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Introduction, Terminology and Principles

1.1 Introduction

1.1.1 The introduction of legal adoption established an important service and has made it possible for children, whose parents are unable to care for them, to become permanent members of new families. As a consequence, society now has a significant number of adoptive families.

1.1.2 The family, with all its diversity, continues to be the fundamental unit in society. Belonging to and being brought up within a family is considered to be of such importance for the well being of children, that it has been incorporated in the United Nations Convention on the Rights of the Child, as a fundamental right of every child. This right is also recognised by Article 8 of the European Convention on Human Rights, which states that everyone has the right to respect for his private and family life.

1.1.3 The Children (Northern Ireland) Order 1995 underpins this right and seeks to ensure that a child is brought up in his birth family, in so far as this is consistent with a Trust’s general duty to safeguard and promote the child’s welfare. When this is not possible relatives may provide family care. If they cannot do so and the child requires a permanent alternative family, then adoption is normally the preferred option. Adoption has therefore an important role to play if the right to family life is to become a reality for all children.

1.1.4 Adoption has had to adapt to the substantial changes, which have taken place in society. The outcome has been to change the nature of the adoption service from mainly one of finding suitable families for the babies of unmarried mothers to the placement of pre-school age and older children.
1.1.5 Given these changes it is important that adoption is located in the mainstream of children’s services and is fully integrated within the continuum of child welfare services.

1.1.6 In some countries, the social policies, which have been or are being implemented and their social welfare provision, have created a situation where more children are now available for intercountry adoption.

1.1.7 Adoption has a significant part to play in the implementation of a Permanence Policy for children particularly in relation to meeting the needs of looked after children. ‘Permanence’ is a core child care policy and has been defined as “a framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment and identity.”¹

1.1.8 The Northern Ireland Social Services Inspectorate’s Report ‘Adopting Best Care’ launched in May 2002 states:

“Adoption is primarily a service for children. All children are entitled to grow up in a loving family that can meet their needs throughout their childhood and beyond. For most children, this will be the family into which they are born. In any year, however, approximately 2,500 children are looked after by Social Services. For a small but significant number of these children, adoption will provide the best opportunity for them to enjoy a family for life.”

1.1.9 The Department of Health, Social Services and Public Safety (DHSSPS) adoption strategy, ‘Adopting the Future’ (2006), outlines the DHSSPS’s vision for the future direction of adoption services in Northern Ireland:

“We want to make adoption work more clearly, consistently and fairly. We want to see more adopters recruited, agencies working better and courts performing more efficiently. Above all, we want to see vulnerable children safe, in permanent families”.

¹ Permanence Planning: Notes for Practitioners. Adoption and Permanence Taskforce (February 2004)
1.1.10 It is important to recognise, however, the tension, which is inherent in meeting the needs of looked after children in the long-term. This arises from the legislative intention of promoting the upbringing of children within their birth families, provided this is consistent with a Trust’s general duty to safeguard and promote children’s welfare, and meeting the child’s right to family life and consistency in the parenting they receive.

1.1.11 This tension is highlighted during the rehabilitation process, particularly as statutory agencies have a duty to make all reasonable efforts to promote the upbringing of children with their birth parents. This has been interpreted to mean that rehabilitation should be earnestly pursued not only when there is a probability of success but also when this is only a possibility. Rehabilitation in some cases can result in a very lengthy process with implications for the timely attainment of the child’s right to family life.

1.1.12 The DHSSPS has recognised the complexities and difficulties which this presents for Health and Social Care Trusts. It is concerned that in child care practice there is a misconception that all possibilities to secure the return of the child to his family should be exhausted – no matter how long it might take. Consequently, the DHSSPS has stressed the importance of achieving the right balance, stating that there is a need for, “an awareness of the importance of time in the rehabilitation process and of the damage which might be done to children where time is allowed to pass without any visible signs of their future being secured”\(^2\).

1.1.13 The clear message is that rehabilitation must be a realistic option and should not be pursued beyond the stage where it appears unlikely that it will be successful. Adoption is seen as a positive alternative for those children who cannot be rehabilitated with their birth parents.

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\(^2\) Permanency Planning for Children: Adoption – Achieving the Right Balance. DHSSPS (May 1999)
1.2 Terminology

1.2.1 In this manual ‘child’ means a child or young person who has not attained the age of 18 years.

1.2.2 References in this manual to the gender of a child or adult follow the legislative convention in referring to ‘he’, ‘his’ or ‘him’.

1.2.3 The ‘Working Together’ approach refers to all the various agencies, disciplines, birth parents, adopters and children being involved and consulted in the adoption process.

1.2.4 ‘Trust’ refers to a Health and Social Care Trust and an Agency refers to an Adoption Agency.

1.2.5 The Agency Decision Maker is a senior officer who has been designated to make decisions, on behalf of the Agency, including those specified in the Adoption Agencies Regulations (Northern Ireland) 1989 and the Adoption of Overseas Children Regulations (Northern Ireland) 2002.

1.2.6 ‘ARIS’ refers to the Adoption Regional Information System for Northern Ireland introduced in 2010 through Project Funding. It is a computer database that stores details of children requiring adoptive placements and approved adopters and links are suggested where possible.

1.3 Principles

1.3.1 While adoption is essentially a service for children, other key people, such as those within the birth families and adoptive families, are included in the overall service, both pre- and post-adoption. The principles which underpin the service, whilst accepting that the child’s welfare is paramount, recognise the need to give proper consideration to all those involved, in reaching a best interests decision for the child.

1.3.2 The welfare of the child must be the paramount consideration in any decision which directly or indirectly affects the child and should have regard to the need to safeguard and promote the welfare of the child throughout his childhood.
1.3.3 The wishes and feelings of the child must be given proper consideration having regard to his age and understanding.

1.3.4 The right of the child and his birth parents to respect for private and family life together must be given proper consideration.

1.3.5 Decision-making should be timely, proportionate and in the best interests of the child. This principle should also apply to the process of rehabilitating children with their birth parents in order, if considered appropriate, to pursue the alternative of adoption at the earliest possible date.

1.3.6 Delay in the decision making process should be avoided.

1.3.7 A ‘working together’ approach should be implemented in the provision of adoption services.

1.3.8 Staff and adoption panel members should seek to establish and maintain a relationship of partnership and this should extend, as far as possible, to the children, birth parents, adoptive parents and significant others involved in adoption.

1.3.9 Policy, procedures and practice should be equitable and transparent.

1.3.10 The safeguards, standards, principles and eligibility criteria for domestic and intercountry adoptions should be the same, to ensure compliance with Article 21(c) of the United Nations Convention on the Rights of the Child, which states:

“Ensure that the child concerned by intercountry adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption.”
Chapter Two

Legislation, Departmental Guidance and Circulars
Legislation, Departmental Guidance and Circulars

2.1 The Legislative Framework

This chapter lists the primary and subordinate legislation governing adoption in Northern Ireland. It also lists relevant Rules of Court and Departmental Guidance. In addition, other legislation considered to be particularly relevant to adoption, is included.

