

Adoption and Special Guardianship Support Scheme

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1 Introduction

The Council values the contribution of all adopters and special guardians, irrespective of financial status. What matters is their commitment to provide a child with a safe, loving permanent home.

This document forms part of the Council's Adoption and Special Guardianship procedures. It sets out the services that the Council will provide as part of its adoption and special guardianship support services. The document should therefore be considered with reference to the Council's Adoption and Special Guardianship Procedures.

2 Legal Framework

- 2.1 The Adoption and Children Act 2002 provided a major overhaul of adoption legislation, and made significant changes to the Children Act 1989, including the introduction of special guardianship orders.
- 2.2 The Adoption Support Services Regulations 2005 places a duty on local authorities to provide specific support services to adopters or prospective adopters.
- 2.3 The Special Guardianship Regulations 2005 places a duty on local authorities to provide specific services to special guardians.
- 2.4 This document forms part of the Council's Adoption and Special Guardianship Procedures.

3 Policy

- 3.1 The Adoption and Special Guardianship Support Scheme is applicable to both new and existing adopters and special guardians. The Council will make arrangements to provide a range of services to facilitate placements to ensure that carers can continue to provide care for children and young people into adulthood.
- 3.2 The Council will ensure that both its adoption and special guardianship support services meet the needs of those affected by the adoption or special guardianship process as applicable. The services will particularly aim to support those children, adopters or special guardians who are affected by disadvantage or issues of difference.
- 3.3 The legislation is designed to enable the Council to achieve permanency via adoption for a much wider range of children than was possible in the past, with particular emphasis on keeping sibling groups together, and finding adoptive families for "harder to place" children.
- 3.4 The support scheme offers advice, assistance and support across a wide range of services. Financial support may also be offered, in accordance with the Regulations. A central principal of the Special Guardianship scheme is that financial considerations should not be the sole reason that a special guardianship placement fails to survive. All support packages will be reviewed regularly, to ensure that they continue to meet the needs of children and their families.

4. Adoption Support Services

4.1 Adoption Support

- 1) The Council will arrange for the following services to be provided:
 - counselling, advice and information;
 - financial support
 - services to allow groups of adoptive children, adoptive parents, natural parents or former guardians of an adoptive child to discuss matters related to adoption.
 - assistance, including mediation services, in relation to arrangements for contact between an adoptive child/children and a birth parent, birth sibling, former guardian or a relative of the adoptive child
 - services in relation to the therapeutic needs of an adoptive child.
 - assistance to ensure the continuance of the relationship between adoptive parents and adoptive children to enable placements to continue, including training for the adoptive parent, and respite care.
 - assistance to adoptive parents and children where there is a risk of disruption to the placement.
 - intermediary services for adopted young people over 18 years of age, to enable them to obtain information related to their adoption, and, if the adoption occurred before 30th December 2005, helping young people to contact their birth relatives;
 - support provided may also include some cash assistance in certain circumstances.
- 2) The Council may arrange for some adoption support services such health, or education to be provided by any of its partner agencies.
- 3) Where the prospective adopter is the foster carer of the child, the Council will write to the carer setting out when the fostering placement ends and the adoption placement begins. This will allow for a clear distinction to be made between the two types of placement.

4.2 Adoption Support Assessments

- 1) The Council will carry out an assessment of need for adoption support for those who meet the relevant criteria.
- 2) An assessment of need for support will be limited to the entitlement of the person making the request.
- 3) The assessment will cover all the aspects of the adoption context and, where the assessment relates to the child, all the developmental needs of the child, including education, health or emotional needs and any contact issues.
- 4) The following persons are entitled to an assessment for support:
 - children who may be adopted, their parents and guardians;
 - persons wishing to adopt a child;
 - adopted persons, their parents, natural parents and former guardians;
 - children of adoptive parents (whether or not they are adopted);
 - birth siblings of adopted children;
 - relatives of the adopted child

- 5) Step-parents are not entitled to an assessment for support. However, counselling, advice and information may be offered, where appropriate.
- 6) The assessments will consider how well the existing services meet the needs of adoptive families. They will also consider whether they should continue as before or be changed in any way. If services need to be changed and appropriate services are not available locally, financial support may be considered to meet the cost of services elsewhere.
- 7) The assessment process will be as flexible as possible and where possible will facilitate a joint exploration of difficulties in partnership with the family.
- 8) Straightforward requests for advice do not require an assessment and can be given by phone without the need for an interview. Requests for advice will be logged.

