



Adoption Allowance Scheme

January 2009

THE ORKNEY ISLANDS COUNCIL ADOPTION ALLOWANCE SCHEME

1. The Legal Framework

1.1 From the 28th September 2009 the Adoption Support Services and Allowances (Scotland) regulations 2009 replaced the scheme for the payment of adoption allowances under the Adoption Allowance (Scotland) Regulations 1996.

1.2 The 2009 Regulations maintained the principle that an adoption allowance can be paid where this would help secure an adoptive home for a child, who would, otherwise, not readily be adopted.

1.3 An adoption allowance is a regular payment. Said payment is made by the Council to the adopters and is deemed to cover the costs associated with the specific needs of an adopted child. The payment takes into account the financial circumstances of the adoptive parents.

1.4 The Council may also provide lump sum payments to the adoptive parents. Such lump sum payments are separate and distinct from an adoption allowance and should not be confused with said allowance. A lump sum payment can be paid when such a payment is required, in accordance with an individual child's circumstances, for an adoption to proceed.

1.5 The awarding of an adoption allowances and the making of a lump-sum payment arise in exceptional circumstances. Most adoptions will proceed without such payments being awarded or paid. The necessity for such payments to be awarded or paid to adoptive parents has no bearing on the paramount consideration of an adoption namely whether an adoption by the prospective adopters is in the best interests of the child concerned.

2. When may an allowance be paid?

2.1 The decision as to whether an adoption allowance is to be awarded must be undertaken prior to any adoption order being made.

There is no provision in law to allow such a payment to be awarded post adoption.

An allowance would only be paid once the child has been placed for adoption or the adoption order has been made as determined by the Agency Decision Maker (see 5 below).

Such an award can be varied post adoption to take account of a change in circumstances.

2.2 The circumstances under which an allowance may be paid are:

- (a) where it is necessary to ensure that the adoptive parent can look after the adoptive child;
- (b) 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 of full 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.

If it comes to light after a child has been placed with adopters that the circumstances described in (iii) and (iv) applied at the time of placement for adoption an allowance can be paid.

2.3 One or more of the criteria detailed in 2.2 must be satisfied before an allowance can be considered. Where the criteria are met, a financial assessment of the prospective adopter(s) must be carried out, to determine eligibility for an allowance. A maintenance allowance will usually only be paid where financial circumstances require this. A standard rate of maintenance allowance applies, but additions may be considered where a child's special needs require this (see 4.6 below).

2.4 One-off payments can exceptionally be considered on a case by case basis where a child's special needs require significant additional expenditure (see 4.6 below).

2.5 Where an allowance is being considered to support the placement of siblings together, the first or oldest child placed will not be eligible for an allowance unless an additional criterion is met. Allowances can usually only be considered for second and subsequent children.

3. How is the decision to pay an allowance made?

3.1 The question of payment of an allowance must be addressed in reports to the Adoption and Fostering Panel . It can be considered at the stage where a child is referred to the Adoption and Fostering Panel as in need of Adoption, and/or at the stage where a proposal to match a child with particular adopters is referred to the Adoption and Fostering Panel, or subsequently at any time prior to the adoption.

The Adoption and Fostering Panel should make a recommendation based on the criteria detailed in 2.2, as to whether the child is eligible to be considered for an allowance.

3.2 The Council will undertake a financial assessment of the adopters and will invite representations from them as to the need for an allowance to be paid.

3.3 The Agency Decision Maker will consider the recommendation of the Adoption and Fostering Panel, the financial assessment detailed at Section 4, and any representations made by the prospective adopters, and will take the decision whether an allowance should be paid.

3.4 Prospective adopters can appeal the decision using the Appeals process.

4. How is the financial assessment carried out?

4.1 In calculating the level of an allowance both the child's needs and resources, and the adopters' financial circumstances, are taken into account.

4.2 In assessing the amount of allowance the aim is to assist in a successful placement and to enhance the child's well-being in the adoptive home.

4.3 The amount of adoption allowance payable must not include any element of reward or profit for the care of the child.

4.4 The following will be considered in relation to the adopters' financial circumstances:

- The financial resources available to adopters

This will include earnings available to the adopters and income from capital investments but not the value of the adopter's home. Any financial benefit the child will bring to the adoptive home will be considered but not disability living allowance or attendance allowance, or child benefit where adopters are in receipt of income support. A capital savings threshold will be applied. This will be based on the Department of Work and Pensions' threshold for Family Tax Credit.

- The adopters allowable expenditure

This will cover the amount needed by adopters for their reasonable outgoings and commitments excluding potential outgoings in respect of the child. The assessment will take into account expenses and outgoings that are familiar and accepted items of family expenditure such as housing and daily living expenses, transport costs, expenses related to children who are already part of the household, family outgoings and holidays.

4.5 This information will enable the Council to calculate the 'disposable income' available to an adoptive family, to provide for the child who is to be placed with them. Where disposable income exceeds a certain threshold, an allowance will not normally be paid. This threshold will be the highest rate of adoption allowance payable annually (that is the allowance for young people over 16 plus any special needs additions).

4.6 A standard rate of allowance will normally be paid. In exceptional circumstances, additions to this allowance and one-off payments may be considered based on the child's needs. The following will be considered in relation to the child's needs:

- Additional expenditure related to any special needs which are not already provided for through disability living allowance or attendance allowance. Examples may include, but are not limited to, special diet, replacement bedding, clothing due to heavy usage, repairs and replacements due to damaging behaviours, transport costs associated with medical treatment, adaptations to the home for which funding is not available.
- Legal costs associated with the adoption process.