The Health and Social Care (Reform) Act (Northern Ireland) 2009 replaced the 4 Health and Social Services Boards with a Regional Health and Social Care Board (HSCB) and amalgamated the existing Health and Social Services Trusts into 5 Health and Social Care Trusts, each of which is a Statutory Adoption Agency.

2.2 Primary Legislation

2.2.1 The Adoption (Northern Ireland) Order 1987 (S.I. 1987/ 2203 (N.I. 22))

The 1987 Order is the principal statute governing adoption in Northern Ireland. It came into operation on 1 October 1989 and superseded the 1967 Adoption Act. The Order:

- places a statutory duty on the Health and Social Care Board (and Trusts) to provide an adoption service;
- makes provision relating to the registration of Voluntary Adoption Societies;
- places certain restrictions on arranging adoptions and placing children for adoption;
- makes provision to enable children to be freed for adoption with or without parental agreement;
- makes provision for the care and protection of children awaiting adoption;
• sets out the status of adopted children;
• makes provision for the registration of adoption orders;
• makes provision for adopted adults to obtain access to their birth records; and
• allows for the introduction of schemes for the payment of allowances to adopters and prospective adopters in certain circumstances.

The Adoption Order was amended by the following Enactments:

2.2.2 The Health and Personal Social Services (Northern Ireland) 1994 Order delegated responsibilities to the HSC Board and the Trusts for the delivery of adoption services.

2.2.3 The Children (Northern Ireland) Order 1995 (S.I 1995/755 (N.I. 2))

The Children Order amends the Adoption Order to reflect the new concepts and terminology introduced by that Order. Other amendments to the Adoption Order include:

• an amendment to Article 54 (counselling of adopted people for the purposes of disclosure of their birth records) to provide for the reciprocal recognition of counselling services among 3 U.K. jurisdictions thus obviating the need for any person living in one jurisdiction having to travel to another to be counselled;

• the introduction of a new Article 54A to require the Registrar General to maintain an Adoption Contact Register thus enabling adopted people to supply an address at which they may be contacted by a relative. It also enables relatives to leave a contact address;

• the introduction of a new Article 59A enabling the DHSSPS to make Regulations to determine the circumstances in which adoption allowances can be paid; and
the replacement of Article 66 with two new Articles (66 and 66A) to bring Guardians ad Litem in adoption proceedings within the organisational framework for GALs in care proceedings.

2.2.4 Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 (c. 11)

Sections 3 to 14 of the 2001 Act amend the Adoption Order to deal with adoptions with an international element (intercountry adoptions). The Act commenced on 22nd February 2002. In broad terms, the Act places the former arrangements for intercountry adoptions on a statutory basis. It also ensures that such adoptions only take place when it is in the best interests of the child. The Act amends Article 58 of the 1987 Order by inserting Article 58A to make it an offence to bring into the U.K. for the purpose of adoption a child who is habitually resident elsewhere unless the requirements of the Regulations are met.

2.2.5 The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))

Schedule 4 to the 2003 Order amends the Adoption Order by bringing voluntary adoption societies within the registration and inspection remit of the Regulation and Quality Improvement Authority. This arrangement commenced in October 2010.

2.2.6 Social Security (Northern Ireland) Order 1988 (S.I. 1988/594 (N.I. 2)). This Order repeals Article 47(3) of the Adoption Order.

2.2.7 Wills and Administration Proceedings (Northern Ireland) Order 1994 (S.I. 1994/1899 (N.I. 13))

This Order amends Article 43(1) of the Adoption Order.

2.2.8 Adoption and Children Act 2002 (C.38)

As of 3 February 2003, this Act amends the definition of “prescribed” in Article 2 (2) of the Adoption (Northern Ireland) Order 1987.
2.2.9 Adoption and Children (Scotland) Act 2007 (Consequential Provisions) Order 2010

The Adoption and Children (Scotland) Act 2007 (Consequential Provisions) Order 2010\(^3\) allows Northern Ireland legislation to recognise Scottish permanence orders. Prior to this Order the courts in England and Wales and Northern Ireland, were unable to make an adoption order with respect to a child subject to a permanence order which grants authority to adopt without the consent of the birth parents or the courts being satisfied that they should dispense with such consent.

2.2.10 The Civil Partnership Act 2004

This Act, commenced on 5 December 2005, includes amendments to Article 2(2) of the Adoption Order so that “affinity” is replaced with “by marriage or civil partnership”. Articles 12(5), 15(1)(a) and 33(3)(g) are amended to include reference to “a civil partner”.

2.2.11 Human Fertilisation and Embryology Act 2008 (c. 22)

This Act inserts words in Article 15(3)(a) of the Adoption Order and includes a new Article 15(3A) relating to legal parenthood in cases involving assisted reproduction.

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\(^3\) Note that this Order is made under section 104 of the Scotland Act 1998 ("the 1998 Act") and came into force on 2 November 2010. This order was prepared by the Department for Education and has effect only for a period of 8 months; it is intended (subject to Parliamentary approval) that by the end of this period a further Order also made under section 104 of the 1998 Act amending both the 2002 Act and the 1987 Order (as well as a number of other enactments) will be in force and will revoke this Instrument.
2.2.12 A largely up-to-date version of the Adoption Order is available on: www.statutelaw.gov.uk. In the Quick Search facility, enter ‘Adoption’ in the Title field, ‘1987’ in the Year field and click ‘Go’.

Other primary adoption legislation includes:-

2.2.13 Adoption (Intercountry Aspects) Act (Northern Ireland) 2001 (c 11 N.I.) (Sections 1 and 2 and the Schedule)

This Act gives effect in Northern Ireland to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption. The Convention establishes safeguards to ensure that intercountry adoptions take place in the best interests of children and with respect for their fundamental rights, thereby aiming to prevent the abduction, sale of, or trafficking of children. Section 1 enables the DHSSPS to make Regulations to give effect to the Convention in Northern Ireland and Section 2 establishes a Central Authority (DHSSPS) to deal with cases arising under the Convention. Section 2 also provides for the appointment of approved adoption agencies as accredited bodies to provide Convention adoption services.

2.2.14 Adoption (Hague Convention) Act (Northern Ireland) 1969 (c 22 N.I.)

This Act gives effect to the Hague Convention on “Jurisdiction, Applicable Law and Recognition of Decrees relating to Adoptions” concluded on 15 November 1965. The objective of the Convention is to introduce an acceptable basis for a jurisdiction to grant and recognise adoption orders in circumstances of intercountry adoptions where the adopters and child may be subject to different legal requirements. The Convention was ratified by the United Kingdom, Austria and Switzerland. This Convention should not be confused with the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption concluded on 29 May 1993.
2.3  Subordinate Legislation

2.3.1 Adoption Agencies Regulations (Northern Ireland) 1989 (S.R. 1989 No. 253)

These Regulations, commenced on 1 October 1989, govern the way in which adoption agencies and their adoption panels carry out their functions.