4.3 Adoption Support Plan

- 1) Once the adoption support assessment has been completed, an adoption support plan will be completed that will set out the following:
 - aims of the plan and the services that will be provided;
 - timescales for providing the support detailed in the plan;
 - persons responsible for carrying out the plan, the support services they will be providing and when these will be provided
 - measures that will be used to show if the support plan is successful
 - when the support plan will be reviewed
- 2) The adoption plan will include any proposed financial support including:
 - how the amount was calculated;
 - frequency of payments;
 - period over which it will be paid;
 - date that the first payment will be made;
 - conditions and consequences of failing to meet the payments;
 - arrangements for review, variation and termination of support.
- 3) In cases where there is a change in circumstances, e.g. serious change in the behaviour of the child since the last assessment, it may be necessary to carry out a new assessment of the child's needs.
- 4) The Council may propose to change or end the support provided, as a result of a review, either before or after an adoption order is made. If this is the case, the adopter or prospective adopters or young person (if appropriate) will be notified and informed of the process and will be given 10 working days to make representations on the proposals.
- 5) The adopter or prospective adopters will be given a copy of the final support plan, with the reasons for any decisions made.

5. Special Guardianship Support Services

5.1 Special Guardianship Support

- 1) The Council will arrange for the following services to be provided:
 - counselling, advice and information;
 - financial support to special guardians;
 - services to help groups of relevant children and their parents, special guardians and prospective special guardians to discuss matters related to special guardianship arrangements;
 - assistance, including mediation services ,in relation to contact arrangements between a child and their natural parents or others who may share a significant relationship which the Council feels is beneficial to the welfare of the child.
 - therapeutic services for the child;
 - assistance to support the continuance of the relationship between the child and the special guardian or prospective special guardian , including training to enable the special needs of the child to be met, respite care and mediation in matters relating to the special guardianship order.
- 2) The Council may arrange for some support services such health, or education to be provided by any of its partner agencies.
- 3) Where the prospective special guardian is the foster carer of the child, The Council will write to the carer setting out when the fostering placement ends and the special guardianship placement begins. This will allow for a clear distinction to be made between the two types of placement.

5.2 Special Guardianship Support Assessments

- 1) Where the child is or was a looked after child immediately prior to the making of the Special Guardianship Order, the Council will undertake an assessment of needs for special guardianship support on request of:
 - the child
 - the special guardian or prospective special guardian
 - a parent (in relation to their need for support with contact and/or discussion groups).
- 2) Where the child is not or was not a looked after child immediately prior to the making of the Special Guardianship Order, there is no requirement for the Council to undertake an assessment. The Council will use its discretion in deciding whether or not to provide this. However, the Council will be mindful of the need to ensure that children who are not or were not looked after, are not disadvantaged in the exercise of this discretion. If the Council decides not to assess, it will notify the person who made the request in writing, giving the reasons for the decision.
- 3) The following people may be offered an assessment for support services:-

- The child (where not looked after)
 - The special guardian or prospective special guardian
 - A parent (where the child is not looked after)
 - A child of the special guardian (where the child is looked after or not)
 - Any person whom the Council considers to have a significant and on going relationship with the child (whether the child is looked after or not)
- 4) Straightforward requests for advice do not require an assessment and can be given by phone without the need for an interview. Requests for advice will be logged.
 - 5) The Council will aim for the assessment process to be as flexible as possible and, where possible, will explore solutions to problems in partnership with the family; the Council will also consult with the PCT and Education concerning the child's relevant health and educational needs. Assessment should not delay the provision of services.
 - 6) The assessments will cover all aspects of the special guardianship, including education, health or emotional needs of the child and any contact issues, and will consider
 - the developmental needs of the child;
 - the parenting capacity of the special guardian or prospective special guardian;
 - the family and environmental factors that have shaped the life of the child;
 - what life with the special guardian might be like for the child;
 - any previous assessment of the child or special guardian;
 - the needs of the special guardian or prospective special guardian and their family;
 - the impact of the special guardianship order on the relationship between the child, parent and special guardian.
 - 7) The assessment will consider how well existing services meet the needs of special guardianship families. It will also consider whether they should continue as before or be changed in any way. If services need to be changed and appropriate services are not available locally, financial support may be considered to meet the cost of services elsewhere.
 - 8) In completing the financial assessment, the Council will have regard to :-
 - the special guardians' means,
 - financial resources that would be available to them if there were a child living with them
 - the amount required by the proposed special guardian in respect of their own reasonable needs
 - financial needs relating to the child
 - the amount of fostering allowance payable if the child had been fostered.
 - 9) The Council has a discretion not to means test:-
 - in considering "one –off "payments associated with settling a child in
 - recurring costs in relation to travel expenses for contact
 - any special care the child needs
 - to provide a transitional period of payment to a former foster carer who becomes special guardian
 - 10) The Council will consider all the child's circumstances in relation to those of the

