

**ABERDEEN CITY COUNCIL  
SOCIAL CARE AND WELLBEING**

**ADOPTION ALLOWANCE POLICY**

**1. Introduction**

The Adoption and Children (Scotland) Act 2007 (“the Act”) identifies the need to provide support for all of those who are affected by adoption, and recognises that many children placed today in adoptive families are likely to need supports at stages throughout their childhood. As part of the whole range of support services, the Act re-affirms the ability for adoption agencies and local authorities to provide financial support where appropriate. The Adoption Support Services and Allowances (Scotland) Regulations 2009 (“the Regulations”) require local authorities to have a scheme for the payment of adoption allowances.

**2. Circumstances when an allowance may be paid**

The Regulations set out clear criteria for the circumstances in which an adoption allowance may be paid. These are:

- a) where it is necessary to ensure that the adoptive parent can look after the adoptive child ;
- b) where the child needs special care which requires expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect;
- c) where it is necessary for the adoption agency to make any special arrangements to facilitate the placement or the adoption by reason of:
  - (i) the age or ethnic origin of the child or
  - (ii) the desirability of the child being placed with the same adoptive parent as the child’s brother or sister (whether full blood or half blood) or with a child with whom the child previously shared a home;
- d) where such an allowance is to meet recurring costs in respect of travel for the purpose of visits between the child and a relative; or
- e) where the adoption agency consider it appropriate to make a contribution to meet the following kinds of expenditure –
  - (i) expenditure on legal costs, including fees payable to a court in relation to an adoption;

- (ii) expenditure for the purpose of introducing an adoptive child to the child's adoptive parent; or
- (iii) expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child.

### **3. Eligibility criteria**

#### The child's need for an allowance

When a child's plan for adoption is being considered by the Adoption and Permanence Panel, the Panel will consider if the child's circumstances meet the eligibility criteria of the scheme. Usually at this stage, an adoptive placement has not yet been identified. Where a recommendation is made, if the Agency Decision Maker agrees that a child is eligible for an adoption allowance, this information will be used when drawing up matching considerations so that any prospective adopters are aware of this before making a decision about whether they feel able to care for that child

#### The adopters' need for an allowance

The availability and eligibility of adoption allowances must be discussed with prospective adopter(s) during the home study phase of their assessment. Prospective adopter(s) need to be made aware that both their own financial circumstances and children's circumstances and needs are taken into account when assessing their eligibility for an allowance. The Adoption Allowance Information leaflet must be given to all prospective adopters at this stage. (Appendix 1)

The Regulations also allow for the agency to pay adopters who are existing foster carers and kinship carers under certain circumstances.

#### Foster carers who wish to adopt the child placed with them

The Regulations allows the Agency to pay existing foster carers and kinship carers the same fostering allowance and level of payment fee (where already being paid) for a period of two years following the adoption order being granted. This is to allow foster and kinship carers a period of time to allow them to adjust their finances and enable them to continue to care for the child. This applies only to the remuneration element ie the Payment for Skills fee.

Where foster carers are recommended as prospective adopters for a child already living with them, and will lose at least one third of their household income

by adopting the child, the council will continue to pay the fostering fee for a period of up to two years following the start of the adoption placement.

The Agency expects that, in these circumstances, most foster carers will cease to act as foster carers for other children and their foster carer status will be amended to reflect this.

#### **4. Types of allowances**

Some payments are dependent on the adoptive family's financial circumstances and will be means tested by Aberdeen City Council. ("These payments relate to an adoption allowance under criteria a), b) and c). Other payments are not means tested and may take the form of one-off payments for particular circumstances, and these are described under criteria d) and e).

##### Regular Adoption Allowance

A weekly adoption allowance can be awarded which may be for a time limited period, or may last until the child leaves full time education or reaches the age of 18. This allowance will be reviewed annually. This refers to circumstances in criteria a) b) or c) above .

##### Start up costs/Settlement payments

The Agency also may consider making payments to prospective adopter(s) to assist with the initial costs at the start of the placement. This payment is referred to as a Settlement payment. This payment is not means tested and may be offered on a discretionary basis where particular circumstances are indicated. It may be for the purchase of furniture when a sibling group are being placed, such as bunk beds, or where an adoptive family would find it difficult to meet all the new costs at this initial time of settling in a child to the adoptive family. This payment should be considered as part of the Linking/Matching meeting and recommended to the Adoption and Permanence Panel for consideration and a decision by the Agency Decision Maker.