These were amended by Schedule 22 to the Health and Social Services Trusts (Consequential Amendments) Regulations (Northern Ireland) 1994 (S.R. 1994 No. 65) so that HSS Trusts may act as adoption agencies. The amending Regulations also provide for the establishment of joint adoption panels and for the appointment of panel members.

2.3.2 Health and Social Services Trusts (Exercise of Functions) Regulations (Northern Ireland) 1994 (S.R. 1994 No.64)

These Regulations, commenced on 1 April 1994, provide for all of the functions of HSS Boards under the Adoption Order to be delegated to HSS Trusts. The Regulations classify all of these functions as “relevant functions” for the purposes of Article 3 of The Health and Personal Social Services (Northern Ireland) Order 1994. Article 3 of the 1994 Order enables a Health and Social Services Board, with the DHSSPS’s approval, to delegate the exercise of “relevant functions” to a HSS Trust.

2.3.3 Adopted Persons (Birth Records) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 484) (Amended by the Civil Partnership Act 2004)

These Regulations, commenced on 19 February 1996, prescribe the manner of application to be made by an adopted person for; (a) the supply of information enabling him to obtain access to his birth records, and (b) where he is under 18, information whether he and the person he intends to marry, or enter into a civil partnership with, are within the prohibited degrees of relationship.

2.3.4 Adopted Persons (Contact Register) (Fees) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 485)
These Regulations, commenced on 19 February 1996, prescribe the fees payable for the entry of the name and address of an adopted person and for the entry of the name and address of a relative of an adopted person in the Adoption Contact Register.

2.3.5 Adoption Allowance Regulations (Northern Ireland) 1996 (S.R. 1996 No. 438)

These regulations, commenced on 4 November 1996, set out the circumstances in which adopters may receive financial allowances, prior to and after adoption. Regulation 6(5) was amended by the Employment and Support Allowance (Consequential Provisions No.2) Regulations (Northern Ireland) 2008 (SR 2008 No. 412) to include the “employment and support allowance” among the list of benefits which would trigger the cessation of adoption allowance payments.

2.3.6 Adoption of Children from Overseas Regulations (Northern Ireland) 2002 (S.R. 2002 No. 144)

These Regulations, commenced on 13 May 2002, impose requirements on persons habitually resident in the British Islands who bring a child habitually resident elsewhere into the UK for the purpose of adoption. They outline requirements in relation to assessment, approval and notifications prior to and following the child’s arrival in the UK.

2.3.7 Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 16)

These Regulations, commenced on 1 June 2003, regulate adoptions under the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption. They outline the procedural requirements where Northern Ireland is the receiving state and where it is the State of Origin.

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5 These regulations were amended by the Adoption of Children from Overseas and Intercountry Adoption (Hague Convention) (Amendment) Regulations (NI) 2006 (S.R. 2006 No. 336) so as to require DHSSPS agreement before a prospective adopter’s case may proceed.
2.3.8 Registration of Foreign Adoptions Regulations (Northern Ireland) 2003 (S.R. 2003 No. 255)

These Regulations, commenced on 1 June 2003, set out the procedure to be followed before the Registrar General is able to make an entry of a registrable foreign adoption in the Adopted Children Register.

2.3.9 Human Fertilisation and Embryology (Parental Orders) Regulations 2010

These Regulations apply, with modifications, to certain Articles of the Adoption (Northern Ireland) Order 1987 ("the 1987 Order") in Regulation 3 and Schedule 2 to give effect to the arrangements by which a parental order may be obtained under section 54 of the Human Fertilisation and Embryology Act 2008 in Northern Ireland. Such an order may be granted by a court in respect of a child who is born as a result of a surrogacy arrangement and who is the genetic child of at least one of the applicants for the parental order.

Provision is made at Schedule 4 to these Regulations for references, in enactments listed in column 1, to adoption, adopted child or an adoptive relationship to be read as including a reference to parental orders made under section 54 of the 2008 Act.

2.3.10 The Voluntary Adoption Agencies Regulations (Northern Ireland) 2010

These Regulations came into operation on 29 October 2010. Under these statutory arrangements responsibility for Registration and Inspection of Voluntary Adoption Agencies transferred from DHSSPS to the Regulation and Quality Improvement Authority (RQIA). The Regulations provide a formal basis for inspection and registration of the 4 Voluntary Adoption Agencies, previously registered with DHSSPS, by the RQIA as an independent regulator.

2.4 Other Relevant Legislation

2.4.1 The Adoption (Designation of Overseas Adoptions) Order 1973 (S.I. 1973/19)
This Order, commenced on 1 February 1973, designates the overseas countries whose adoptions are recognised in the U.K. It includes most Commonwealth and European countries and also the U.S.A. China was added in 1993; Chinese adoptions are, however, only recognised in Northern Ireland if made after 19 February 1996.

2.4.2 The Northern Ireland Guardian Ad Litem Agency (Establishment and Constitution) Order (Northern Ireland) 1995 (S.R. 1995 No. 397)

This Order, commenced on 1 December 1995, provides for the establishment and constitution of a special Health and Social Services Agency, to be known as the Northern Ireland Guardian Ad Litem Agency.

2.4.3 The Guardians Ad Litem (Panel) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 128)

These Regulations, commenced on 1 May 1996, provide for the establishment of a panel of Guardians ad Litem.

2.4.4 The Human Rights Act 1998

This Act, commenced on 2 October 2000 incorporates the rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) into domestic law. The Act requires public authorities in the U.K. (and private authorities when they are exercising public functions) to act compatibly with the ECHR.

2.4.5 The Child Trust Funds Act 2004 (C.6)

This Act (the main provisions of which came into effect on 6 April 2005) provides for the Government to make payments to children, which can only be invested in Child Trust Fund accounts. This legislation imposes a duty on the Inland Revenue to pay Government contributions to eligible children. There are administrative links between the Child Trust Fund and Child Benefit and Child Tax Credit. As Child Benefit cannot be claimed for children who are being looked after by a local authority/Trust, the Act and associated Regulations
ensure that arrangements are made to ensure that these children do not miss out on the Child Trust Fund (significant amendments to the operation of the Child Trust Fund were introduced in August 2010 and updates are available on the official Child Trust Fund Website).

2.4.6 Safeguarding Vulnerable Groups (NI) Order 2007

2.4.7 The Safeguarding Vulnerable Groups (Regulated Activity, Devolution Alignment and Miscellaneous Provisions) Order (Northern Ireland) 2010.

2.4.6 and 2.4.7 refer to members of adoption panels being considered under regulated activity.

2.4.8 Children Order Regulations

The following are the key regulations, which apply in the period prior to the placement of the child for adoption. All looked after children principles, regulations and procedures also apply.