special guardian, with particular reference to:

- enabling siblings and other children to be placed together;
- to facilitate the placement of "harder to place" children

5.3 Special Guardianship Support Plan

- 1) Once the assessment has been completed, a written copy of it will be supplied .In addition, a special guardian support plan will be completed that will set out the following:
 - aims of the plan and the services that will be provided;
 - timescales for providing the support detailed in the plan;
 - persons responsible for carrying out the plan, the support services they will be providing and when these will be provided
 - measures that will be used to show if the support plan is successful
 - when the support plan will be reviewed
- 2) The Plan will include any proposed financial support including:
 - how the amount was calculated;
 - frequency of payments;
 - period over which it will be paid;
 - date that the first payment will be made;
 - in the case of a single payment, when that payment will be made
 - any conditions attached to the funds, and consequences of failing to adhere to them
 - arrangements for review, variation and termination of support.
- 3) A copy of the proposed Plan
- 4) The proposed Plan will be sent to the person requesting support, giving them 28 days to make representations on the proposed plan. Information on who to contact regarding independent advice and advocacy will be attached to the Plan.
- 5) Copies of the final plan will be provided to special guardians, or those who have requested support, with full reasons given as to the decisions that have been made.
- 6) Special Guardianship Support Plans will be reviewed at the following stages:
 - when any change of circumstances takes place, e.g., when the family moves, the child ceases to live with the special guardianship family, the child dies; or
 - there is any notable change in the family's financial circumstances, in the child's financial needs or resources.
 - at any stage of implementation of the support plan, where this is considered appropriate;
 - at least annually.
- 7) Where there is a significant change of circumstances, such as serious changes in the behaviour of a child, a new assessment of needs will be undertaken.
- 8) Changes to financial support will be determined by an assessment using the Council's means testing scheme.
- 9) The Council may decide to vary or terminate the provision of support after a review is carried out. In these cases, the person who made the application for support will be notified in writing and will be given 28 days to make representations.

6. Financial Support for Adopters and Special Guardians

- 1) Financial support should supplement no replace any existing means of support available.
- 2) Applicants will be helped to access advice on their entitlements to benefits, tax credits and allowances, as these will be taken into account when considering the amount of financial support entitlement. This may include advice on the following:
 - Incapacity benefit
 - Statutory maternity, paternity and adoption pay or allowances
 - Bereavement benefits
 - Working tax credits
 - Child tax credit
 - Income support
 - Housing benefit
 - Child Benefit
- 3) Applicants should ensure that they take advantage of all benefits and tax credit entitlements available to them.
- 4) The Council will consider any additional needs as a result of the placement on the respective family, and whether any lump sum payments are required to secure the success of the placement, e.g. settling in costs, home adaptations, costs for therapeutic treatment. etc.
- 5) The Council will take into account any special circumstances that apply, e.g. where foster carers wish to adopt or become the special guardian of a child they are currently caring for.
- 6) Financial support packages may be provided as appropriate.

Circumstances under which financial support may apply

- 7) The provision of financial support will only be given in circumstances, where:
 - it is necessary to ensure that adoptive parents or special guardians can look after a child;
 - a child needs special care that requires greater expenditure on resources as a result of illness, disability, emotional or behavioural difficulties or the continued consequence of neglect or abuse.
 - it is necessary for the Council to make special arrangements to facilitate a placement, adoption or special guardianship, by reason of age, ethnic origin of the child or the desirability of the child being placed with siblings or a child with whom he/she has previously shared a home;
 - such support is to meet the recurring costs of travel for visits for the child to members of the birth family or significant others;
 - the Council considers it appropriate to contribute towards expenditure on legal costs in adoption cases, including Court fees (if the case is supported by the Council), or expenses in relation to the child's introduction to adoptive parents or expenditure on accommodating the child, such as adaptations to the home, furniture, clothing or transport.
 - the Council decides that the proposed special guardianship is in the child's best interests; and that the special guardianship placement would not be

practicable without the provision of financial support, it may decide that special guardians are eligible to receive financial support, providing the relevant criteria are met.