5. Information for adopters about adoption allowances

5.1 The Agency Decision Maker will notify adopters in writing of the decision as to whether any adoption allowance is payable and, if so the proposed amount.

5.2 In situations where payment of an allowance is subject to developments in a child's condition, which may occur after placement, the Agency Decision Maker will advise adopters of the conditions under which any adoption allowance will be paid including its assessment, review, variation and termination.

5.3 Once the Agency Decision Maker has agreed to payment of an adoption allowance the following information will be provided to adopters in writing:

- The method by which the adoption allowance has been determined
- The amount of allowance to be paid to the adopters
- The date on which the first payment will be made
- The method by which the allowance will be paid, the frequency of payments and the period of payments
- The arrangements and procedures for review, variation and termination of the allowance
- The responsibilities of the adopters with regard to their agreement to notify the Council of any changes in their circumstances or those of the child

6. Requirements of adopters before any adoption allowance is paid

6.1 The Council will require adopters to agree, before any adoption allowance can be awarded and paid to inform the Council immediately in the event of any the following occurring:

- The child ceases to live with the adopters on a permanent basis
- Any change of address
- Any change in the adopters financial circumstances or in the child's needs or resources

6.2 Adopters must also agree to complete and supply to the Council, each year, an annual statement (and verification of) of their financial circumstances, namely income and outgoings, and the child's financial circumstances, including financial needs.

6.3 An adoption allowance can be awarded from the date a child is placed for adoption or at a later date as determined by the Agency Decision Maker.

6.4 The Council reserves the right to cease payment of allowances and to demand repayment of allowances where adopters have failed to disclose financial circumstances or changes to these.

7. Reviews of adoption allowances

7.1 The Council is required to review the allowance to ascertain whether there is a need for the allowance to continue and if so whether it should be maintained at the same level, increased or reduced.

7.2 Reviews will take place:

- Annually after receiving the statement from adopters detailing their financial circumstances together with the financial circumstances of the child, or
- At any other time further to a material change in the financial circumstances of the adopters and/or child.

8. Termination of adoption allowance

8.1 The circumstances under which the Council will terminate the payment of an adoption allowance are as follows

- When a child leaves an adoptive home as a permanent arrangement
- When a child leaves full-time secondary education and commences employment or joins a Government training scheme
- When a child qualifies for income support in his or her own right
- When a child reaches the age of eighteen, unless he or she is in full-time education. The allowance can then continue until the child reaches the age of twenty-one as long as he or she remains in full-time education
- Any predetermined period for the payment of allowance agreed between the Council and adopters has expired

9. The rate of adoption allowance

9.1 The rate of adoption allowance will be 50% of the rate of allowance recommended by the Foster Care Network, less the amount of any child benefit due.

APPENDIX ONE: FINANCIAL ASSESSMENT

First applicant's Name: _____

Second applicant's Name: _____

Address: _____

Ages of your children: _____

First applicant's employer/
Address: _____

Second applicant's employer/
Address: _____

Adopter's Family Income and Expenditure

| A | £ | P | B | £ | p |
|-------------------------------------|----------|----------|---|----------|----------|
| Weekly Income | | | Weekly Expenditure | | |
| Net earnings (First Applicant) | | | Rent | | |
| Net earnings (Second Applicant) | | | Community Charge | | |
| Family Credit | | | Mortgage Payments | | |
| Child Benefit | | | House Insurance | | |
| One-Parent Benefit | | | Life Insurance | | |
| Retirement pension | | | Social Fund Repayments | | |
| Dependent Children's Allowance | | | Pension Contributions (not deducted at source) | | |
| Superannuation/Occupational Pension | | | Food | | |
| Unemployment Benefit | | | Clothing | | |
| Income Support | | | Child care costs | | |
| Sickness/Invalidity Benefit | | | Gas/Electric/Heating | | |
| Disability Benefits (please state) | | | Car repayment costs | | |
| Investment Income | | | Car running costs | | |
| Other(s) please state | | | Endowment policies or equivalent | | |
| | | | Telephone | | |

| | | | | | |
|---------------------|--|--|--------------------------|--|--|
| | | | Television | | |
| | | | Household Goods | | |
| | | | Holidays | | |
| | | | Other(s) please state | | |
| Total weekly Income | | | Total Weekly expenditure | | |

C Special Needs of Child Placed for Adoption or Adopted

Name of Child:- _____ Date of Birth:- _____

Please provide the following details given monetary costs as a weekly rate:-

(a) Child care costs for respite purposes _____

Details:- _____

(b) Educational costs:- _____

Details _____

(c) Replacement costs through damage/destruction, e.g. clothing, household items, etc.

Details:- _____

(d) Health associated costs:- _____

Details:- _____

(e) Travel due solely to child's special needs:- _____

Details:- _____

D Financial Income and /or Resources of Child Placed for Adoption or Adopted

Name of Child:- _____ Date of Birth:- _____

Please provide the following details giving income as a weekly rate:-

Please include Social Security Benefits payable in respect of the child.

Declaration

I/We certify that the information given in this statement is correct to the best of my/our knowledge and I/We authorise Orkney Islands Council to verify the information if this is considered necessary.

Signature of First Applicant:- _____

Date:- _____

Signature of Second Applicant :- _____

Date:- _____

Signature of Social Worker:- _____

Date:- _____

Signature of Homefinder:- _____

Date:- _____