- The Arrangement for Placement of Children (General) Regulations (Northern Ireland) 1996
  
  This relates to the development of a Care Plan for looked after children.

- The Review of Children’s Cases Regulations (Northern Ireland) 1996
  
  This relates to arrangements for reviewing the child’s Care Plan.

- Contact with Children Regulations (Northern Ireland) 1996
  
  This sets out the Trust’s obligation when it decides to refuse contact with a child that would be required by Article 53(1) of the Children Order. The Trust must notify the child, parents/guardians/carers, any person with a Residence Order in respect of the child, or any other person whom the Trust identifies as relevant, of its decision.
2.4.9 Adoption Pay and Leave

A current list of the various regulations on adoption pay and leave may be obtained from the Department for Education and Learning Website: www.delni.gov.uk. Information on statutory entitlements is summarised in “ER 35 Adoptive Parents: a guide for employers and employees” (April 2009) which is also available on the website www.delni.gov.uk.

2.4.10 The Commissioner for Complaints (Northern Ireland) Order 1996 (1996 No. 1297 (N.I. 7))

2.4.11 Inquiries Act 2005 (2005 c.12) (which repealed Article 69 of the Adoption Order)

2.5 Court Rules

2.5.1 The Family Proceedings Rules (Northern Ireland) 1996 (S.R 1996 No. 322)

These rules, which commenced on 4 November 1996, apply to proceedings in the High Court and County Courts and provide for Court applications under the Children (Northern Ireland) Order 1995, the Matrimonial Causes (Northern Ireland) Order 1978 and certain provisions of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989.

2.5.2 The Family Proceedings (Amendment) Rules (Northern Ireland) 2003 (S.R. 2003 No.75)

These rules, which commenced on 1 June 2003, amend the Family Proceedings Rules (Northern Ireland) 1996 by introducing rules and prescribed forms relating to the adoption of children consequential upon the Adoption (Northern Ireland) Order 1987, as amended by the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001.

2.6 Departmental Guidance and Circulars

2.6.1 HSS (CC) 3/89 – Adoption (Northern Ireland) Order 1987: Implementation

This gives general guidance on the Adoption (Northern Ireland) Order 1987
2.6.2 HSS (CC) 2/90 – Adoption (Northern Ireland) Order 1987: Health Service Registration of Adopted Children

This amends Circular HSS (CC) 3/89 to make arrangements for securing the Health Service registration of children placed for adoption. It also includes the Health Registration Form HSS22 (AD), which the Adoption Agency should give to the prospective adopter(s) at the time of placing the child.

2.6.3 HSS (CC) 4/92 – Adoption of Children from Overseas

This guidance note deals generally with policy and practice in relation to Intercountry Adoption. HSS (CC) 4/92 Supplement No.1: Appendix 1 was cancelled and replaced by Home Office letter RON 117

2.6.4 HSS (CC) 4/94 – DHSSPS Circulars on Adoption, Child Abduction and Surrogacy – Delegation of Statutory Functions to HSS Trusts

This Circular amends Circulars HSS (CCB) 9/78, HSS (CC) 3/89, HSS (CC) 2/90, HSS (CC) 4/92 and HSS (CC) 4/92 Supplement No.1 so as to take account of any delegation of adoption functions to HSS Trusts. It also includes a general update of those Circulars, which required to be reviewed.

2.6.5 HSS (CC) 4/96 – Adoption Law and Procedures: Effects of the Children (Northern Ireland) Order 1995

This provides general guidance on the amendments and repeals to adoption legislation which were brought into operation by the Children (Northern Ireland) Order 1995, Commencement No. 3 Order (Northern Ireland) 1996. It is accompanied by various amendments to The Guide to the Adoption (N.I) Order 1987, Circular HSS (CC) 3/89, and adds a Guide to the Adoption Agencies Regulations, a Guide to the Adoption Court Rules and a Guide to the Adoption Allowance Regulations.

2.6.6 HSS (CC) 1/95 – Powers and Duties of Health and Social Services Boards, Health and Social Services Trusts and Guardians Ad Litem.

This Circular provides guidance to those likely to be involved in Parental Order applications, under surrogacy arrangements.
2.6.7 May 1999 – Permanency Planning for Children: Adoption – Achieving the right balance.

This Circular focuses on adoption and brings it back into the mainstream of children’s social services. It deals with the responsibilities of senior managers, the need to avoid delay and drift in the care system, the religious upbringing of children, the training of staff and carers, the recruitment and assessment of prospective adopters, intercountry adoption, post adoption support and contact arrangements.

2.6.8 DHSSPS Circular CPDI/11 Private Fostering – including children from overseas.

This Circular clarifies the responsibilities of Trusts to privately fostered children. Children from overseas, who are not the subject of a full adoption order recognised in the U.K., are considered as “privately fostered” children until Notice of Intention to Adopt has been served on the relevant Trust. Children who are the subject of interim adoption orders recognised under U.K. law are considered as “privately fostered” until a full adoption order recognised in U.K. law has been granted.

2.6.9 Implementing the Adoption (Intercountry Aspects) Act (Northern Ireland) 2001: A Summary of the Regulations and Procedures:

This summarises intercountry adoption legislation and provides guidance on the Regulations.


This Circular provides general guidance on the amendments to adoption legislation resulting from the commencement of the Civil Partnership Act 2004 (Commencement No. 3) (Northern Ireland) Order 2005 No. 3255. The full text of the Civil Partnership legislation is available on www.opsi.gov.uk
2.6.11 DHSSPS Guidance on the Completion of Intercountry Adoption Applications for first and subsequent adoption applications (February 2008)

This provides further guidance on the completion of Form F and the provision of supporting documentation in respect of intercountry adoption applications.
Chapter Three
Adoption Agency Functions
Adoption Agency Functions

3. The Adoption (Northern Ireland) Order 1987

3.1 The Adoption (Northern Ireland) Order 1987 required Health and Social Care Trusts (Trusts) to provide an Adoption Service in relation to their respective areas.

Under the Order, Trusts may provide such services themselves or secure their provision by Registered Adoption Societies. An Adoption Agency, within the meaning of the Order and the Adoption Agencies Regulations (NI) 1989 may be a Trust or a registered adoption society, more commonly referred to as a “Voluntary Adoption Agency”. In Northern Ireland there are 5 Trusts and 4 Voluntary Adoption Agencies which fulfill a range of statutory functions under the Order.

Article 3 of the Order states:

(1) Every Board shall establish and maintain within its area a service designed to meet the needs, in relation to adoption, of

(a) children who have been or may be adopted;

(b) parents and guardians of such children; and

(c) persons who have adopted or may adopt a child

and, for that purpose shall provide the requisite facilities, or secure that they are provided by registered adoption societies.

(2) The facilities to be provided as part of the service maintained under paragraph (1) include -

(a) temporary board and lodging where needed by pregnant women, mothers or children;
(b) arrangements for assessing children and prospective adopters, and placing children for adoption;

(c) counselling for persons with problems relating to adoption.