- the Council considers it appropriate or uses its discretion to contribute towards expenditure on legal costs, including Court fees.
- 8) The Council may also provide financial support to adoptive parents or special guardians resident in Lewisham, if the child was not placed by the Council and the person applying for support meets the criteria for assessment, where the Council feels it is appropriate.
- 9) The Council may use its discretion to provide financial support either before or after placement, as appropriate.

Court fees and costs

- 10) The provision of financial support will only be given::
- If the application to adopt is contested, the Council will meet the adopter's legal costs.
 - If the case is uncontested, but the Council decides it is justified to provide help with legal costs for adopters to enable them to seek legal advice.
 - The Council may use its discretion to pay the legal costs of adoptive parents, where this will support the adoption and avoid a delay to the Court proceedings.
- 11) Where the Council does not support an application to adopt a child in its care, the prospective adopters may be able to obtain help with legal costs from the Legal Services Commission, provided the means and merits tests are met. The Council would not be expected to provide financial support to meet the legal or court costs in these circumstances.

7. Lewisham's Financial Support Assessments Scheme

7.1 Criteria

- 1) To be eligible for a basic financial allowance for adoption or special guardianship, the adoptive or special guardianship child should have additional needs that the adoptive parent(s) or special guardian(s) cannot meet from their own income.
- 2) The Council will use an assessment of means to determine the amount of financial support payable in each individual case. The assessment aims to calculate the amount of financial support needed by the family to enable a successful placement; and to improve the well-being of each person in an adoptive or special guardianship home.
- 3) The specific factors to be taken into account in Lewisham's Adoption and Special Guardianship Financial Support Scheme include the:
- recommendations made by the relevant panel or the Court
 - family income;
 - family circumstances;
 - needs of the child and financial implications of these;
 - resources of the child;
 - expenditure needed to facilitate the adoption or special guardianship

- 4) Financial support cannot normally include any element of remuneration payment to compensate adoptive parents or special guardians for any losses of income incurred. However, where they were previously a foster carer there may be a transitional period of up to two years during which a higher level of support is paid.
- 5) The continuation of an element of remuneration for a transitional period of 2 years will be considered where a child or young person has been in placement for over 2 years and the prospective adopter or special guardian had been in receipt of a mainstream fostering allowance. This will give the family time to adjust to their new circumstances.
- 6) To qualify for any financial support to former foster carers, the decision to pay ongoing financial support must be taken before the making of the adoption or special guardianship order.
- 7) Adopters and special guardians who are in receipt of financial support will be sent a Financial Assessment Form, Financial Assessment Review Form or Financial Assessment Enhancement Form to complete, as appropriate. These will inform the entitlement to the basic financial support allowance or financial enhancements, as relevant. The information required from prospective adopters/special guardians is set out in the table below.

Summary of income and expenditure

Income	
Allowances, Benefits and Tax Credits – Total subsection A	
Wages , Salaries , Pension – Total subsection B	
Other Income – Total subsection C	
Income relation to child being adopted/special guardian child - Total subsection D	
Family Expenditure	
Home Outgoings - Total subsection E	
Other Outgoings - Total subsection F	
Core regular family expenditure (Personal family allowances) - Total subsection G	
Total projected Family Income = Subsection totals A+B+C+D	
Disregard first 25%	
Family Income used for purpose of assessment	
Total projected Family Expenditure	
Disposable Income = Assessment income – Total projected expenditure	

Breakdown of how calculations are made

Total projected net family income (per month):	
Total projected family expenditure (per month):	
Disposable income (per month):	
Local Authority Maximum Payment	
Amount of payment to adopters or special guardian	
Minus child benefit for child/children who are subject of this application	
Final payment to adopters or special guardian:	

- 8) Adopters or special guardians who do not return the assessment form(s) will be sent a reminder letter giving 28 days notice of the suspension of payments, where the requested information is not received. Adopters or Special Guardian are expected to sign an agreement to confirm acceptance of the level of financial support.
- 9) If the information on Financial Assessment Forms is found to be false, the payments will be suspended until the Council carries out an investigation into the matter and the family will be given notice of this. The outcome of the investigation will be notified to the family. If the outcome of the investigation finds that the information was correct, all payments will be reinstated and any outstanding monies backdated.
- 10) Where the Council investigation reveals that the information provided is false, the Council may take steps to ensure that some or all of the previous payments made are refunded.

