

## **GOOD PRACTICE ADVICE NOTE**

### **ADOPTION SUPPORT 3 YEARS POST ADOPTION ORDER**

#### **Introduction**

This good practice advice note is intended to provide clarity in respect of the responsibilities placed on either a placing local authority or resident/receiving authority (i.e. where the child lives with their adoptive parents) under the Adoption Support Services (Local Authorities) (Wales) Regulations 2005.

It is written with particular reference to the support needs for a child who has been placed for three years and where responsibility for the Adoption Support Plan is to be transferred from the placing authority to the resident/receiving authority. As it is not always possible to predict the future support needs at the point of placement further assessment is often required and the responsibility and acceptance of updated plans can become an issue if not handled appropriately at the point of transfer.

Where there are no significant packages of support in place this transfer can be seamless. Where support is needed however there often follows a period of delay whilst the receiving authority considers the need and reaches a decision. This delay often results in challenges to the adoptive family whilst adopters cope with the uncertainty of knowing whether the support is likely to continue.

The issue is exacerbated by the fact that regions have different arrangements in place in relation to how these transfers are managed as well as the differing roles and responsibilities of the Adoption Support Service Advisers (ASSA). Receiving authorities are sometimes reluctant to accept the Adoption Support assessment and accompanying support plan and this also gives rise to further uncertainty whilst plans are made to facilitate further assessments.

The regulations, drafted in the early 2000's and pre dating the creation of the National Adoption Service, did not necessarily foresee the trajectory that adoption support services have taken in the last 10 – 15 years, but rather anticipated the provision of services, particularly therapeutic support, through the NHS and CAMHS. The Welsh Government policy intention at the time was, however, to ensure that increased levels of adoption support would be available where needed and that placements would continue to be supported after the granting of the Adoption Order for as long as necessary, regardless of the local authority responsible.

#### **Glossary**

Throughout the document the following terms and abbreviations are used:

- Placing authority refers to the local authority responsible for placing the child for adoption

- Resident or receiving authority refers to the local authority where the child lives; this document relates to those children where the resident/receiving authority is different to the placing authority.

## **A NOTE ABOUT FINANCIAL SUPPORT**

Financial support is generally intended to supplement existing means of income available to adoptive parents and the child or children being adopted. Whilst it is acknowledged that financial support can in particular circumstances be of critical importance in ensuring a successful adoption financial support relates to the payment of adoption allowances and any other payments agreed at the point of placement e.g. reimbursement of salaries where a prospective adopter may be required to give up work for a period of time to enable a child to settle, equipment costs, court fees (see Adoption Support Services: Financial Allowances Policy and Procedure 2017). If it is envisaged that this type of financial support should continue for an extended period, and/or after the three year period post-Order, and in line with the Adoption Support Services (Local Authority) (Wales) 2005: Regulation 11(2) the expectation to continue payments remains with the placing authority and reviewed annually in line with the above policy.

## **LEGAL FRAMEWORK**

The Adoption Support Services (Local Authorities) (Wales) Regulations 2005 make provision for local authorities to provide adoption support services as part of the services maintained by them under section 3(1) of the Adoption and Children Act 2002. Adoption support services are also defined by section 2(6) of the Adoption and Children Act 2002.

Regulation 3 prescribes the services that should be provided to adopted children, adopters and other related persons; and includes a range of services as well as financial support. Regulation 3 (d) in particular refers to “*services that may be provided to an adoptive family in relation to the therapeutic needs of an adoptive child*”.

Whilst the regulations also make separate provision for the payment of financial support to assist the adoptive parent in supporting and continuing the placement, “*where the child needs special care which requires a greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect*” [Regulation 11 (2)(f)] it should be noted that this is separate to Regulation 3 and cannot be taken to mean that financial support would or should cover funding for therapeutic services.

In relation to adoption support that includes the need for additional services the placing authority is responsible for:

- Undertaking adoption support assessments at the point of matching and placement and at the request of the adoptive family
- The provision of an Adoption Support Plan arising out of the adoption support assessment

- The provision of support for three years post Adoption Order at which point any ongoing support will transfer to the resident/receiving authority if this is different
- Any ongoing financial support that it decided to provide before the making of an Adoption Order. Responsibility for financial support may continue after the three year period, subject to review, until it is terminated in accordance with Regulation 17.

**A package of therapeutic or other support, agreed either before or after the Adoption Order is made will therefore, on strict interpretation of the regulations, cease to be the placing local authority's responsibility on the expiry of three years' post Adoption Order.**

This good practice advice note has therefore been developed to assist local authorities, regional adoption agencies and adoptive families in *agreeing the transfer of responsibility between local authorities in Wales (where the placing authority is not the resident or receiving authority)*, and will include reference to the relevant elements of the regulations and the recently launched NAS Good Practice Guide for Adoption Support. The aim of the proactive approach outlined below is to ensure that Regional Adoption Agencies are not left to navigate different sets of systems when continuity of support is at its most crucial.

## **STATUTORY GUIDANCE<sup>1</sup>**

Under current arrangements if a local authority (the placing authority) is considering placing a child for adoption in the area of another local authority (the resident or receiving authority), the placing authority must notify in writing the receiving authority about the placement. This notification should take place before matching and include a copy of the Adoption Support Plan and the Matching Report\*. They must also include the results of any assessments undertaken for the provision of support services and the ability of the receiving authority and other local agencies to meet any support service requirements.