Article 9 outlines the Agency duty to promote the welfare of the child.

In deciding on any course of action in relation to the adoption of a child, a Court or Adoption Agency shall regard the welfare of the child as the most important consideration and shall –

(a) have regard to all the circumstances, full consideration being given to –

(1) the need to be satisfied that adoption, or adoption by a particular person or persons, will be in the best interests of the child; and

(2) the need to safeguard and promote the welfare of the child throughout his childhood; and

(3) the importance of providing the child with a stable and harmonious home; and

(b) so far as practicable, first ascertain the wishes and feelings of the child regarding the decision and give due consideration to them, having regard to his age and understanding.

The Adoption Agencies Regulations (Northern Ireland) 1989

3.2 The Adoption Agencies Regulations (Northern Ireland) 1989 govern the way in which Adoption Agencies discharge their functions.
Chapter Four
Permanence Policy
Permanence Policy

4.1 Definitions of Permanence

4.1.1 Permanence for children was initially defined as: “Continuity of relationships with nurturing parents or caretakers and the opportunity to establish lifetime relationships” (Permanency Planning for Children: Concepts and Methods: Maluccio, A., Fein, E., and Olmstead, K., Tavistock 1986).

A more recent definition, which informs current adoption practice, is:

“Permanence” is a core child care policy and has been defined as a framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment and identity (Permanence Planning: notes for Practitioners Adoption and Permanence Taskforce, 2004).

4.1.2 “Permanence” as a term describes the way a child needs to feel about where he lives and with whom he lives. For a child to thrive, physically, emotionally, spiritually and intellectually, he needs the security of belonging and of receiving consistent, reliable care from one or more significant adult/s. A “permanent placement” describes a placement with a particular family or adults with whom a child is expected to live for the duration of his childhood and beyond.

4.1.3 An established and important principle of child care practice is ensuring that children experience permanency and continuity within their birth families; this principle finds legislative expression in The Children (Northern Ireland) Order 1995. Where, however, this is not compatible with the Trust’s general duty to safeguard and promote the welfare of children the issue of securing stable placements for children arises. Adoption has been shown to be successful in providing stable alternative placements for some children who would otherwise spend their childhood in the care system.
4.2 **Policy**

4.2.1 It is the policy of Trusts and Voluntary Adoption Agencies to achieve family life for all children and to ensure that services promote and provide a sense of permanence for them. Article 26 of The Children (Northern Ireland) Order 1995 places a duty on the Trust to safeguard and promote the child’s welfare and before making any decisions with respect to a child, to seek and take account of the views of the child, his parents and relevant others. Trusts seek to ensure that children experience continuity and stability in the parenting they experience, as this is a key factor in safeguarding and promoting their welfare.

4.2.2 For most children it is preferable that they find permanence within their birth families, and to that end, Trusts are committed to providing a range of services which aim to:

- support families, including the use of “accommodated children” provisions;
- prevent children becoming looked after;
- assist parents to care for their children.

4.2.3 Where an assessment indicates that the child’s parents are unlikely, within an acceptable timescale, to make and sustain the necessary changes in their parenting, the Trust must consider the best alternative means of securing permanence for the child. Permanency must be considered early in a child’s care pathway (see appendix 4 – Regional Policy on Permanence).

4.2.4 Consideration should be given to the possibility of securing a permanent placement within the extended family. This may be best explored by convening or were appropriate reconvening a Family Group Conference.

4.2.5 The Agency must ensure that, in all its work with families, the policy with regard to permanence is made clear and that parents are given an explanatory information leaflet on this policy.
4.2.6 For each looked after child, the care plan should be agreed, in consultation with his parents and relevant others, no later than the second review (i.e. 3 months). This should outline and refine the options, including adoption, together with the actions required and timescales to ensure the provision of a permanent placement for the child. The Chairperson of the Review should ensure that the care plan is formulated in accordance with this guidance and that the plan identifies the persons responsible for taking forward the agreed actions.

4.2.7 Following this review, notification should be made to the Trust’s Permanency Panel as per the Regional Policy on Permanence. The Permanency Panel should monitor all plans for permanency to ensure the avoidance of delay / drift.

4.2.8 Where adoption is the preferred option, the Trust should hold a further review within three months of the second review, rather than wait for a period of six months, which is the minimum statutory requirement. At this review, the Care Plan should confirm the permanence route and counselling should be offered.

4.2.9 The Permanency Panel will monitor implementation of the care plan until its objectives have been achieved.

4.2.10 When the Trust is aware that the LAC review will be considering a proposal for adoption as the Care Plan; parents must be informed by the Social Worker, in advance of the Review and be given a full explanation of the implications of the Permanence Plan.

4.2.11 When the LAC Review proposes adoption as the Care Plan, the Chairperson of the Review must ensure that parents are aware that the child’s case will be referred to the Adoption Panel and explain the implications of this. Parents should also be advised that the Adoption Panel’s recommendation(s) will be considered by the Adoption Decision Maker on behalf of the Agency.

4.2.12 The Agency should ensure that the child’s circumstances are referred to and considered by its Adoption Panel within 2 months of the LAC Review, which proposed adoption as the Care Plan.
4.3 **Prospective Adoptive Placements of Children**

4.3.1 Where the Agency does not have suitable prospective adopters on its list of approved adopters, a Care Planning search enquiry may be made to ARIS (Adoption Regional Information System) by the senior social worker responsible for the child (to inform the likelihood of placement requirements). Once a ‘best interests’ decision is made, the child’s details should be forwarded to ARIS within 1 month. The child can then ‘go live’ on ARIS immediately, if requested, or 3 months after referral, if no placement has been identified with the Agency.

4.3.2 Where it is proving difficult to find a suitable match for a child i.e. children with complex needs and/or a disability, a referral to a voluntary adoption agency should be actively considered.

4.3.3 Article 16 of The Adoption (Northern Ireland) Order 1987 allows for the direct placement of a child for adoption, with or without a written agreement to adoption by the parent or guardian of the child. The grounds for dispensing with consent are those set out in Article 16 (2). Note should be taken that Article 16 (2) (f) which refers to the serious ill treatment of a child is subject to the proviso set out in Article 16 (4).

4.3.4 Alternatively, the Trust should consider placement with dually approved carers (i.e. prospective adopters/foster carers). The placement will initially be on a fostering basis with the risk that the Court Orders being sought may not be granted.

4.3.5 The proposal outlined in 4.3.4 may be considered at the same Adoption Panel meeting, which determines the best interests’ recommendation in respect of the child or at a subsequent Adoption Panel meeting.

4.3.6 If during the legal process, the birth parent gives agreement to adoption or a court grants a Freeing Order, the child’s circumstances should be re-referred to the Adoption Panel for a recommendation under Regulation 10 (1) (c) of the Adoption Agencies Regulations (Northern Ireland) 1989 “to consider whether a prospective adopter would be a suitable adoptive parent for a particular child”.