##### Legal expenses

The Agency can make payments up to £300 to help prospective adopter(s) meet the legal expenses involved in the adoption process. This payment is not means tested and will be discussed at the Linking/Matching meeting and recommended to the Adoption and Permanence Panel for consideration and a decision by the Agency Decision Maker.

The petitioner/s (those seeking to adopt a child) must pay a fee for lodging the Adoption petition. Petitioners are advised to seek their own legal representation. The Sheriff Clerk's Office can also provide advice and documentation relating to

the adoption process. Petitioners are entitled to represent themselves in this process if they choose to do so.

Once a child is adopted, an Adoption Certificate replaces the child's original birth certificate. This is available from the Registrars General in Edinburgh. Adopters are responsible for obtaining this.

Where it is considered that an adoption petition is likely to be contested and where the Adoption and Permanence Panel has considered the Agency's legal advice that this route is the preferred option for a particular child the Agency may contribute towards the reasonable legal costs as it considers appropriate. This decision will be made by the Agency Decision Maker who will notify prospective adopters when the match has been approved.

In all circumstances the Agency will require proof of expenditure, such as invoices, before payment can be made.

### Introduction costs

The Agency will consider meeting the costs of introducing a child to the prospective adoptive family, where travel costs are involved and/or overnight accommodation is required. The adopter's social worker will assess the need prior to the match to enable a recommendation to the Adoption & Permanence Panel to be made.

## **5. Assessment**

Where assessing social workers identify that prospective adopter(s) have limited financial means (in receipt of benefits or low income) or are current foster carers for the child, the prospective adopter(s) should be invited to complete the Adoption Allowance Application Form which contains a detailed financial assessment, after their formal approval by the agency. (Appendix 2)

If the adopter(s) is going to experience a time-limited reduction in income, for example through unpaid adoption leave, and the child is eligible for an allowance and adoption would not be possible without some financial support, consideration should be given to awarding an allowance for a time-limited period. The temporary nature of an allowance should be clearly indicated by the Agency Decision Maker at the time of decision making about the allowance.

### **5.1 How we work it out**

Applicants need to complete the Adoption Allowance Application Form and provide information about their financial circumstances. All income is set against expenditure such as rent or mortgage payments, council tax and water charges; other personal expenditure is calculated at £300.00

per week for a couple, £210.00 for a single person, and £50.00 pw for any child. These rates are calculated and updated in line with Aberdeen City Council's Charging Policy. Adopters are required to disclose any capital and savings. These are only taken into the calculation if they exceed £10,000 per person.

Information required for proof of income is either a P60 or 5 pay slips from the most recent tax year, and any tax credit award notice. If an applicant is in receipt of Income Support, they should provide their reference number and verifying information such as a letter from the Benefits agency. For self employed applicants, relevant extracts from the previous year's audited accounts will need to be provided such as HMRC Tax Calculation

The formula for deciding whether a prospective adopter/adopter meets the eligibility criteria is as follows:

- Where total expenditure or outgoings is calculated as being more than 85% or more of net income the adopter will receive 100% of the Allowance
- Where total expenditure is calculated as being between 78%-84% of net income, the adopter will receive 75% of the Allowance
- Where total expenditure is calculated as being between 70%-77% of net income, the adopter will receive 50% of the Allowance
- Where total expenditure is calculated as being less than 70% of net income, no Allowance will be awarded.

## **6. Decision making**

### Linking/matching meeting

The minute of the linking/matching meeting presented to the Matching Panel must contain the following information:

- The Child's Adoption Support Plan including information as to whether the child is eligible for an adoption allowance – this will include all kinds of allowance.
- The prospective adopter(s)' views concerning the necessity of an adoption allowance to support the placement. (While it is not essential for the calculation concerning their actual eligibility to have been completed at this point, it is very helpful if the adopter's worker has an accurate idea of their likely eligibility if the prospective adopters are stating that they cannot afford to adopt without an allowance.)
- Where the child was deemed eligible for an allowance by the Agency Decision Maker at the time the permanency plan was

approved, it is necessary to consider if the child's circumstances have changed and to consider if the child's circumstances mean that he/she still meets the criteria.

- Where the child was previously deemed not to have met the criteria, it should be considered if their circumstances have changed and a recommendation to the Adoption and Permanence Panel should be made if it is believed that the child does now meet the criteria.

### The Adoption and Permanence Panel

The Panel must ensure that any recommendation about either a child's needs or a prospective adopter(s)' needs meet the criteria for payment of an adoption allowance set out in the Scheme.