As stated above the placing authority will devise an Adoption Support Plan for the child and will share this along with any other relevant assessments with the resident/receiving authority. The support plan will identify all current needs as well as future (predicted) needs for support, where it is possible to do so.

Although the guidance picks up the issue of a family needing financial support due to the "*continuing consequences of past abuse or neglect*" it does not indicate that such financial support would cover costs for therapeutic support packages and this should therefore be outlined separately within the support plan.

\*NB the notification should allow enough time for the ASSA to consult with the receiving/resident local authority before the match is presented to panel.

## **Placement outside of the local authority area**

If any arrangements to place a child in another local authority area are to be successful "*they will require the earliest possible involvement of the local authority where the child is to be placed*" and close consultation on the availability of services in the area is key

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<sup>1</sup> Welsh Govt. Practice Guidance on Assessing the Support Needs of Adoptive Families (Wales) 2005  
NAS/Adoption Support/Transfer of support at 3 years/May 2021

to ensuring that both the placing authority and resident/receiving authority are able to meet any ongoing commitments outlined in the child's Adoption Support Plan.

Contact with the Adoption Support Services Adviser (ASSA) working in the authority where the adopter lives should be established at an early stage (pre-placement) to ensure that any necessary support services are available. This will be especially important where the adopters were approved by a voluntary adoption agency, or local authority other than the one where they are living.

### **Transfer of support at three years post Order**

The NAS Good Practice Guide for Adoption Support provides a protocol for the smooth transition of adoption support services from placing authority to resident/receiving authority. It highlights the role of the Adoption Support Services Adviser (ASSA) and sets out the following:

*If the child is placed right from the start in a different authority, the regional collaborative acting on behalf of the placing authority will, with the consent of the adoptive parents, inform the resident local authority, or regional collaborative, that the Adoption Order has been made, effectively giving three years' notice that responsibility for ongoing support will fall to the resident authority on the expiration of this period.*

At least **six months** prior to the expiration of the three years the adoption support assessment will be updated and the support plan will be reviewed by the Regional Adoption Agency to ensure that both remain appropriate and helpful to the child and adoptive family.

At the same time the regional collaborative acting on behalf of the placing authority, will, with the consent of the adoptive parents, notify the ASSA for the relevant regional collaborative in Wales, or regional agency/local authority if outside Wales, of any continuing need for services and share with them the updated adoption support assessment and Adoption Support Plan.

Where a significant package of therapeutic support is in place and is likely to extend beyond the three years, or where it is considered that a package of support has become necessary since the Adoption Order was made this will be outlined within the assessment and the updated Adoption Support Plan.

Following receipt of the notification and reports the ASSA for the resident/receiving authority will make contact with the placing authority ASSA to discuss the updated plan.

The resident/receiving authority should only need to undertake a further assessment of adoption support needs following transfer if additional needs emerge for the child or the adoptive family.

A transfer meeting will be convened which will include both ASSAs, the Adoption Support Social Worker or Team Manager and a representative of the resident/receiving Local Authority. The purpose of the meeting will be to consider the assessment and plan and agree actions and dates as to when the transfer will happen.

### **Notification of Decision**

Once the decision has been made and the transfer agreed, the resident/receiving Local Authority should give notice of that decision and their acceptance of the plan. This notification should be received by the placing authority **at least 6 weeks** prior to the transfer date to allow enough time to ensure a smooth transition.

### **Disputes in relation to accepting the transfer of support**

Where issues arise in relation to the resident/receiving authority accepting responsibility for the transfer of support packages, and these cannot be resolved between the two ASSA's, or the ASSA in consultation with the senior designated lead in each of the partner local authorities responsible for funding, the Regional Adoption Manager for the placing authority should make contact with the Regional Adoption Manager for the resident/receiving local to engage the manager's assistance to resolve the situation. At the same time the Regional Adoption Manager for the placing authority should make the Lead Head of Service for the region aware that there is an issue with the transfer. Where adoption support is not a delegated function in a region an alternative arrangement would be for the Heads of Service for the placing and receiving authority to reach a decision.

### **Escalation to Heads of Children's Service**

Under the majority of circumstances it is likely that any difficult issues in relation to the transfer of adoption support services will be resolved at ASSA or regional management level relatively quickly. Where it is not possible to achieve this within a timescale appropriate to the child and adoptive family's needs, and taking into account different management structures within each local authority, it may become necessary to request the matter be discussed between the Lead Head of Service for the region and the Head of Children's Service for the receiving/resident authority, or where there is no delegated authority to the Lead Head of Service the two service Heads should be called upon to reach a decision without delay.

## **APPENDIX 1: THE ROLE OF THE ADOPTION SUPPORT SERVICES ADVISER (ASSA)**

NAS Good Practice Guide for Adoption Support: *The role of the ASSA is pivotal when it comes to negotiating with outside agencies, whether that is education or health authorities or other regions or countries where the resident authority is not the placing authority.*

Regulation 6: Adoption Support Services (Local Authorities) (Wales) Regulations 2005 states that each local authority must appoint at least one person who will:

- Give advice and information to anyone affected by adoption or the proposed adoption of a child
- Give advice, assistance and information to the local authority including in relation to the assessment of needs for adoption support services (Reg. 8), the availability of adoption support and other local services and in relation to the development of the adoption support plan
- Give advice and assistance to another local authority in relation to a child who is to be placed in the local authority's area, or where the person in receipt of support services, or assessed to be requiring support services moves from one area to another

And in addition, within this framework will:

- Negotiate with other services – health, education etc. to assess what is available, referral and criteria for referrals etc.