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Chapter Five
Policy and Eligibility Criteria
Policy and Eligibility Criteria

5.1 Policy

Adoption must have as its prime consideration the benefits to children. Adoptive families must be well prepared and supported for looking after children in need of adoption. Applicants who wish to become approved prospective adopters will be considered, irrespective of religion, ethnicity, gender, sexual orientation or disability, providing the adoption agency believes they can meet the needs of a child into adulthood.

5.1.1 Wishes and Feelings of the Child

In accordance with the legislation and principles outlined in Section 1.3 of this manual, the wishes and feelings of the child will be given due consideration, having regard to his age and understanding.

5.1.2 Wishes of the Birth Parents

Birth parents have the legal right to make their agreement to adoption conditional on the child being brought up in the religion of their choice. Their wishes may extend, however, beyond religious upbringing. These will be ascertained, and during the matching, accommodated as far as possible. The paramount consideration will be the best interests of the child.

5.1.3 Contact in Adoption

Most children will benefit from contact with birth relatives either direct or indirect following adoption. Where possible, a voluntary agreement will be made between birth relatives and adoptive parents and this can be facilitated by the Agency.

Adoption proceedings are “family proceedings” under the Children (NI) Order 1995. Courts hearing adoption applications thus have powers to make Article 8 Orders (including Contact Orders) on application, or of their own volition.
5.1.4 Blood-Borne Infections

Tests for HIV and for the Hepatitis group will be required in relation to prospective adopters, birth mothers and/or children when risk factors warrant it. Up to date advice and guidance from the Public Health Authority should be checked and a useful reference is BAAF Practice Note 53 “Guidelines for The Testing of Looked After Children Who Are At Risk Of A Blood-Borne Infection” (available from the BAAF website: www.baaf.org.uk). In relation to Hepatitis, if the child is infected or is at high risk of infection, prospective adopters will be advised to consult their GP about the need for vaccination (Also see chapter 7 section 7.3.4 part 7).

5.1.5 Adjustment to Significant Life Events

Prospective adopters may apply to adopt when they are in the process of adjusting to significant life events. In these circumstances an evaluation should be made at the outset of the potential impact this may have and the likely time required to make appropriate adjustments. If considered necessary, the adoption assessment will be deferred and the situation kept under review.

5.1.6 Applicants/Prospective Adopters who Become Pregnant

In the event that applicants/prospective adopters become pregnant, they are required to notify the Trust/Agency as soon as the pregnancy is confirmed. The Trust/Agency will suspend the assessment/approval to adopt (where a placement has not been made). In the case of intercountry adoption, the Trust will advise the DHSSPS who will notify the foreign authority/agency. Following the birth, the applicants’ assessment will be formally ended and prospective adopters’ approval to adopt will be rescinded. They may however make a fresh application when their child is at least 1 year old.

5.1.7 Rights of Prospective Adopters

1) Prospective adopters have the following rights:
   - the right to receive the relevant sections of their assessment and to respond in writing;
- the right to attend part of the Adoption Panel meeting when their adoption application is being considered;
- the right to receive reasons from the Agency when it is of the view that they are not suitable prospective adopters;
- the right to make representations to the Agency if it proposes not to approve them as suitable prospective adopters.

(2) Approved prospective adopters will have similar rights following reviews, if they are no longer considered to be suitable prospective adopters.

5.1.8 Second and Subsequent Applications

Applicants may apply to adopt another child, normally no earlier than one year after the date of placement for adoption of the previous child.

5.1.9 List of Approved Prospective Adopters

Each Adoption Agency/Consortium of Adoption Agencies will maintain a list of Approved Prospective Adopters, in date order from the date of application.

5.1.10 Periodic Review of the Approval of Prospective Adopters

The approval of applicants as prospective adopters is not open-ended and is subject to periodic review. In line with this policy, approved prospective adopters should be reviewed on a six-monthly basis. The report of the review should be considered by a manager above the level of team leader. Following review any significant change to the prospective adopters’ approval status should be referred to the Adoption Panel for a recommendation.

5.1.11 List of Children Awaiting Adoption Placement

Each Adoption Agency/Consortium of Adoption Agencies will maintain a list of children who are waiting for an adoption placement.
5.1.12 Applications for Intercountry and Domestic Adoption

Applicants will not be permitted simultaneously to pursue an application for domestic and intercountry adoption. A fee will be charged by the Agency for the assessment and report on the suitability of applicants seeking to adopt a child from overseas. The level of the fee will be reviewed on a regular basis.

5.1.13 If a child from an ethnic minority background becomes available for domestic adoption and there are approved intercountry adopters with the necessary skills and knowledge of the child’s ethnicity and cultural heritage, the Trust may, in these circumstances, exercise discretion about approaching them regarding a potential placement. If a domestic placement is to be pursued, please refer to chapter 13 section 13.2 (i).

5.2 Eligibility Criteria in respect of Adoptive Applicants

5.2.1 Age

The legislation requires that adopters have to be 21 years of age or older, except in step-parent adoptions when one of the applicants must be over the age of 18. Legally there is no upper age limit.

In all circumstances, the overriding consideration will be the best interests of the child. The Agency therefore will not usually expect there to be more than a 45 year age gap between a child and one of his adoptive parents. Flexibility is, however, exercised in the case of applicants who offer a valuable resource to children, such as older or disabled children or sibling groups.

5.2.2 Childlessness

It is important that all applicants are able to accept the differences between biological and adoptive parenting and if they are unable to have a biological child, that they have reconciled themselves to this situation. Where relevant, information on fertility counselling services will be offered to applicants.
Where applicants have had fertility difficulties and/or treatment, a report from the appropriate medical specialist should be sought. Assessment will not be carried out concurrently with fertility investigations and/or treatment. Applicants should be requested to advise the Agency of any decision to commence/recommence fertility investigations/treatment at any stage in the adoption process.

Where applicants have made a decision not to have biological children or not to seek fertility treatment, following consultation with the Adoption Medical Adviser this will be fully explored in the assessment. The applicants may be asked to provide a relevant medical specialist opinion.

5.2.3 Geographical Area

Each Agency will normally consider applicants who reside within its geographical area. Where there is any doubt about applicants meeting the criteria for domicile status in the U.K., the Agency should seek legal advice.

5.2.4 Preparation Courses

All applicants will normally be expected to attend a Pre-Adoption Preparation Course.

5.2.5 Financial Considerations

Applicants will be expected to demonstrate the ability to provide financially for an adopted child throughout his childhood. Applicants must provide written evidence of their income and/or benefits as part of their application to adopt.

A financial statement will be required from a Bank Manager/Accountant in the case of applicants who are self-employed and the prospective adopters will be responsible for any costs involved in obtaining this statement. A similar statement will be required should prospective adopters become self-employed during the adoption process.

