of the carers in not compromised. Therefore the carers’ role will be restricted to transporting the child/ren to and from contact. A meeting between the birth parents and the carers is something to be decided on a case-by-case basis. There can be real advantages; it can reassure the birth parents that the carers are caring for the child well and the carers can actively participate in that by sharing appropriate materials; it can help in any subsequent arrangements for contact if the carers go on to adopt the child; it can also help the adopters if they have had direct experience of the birth parents and can relay that information to the child in appropriate ways and at appropriate times. However the permanent security of the placement is the first priority and this will require a considered response from North Tyneside Council and other agencies involved with the child.

Composition of Fostering for Adoption families: The profile of children suitable for this type of early permanence is likely to include a significant number where the advantages of a placement arise because a previous sibling or siblings have been placed for adoption. Placing a subsequent sibling through Fostering for Adoption has positive benefits in many ways. However, the position of other children in the family needs careful preparation and thought so that their needs are recognised and not negatively impacted upon by such a placement type. Noting that if the final outcome is not as hoped then the children of the family will not experience loss and trauma as a result of the child being moved.

“Being able to utilise Fostering For Adoption positive impact on myself and my family. By K still having access to her long term Social Worker it has allowed her to maintain these important bonds whilst moving through further transitions. This has provided K with so much valuable reassurance which could not be resolved in a short period of time. This process also meant that K would not need to have any other additional moves whilst we were working through any potential threats to the adoption process and we could start the bonding process from day one.”

Quote from an Adoptive Parent who had a 10 year old placed initially under Fostering For Adoption.