7.2 Types of financial support packages

- 1) The Council's Adoption and Special Guardianship Support Scheme provides four other types of financial support packages for adopters and special guardians.
 - **Time-limited financial support**
This may be paid for 1, 2 or 3 years, to allow for a period of adjustment during the early years of adoption, e.g. to facilitate one parent to remain at home as a full-time carer, thus helping to promote attachment.
 - **Tapering financial support**
This may be especially appropriate for the adoption placements of some pre-school children. The amounts payable may be tapered as follows:
 - 100% in 1st year
 - 75% in 2nd year
 - 50% in 3rd year
 - 25% in 4th year and then cease.
 - **Variable levels of support**
The amounts payable would be dependent on circumstances and would provide a percentage of the basic allowance for an additional child.
 - **Support payments for specific purposes.**
Payments for specific purposes which will cease once the objective had been achieved. The payments may be paid by way of a lump sum, or paid in instalments.

Types of Payments

- 2) Payments may be made in the following ways:
 - Regular payments, based on the age of the child and calculated as agreed by the Council;
 - Lump sum payments for settling in costs;
 - Payments in special circumstances (e.g. for a child with additional needs, where foster carers adopt a child for whom they were previously caring or where adopters incur legal expenses in contested cases).

Assessment for Weekly Basic Rate of Financial Support

- 3) The amount of financial support awarded, if any, will be based on an assessment of the information provided on the Financial Assessment form. The Assessment & Benefits Team will use this information to calculate the amount of standard financial support that families' will be entitled to. 25% of the family income will be disregarded as part of this assessment.
- Child benefit will be deducted from financial support apart from when the adoptive or special guardianship family are in receipt of income support.
 - Siblings get the same rate as 2 individual children (NB child benefit will be less for the second child).
 - Birthday, Christmas and holiday allowances are not included in finance support rates and are expected to be met by the adoptive parents.
 - As the child grows older rates will increase as appropriate to the age related bandings from the date of the child's birthday.
- 4) The age related allowances will be payable as follows:

Age group	Amount
0-4	£84.33
5-10	£96.13
11-15	£119.71
16+	£148.69

- 5) Where a young person is in receipt of wages' they will be expected to make a flat rate contribution of £3.00 towards their keep. Where a young person has available income in excess of £52.00 per week (after taking into account NI, fares, lunch money and standard allowances for clothing and pocket money), they will be expected to contribute 60% of the excess in addition to the £3.00 towards their keep up to a maximum of £20.00 per week.

Financial Support Enhancements

- 6) An assessment will be carried out on each child's needs and the families' resource needs in relation to the relevant child/ren. The aim of the assessment is to determine the additional costs to the adoptive family in caring for the child. Each family will be asked to complete a Financial Assessment Enhancement Form for each relevant child. Consideration will be taken of factors such as housing and daily living expenses, transport costs, expenses related to children who are already part of the adoptive family, e.g. holidays and family outings as set out in the Financial Assessment form.

Financial needs of the child

- 7) The financial needs and provisions of the child to be assessed should include everyday financial needs as well as any special needs and expenses related to the child's individual circumstances. Examples of special needs would include special diet, replacement bedding and clothing, transport costs associated with medical treatment or transport costs to school, not otherwise available from the local education authority.

- 8) In most circumstances weekly payments to meet the child's ongoing needs will not be necessary. For example where a baby is relinquished or removed from birth, it may well be that an initial lump sum payment will suffice. However, there may be circumstances where a child develops needs which require financial support, as the child grows older, e.g. where there has been physical/emotional abuse, or substance misuse by parents. Where this is assessed as a possibility, this will be discussed with the prospective carers by the relevant child's social worker / team manager.