5.2.6 Employment

Employment will be assessed in the context of the time the adopter(s) has available to spend with a child and whether this is likely to be sufficient to meet the needs of the child.
As a minimum requirement all adopters will be expected to avail of Statutory Adoption Leave, details of which are outlined in “ER Adoptive Parents: a guide for employers and employees”, available on www.delni.gov.uk

Parents of children due on or after 3rd April 2011, as well as those parents matched for adoption on or after 3 April 2011, have the right to take up to 26 weeks Additional Paternity Leave and Pay, once the child’s mother (or the adopter that took adoption leave) has gone back to work. Regulations will also apply to parents adopting from overseas whose children enter the UK on or after the 3 April 2011.

Full guidance is available on www.businesslink.gov.uk and www.direct.gov.uk. In the meantime details of the scheme are available on the BIS website at:

www.bis.gov.uk/policies/employment-matters/strategies/paternity-leave

During the assessment and review process the prospective adopters working arrangements will be considered and will be further considered prior to placement.

5.2.7 Health and Lifestyle

The health and lifestyle of the applicants will be assessed throughout the adoption process in consultation with the Adoption Agency’s Medical Adviser. As adoptive parenting can be very demanding both physically and emotionally there must be an expectation that the applicants will remain fit and healthy until any child placed with them reaches adulthood. Therefore, the potential impact of pre-existing conditions and conditions with long term implications for the applicants’ future health will be taken into consideration. The Adoption Medical Adviser may request further information/assessment from other professionals as appropriate.

As lifestyle choices such as smoking, obesity, lack of exercise, alcohol and substance misuse (past and present) can have a major impact on health, these will also be taken into consideration and applicants with unhealthy lifestyles may not be considered to be suitable adopters.
The recommendations contained in BAAF Practice Note 51 “Reducing the Risks of Environmental Tobacco Smoke for Looked After Children and their Carers” will be adopted.

5.2.8 Record Checks

Enhanced Disclosures will be sought from Access NI in respect of each member of the applicants household age 10+. The records of relevant Trusts will also be checked. The nature and circumstances of any information held on these records will be noted by the Adoption Agency and taken into consideration in determining whether the applicants will be accepted for assessment as prospective adopters.

5.2.9 Religion

The Adoption Agency must ascertain from birth parents, who agree to place their child for adoption, whether they wish to exercise their right under Article 16 of The Adoption (Northern Ireland) Order 1987 to specify the religious persuasion in which their child is to be brought up. In cases where a court has given the Adoption Agency parental responsibility under Article 17 or Article 18 of The Adoption (Northern Ireland) Order 1987, the Adoption Agency will give due consideration to the birth parents religious persuasion when making placement decisions.

Prospective adopters will be asked how they will address the religious and spiritual needs of the child to assist the Adoption Agency in its placement deliberations.

5.2.10 Marriage

A joint application to adopt a child can only be made by applicants who are married. In addition to this legal requirement applications will only be considered from married applicants who have been living together for at least 2 years at the date of the application. This period can include cohabitation prior to marriage.

6 A House of Lords Judgement (2008) UKHL 38 found that it was unlawful to reject a couple as prospective adopters solely on the grounds that they are unmarried. Consequently applicants and the Adoption Agency should be advised to seek their own legal advice were relevant.
5.2.11 Adoption by One Person

Single applicants are eligible to apply to adopt. Those living within a formal civil partnership and cohabiting couples are not eligible to make a joint application to adopt\(^6\). An application can however be made by one partner and the relationship will be considered in terms of its implications for the placement of a child.

5.2.12 Priority for Assessments

In addition to the above criteria, priority will be given to applicants who are seeking to provide a family for the children currently requiring adoptive placements. Whilst some babies do require adoption, most children requiring placements tend to be older children, sibling groups or children with some level of disability, or emotional/behavioural difficulties.
Chapter Six
Adoption Panel
Adoption Panel

6.1 Introduction

The Adoption Agencies Regulations (Northern Ireland) 1989 as amended by Schedule 22 to The Health and Social Services Trusts (Consequential Amendments) Regulation (Northern Ireland) 1994 require an Adoption Agency to establish an Adoption Panel or a joint Adoption Panel.

An Adoption Agency shall make a decision, whether it considers adoption to be in the best interests of a child and whether an application under Articles 17 or 18 of The Adoption (Northern Ireland) Order 1987 should be made to free him for adoption; whether a prospective adopter is suitable to be an adoptive parent and whether a prospective adopter is suitable for a particular child, only after taking into account the recommendation of its Adoption Panel.

6.2 Structure and Membership

6.2.1 Membership of an Adoption Panel/joint Adoption Panel is prescribed by legislation. A Panel or joint Panel shall comprise no more than 10 members and shall make recommendations only when at least three of its members meet as a Panel and one of them is a Social Worker in the employment of the Adoption Agency/one of the Adoption Agencies.

6.2.2 The Panel shall include in its membership:

- a Chairperson;
- a Social Worker from each Adoption Agency;
- a Director of each Adoption Agency (Trust) or Member of the Society’s Management Committee (Voluntary Adoption Agency);
- a Medical Adviser;
- at least one Independent Person;
- at least one man and one woman.
While it is not a legal requirement a Panel may include as an independent person: an adopted person (over the age of 18), a birth parent, an adoptive parent or a child care or other health professional.

6.2.3 Panel Chairperson

The Chairperson of the Panel can either be employed by the Adoption Agency or one of the Adoption Agencies or be an Independent Person. He should be a person who has extensive experience in adoption work and will play a crucial role in ensuring that the Panel's work is carried out efficiently and sensitively. In the absence of the Chairperson the Agency should appoint another member of the Panel to act as Chairperson of the Panel.

6.2.4 Agency Adviser

An Adoption Agency may wish to appoint an Agency Adviser. The Agency Adviser is a non-voting member of the Panel. His role is to advise panel members and presenting social work staff on agency policy, procedure and practice, quality assure reports coming to panel and assist the Chairperson and administrator in agreeing the agenda and finalising the Panel record.

6.2.5 Adoption Agency Worker

The Adoption Agency Social Worker should be experienced in adoption matters and hold a senior position in the Adoption Agency.

6.2.6 Independent Member

An Independent Member must not be employed by the Adoption Agency or be a Director or Management Committee Member of the Agency/Agencies.

6.2.7 Medical Adviser

The Adoption Agency must nominate a Medical Adviser to be appointed to the Adoption Panel. He needs to be actively involved in every case because of the possible significance of health matters.
6.2.8 Tenure of Office

Each member of the Panel can serve two consecutive terms. These conditions do not apply to the Medical Adviser.

6.2.9 Resignation of Panel Members

A Panel Member may resign at any time by giving one month's notice in writing to the Adoption Agency.

6.2.10 Review of Membership

The membership of the Panel should be reviewed every three years when Agencies review their arrangements for the provision of an adoption service. This will provide the opportunity to consider whether new members need to be appointed and how to manage changes in membership, while maintaining the continuity necessary for the effective operation of the Panel.