The child's needs will be considered when the plan for adoption is first presented to the Panel; they can also be considered when a match to an adoptive placement is being recommended, as the child's needs may have changed since first being considered at the Panel.

### The Agency Decision maker

Any recommendation from the Adoption & Permanence Panel will be made to the Agency Decision Maker whose decision will be final.

The Agency Decision Maker will notify the adopters that a child has an Adoption Support Plan at the same time s/he approves the Match. Information about the payment of an adoption allowance will form part of the Adoption Support Plan.

## **7. Rates of Adoption Allowances**

Current financial rates as from 1 April 2009 are:

Age of Child	Weekly Payment Rate
0-4 years	£78.06
5-10	£96.87
11-15	£120.58
16-18	£156.13

These payments are reviewed on an annual basis in line with fostering allowances. All such allowances are published on the Council's website. Child Benefit is deducted from this allowance as this is paid directly to an adopter(s). Other benefits such as Disability Living Allowance will be disregarded.

### Timing of the payment of allowances

Where a child is placed on an adoptive basis with adopters, who have not had previous care of the child, and they are eligible for an allowance, payment of the “pre-adoption fostering” allowance will start from the date the child is placed with them. They are eligible for child benefit from the Monday after the child is placed with them for adoption.

Where the child is placed on a fostering basis (because he/she is not yet free for adoption or subject to a permanence order with authority to adopt) the allowance will be paid at the pre-adoption fostering rate. This payment will be made on a fortnightly basis and will cease at the point that a Freeing Order or Permanence Order with authority to adopt has been granted. The adopters will be issued with a Foster Carer Agreement which provides the detail about the placement.

An Adoption Allowance Agreement will be sent to the adopters to sign their acceptance of the adoption allowance and agree to the conditions of the scheme at the point where this has been approved. (Appendix 3)

Adoption Allowances are paid three monthly in advance, starting from the date of the adoption placement.

## **8. Review**

### Adopter’s request for review of the agency decision

Where prospective adopters disagree with a decision concerning an adoption allowance, they can ask for a review of the decision. In line with the Appeal procedure, they will write to the Agency Decision Maker within 28 days and outline their reasons for disagreeing with the decision.

The Agency Decision Maker will ask for a differently constituted Adoption and Permanence Panel to be convened which will consider the original recommendation and decision and any issues raised by the prospective adopters. This Review Panel will then make a recommendation to a different agency decision maker, who will either confirm the original decision or notify the adopters of a different decision. Please refer to the Adoption and Permanence Panel Appeal policy and procedures.

### Annual Review

The Regulations require that the Agency review the payment of allowances on an annual basis.. Adopters will be sent an annual review letter and form asking them to complete the necessary information and confirming that the child is still placed with them. (Appendix 4).

The Agency must also review the payment of allowances if at any point it learns of a material change in the circumstances of the adopter(s) or of the child. Adopter(s) are required, as part of the allowance agreement, to notify the Agency, in the event of change of address, if the child dies, where the child ceases to have a home with the adopters, ceases full time education, qualifies for job seekers allowance, attains 18 and continues in further education or there is a change in the financial circumstances of the adopters should this occur at any time.

The Agency may suspend, raise, reduce or terminate a payment, as a result of the review, if the adopter's need for an allowance has changed or ceased. It may also ask for payments to be reimbursed if there has been a delay in notifying the Agency of any change in circumstances.

The Adoption and Fostering Service will undertake a review of the information received, based on the declared financial circumstances of the family and the child, and the child's ongoing needs. Where this indicates that the allowance should be varied, a decision will be reached by the Service Manager.

The Service Manager will notify the adopter(s) of the continuation of the allowance or of any variation. As with the granting of the allowance, the family will have the right to disagree the decision. If they disagree, they should write to the Service Manager within 28 days of receipt of the decision.

## **9. Termination**

The Agency will terminate an allowance if:

- a) the child ceases to have a home with the adopters
- b) the child ceases fulltime education or full time training and starts employment
- c) the child qualifies for Income Support or Job Seekers Allowance in his or her own right
- d) The child attains the age of 18, unless he/she remains in full time education or full time training, in which case the allowance can continue until the end of the course or training
- e) Any agreed time limited period of payment expires
- f) There are no longer circumstances which require financial support to maintain the placement.



Appendix 1  
Information Leaflet on Adoption Allowances

Appendix 2  
Application form to claim an adoption allowance

Appendix 3  
Standard Adoption Allowance Agreement