6.2.11 Legal Adviser

The Panel in domestic adoption must obtain legal advice in each case and in intercountry adoption, may obtain legal advice, as it considers necessary.

It is not a requirement for the Legal Adviser to be a Panel member.

If there are complex legal issues in a particular case, it may be helpful for the Legal Adviser to be in attendance.

6.3 Functions

6.3.1 The Adoption Panel's functions are outlined in Regulation 10 of The Adoption Agencies Regulations (Northern Ireland) 1989; Regulation 2 of The Adoption Allowance Regulations (Northern Ireland) 1996; Regulation 4 of The Adoption of Children from Overseas Regulations (Northern Ireland) 2002 and Regulations 7, 24 and 27 of The Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003.

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7 Each term is for five years in office. After two consecutive terms the Panel member should have a break of one term before he may serve on the Panel for a further period.
6.3.2 Domestic Adoption

Regulation 10 of The Adoption Agencies Regulations (Northern Ireland) 1989:

(1) Subject to paragraphs (2) and (3), an adoption panel shall consider the case of every child, prospective adopter and proposed placement referred to it by the adoption agency and shall make one or more of the recommendations to the agency, as the case may be, as to -
   (a) whether adoption is in the best interests of a child and, if the panel recommends that it is, whether an application under Article 17 or 18 (Freeing Child for Adoption with or without Parental Agreement) should be made to free the child for adoption;
   (b) whether a prospective adopter is suitable to be an adoptive parent;
   (c) whether a prospective adopter would be a suitable adoptive parent for a particular child.

(2) An Adoption Panel may make the recommendations specified in paragraph (1) at the same time or at different times, so however that it shall make the recommendation specified in paragraph (1) (c) in respect of a particular child and prospective adopter only if -
   (a) that recommendation is to be made at the same meeting of the panel at which a recommendation has been made that adoption is in the best interests of the child, or;
   (b) an Adoption Agency decision has been made in accordance with regulation 11(1) that adoption is in the best interests of the child, and;
   (c) In either case -
      (i) the recommendation specified in paragraph (1)(c) is to be made at the same meeting of the panel at which a recommendation has been made that the prospective adopter is suitable to be an adoptive parent, or;
      (ii) an Adoption Agency decision has been made in accordance with regulation 11(1) that the prospective adopter is suitable to be an adoptive parent.
(3) In considering what recommendations to make, the panel shall have regard to the duties imposed upon the Adoption Agency by Article 9 (Duty to Promote Welfare of Child) and shall, as the case may be-
(a) consider and take into account all the information and reports passed to it by virtue of Regulations 7(2)(e), 8(2)(g) and 9(1);
(b) request the Adoption Agency to obtain any other relevant information which the Adoption Panel considers necessary;
(c) obtain legal advice in relation to each case together with advice on an application for an adoption order or, as the case may be, an application to free a child for adoption.

Regulation 2 of The Adoption Allowance Regulations (Northern Ireland) 1996. Circumstances in which an allowance may be paid:

(1) Without prejudice to paragraph (3), an allowance may be paid where one or more of the circumstances specified in paragraph (2) exists and the Adoption Agency-
(a) is making the arrangements for the child’s adoption;
(b) and has decided-
   (i) in accordance with Regulation 11(1) of The Adoption Agencies Regulations (Northern Ireland) 1989 that the adoption by the adopters would be in the child’s best interests, and
   (ii) after considering the recommendation of the Adoption Panel, that such adoption is not practicable without payment of an allowance.

6.3.3 Intercountry Adoption

Where Northern Ireland is a receiving country: Non-Convention Countries: Regulation 4(3) of The Adoption of Children from Overseas Regulations (Northern Ireland) 2002: An Adoption Panel, to which the case of a prospective adopter is referred, shall consider the case and make a recommendation to the referring Adoption Agency as to whether the prospective adopter is suitable to be an adoptive parent, in accordance with Regulation 10 (Adoption Panel functions) of the 1989 Regulations.
Convention Countries:

Regulation 7 of The Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003:

(1) Subject to paragraph (2), the Adoption Panel must consider the case of the prospective adopter referred to it by the adoption agency and make a recommendation to the Adoption Agency as to whether the prospective adopter is suitable to be an adoptive parent.

(2) In considering what recommendation to make, the Adoption Panel -
   (a) must consider and take into account all information and reports passed to it in accordance with Regulation 6(6);
   (b) may request the Adoption Agency to obtain any other relevant information which the Adoption Panel considers necessary; and
   (c) may obtain legal advice as it considers necessary in relation to the case.

Where Northern Ireland is a sending country: Regulation 24 of The Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003:

(1) The Adoption Panel must consider the case of the child and make a recommendation to the Trust as to whether adoption by a person habitually resident in a Convention country outside the British Islands is in the best interests of the child.

(2) In considering what recommendation to make, the Panel must have regard to the duties imposed upon the Trust by Article 9 of the 1987 Order (Duty to Promote Welfare of the Child) and -
   (a) must consider and take into account all the information and reports passed to it under regulation 23(2);
   (b) request the Trust to obtain any other relevant information which the panel considers necessary; and
   (c) obtain legal advice in relation to the case as may be necessary.
Regulation 27 of The Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003:

(1) The adoption panel must consider the proposed placement referred to it by the Trust under Regulation 23(2) and make a recommendation to the Trust as to whether:
   (a) the Convention prospective adopter is a suitable adoptive parent for the child; and
   (b) the proposed placement is in the best interests of the child.

(2) In considering what recommendation to make under paragraph (1), the Adoption Panel -
   (a) must have regard to the child’s upbringing and his ethnic, religious and cultural background;
   (b) must have regard to the duties imposed upon it by Article 9 of the 1987 Order (Duty to Promote Welfare of Child);
   (c) must have regard to the Article 15 report and the documents referred to it under Regulation 26(5);
   (d) may request the Trust to obtain any other relevant information which the panel considers necessary; and
   (e) may obtain legal advice as it considers necessary in relation to the case.

6.4 Other Functions

6.4.1 The Adoption Panel will consider any case referred to it by the Adoption Agency where a significant change in the circumstances of the approved prospective adopters has been identified, normally following a review, and will make a recommendation to the Agency as to whether or not the applicants continue to be suitable as prospective adopters.

6.4.2 The Adoption Panel will offer advice at the request of an Agency in relation to a child or prospective adopters.

6.5 Operation of the Adoption Panels

6.5.1 Principles and Policy
The Adoption Panel will operate in accordance with legislative requirements, and the principles and policies outlined in this manual and ensure that a relationship of partnership is maintained with all those involved in the adoption process.

6.5.2 Operational Procedures

(a) The Panel should meet sufficiently often to permit the Adoption Agency to fulfill its functions without undue delay.

(b) Panel members are expected to attend on a regular basis (minimum 75% of meetings per annum). A member who is unavailable through illness, holiday arrangements or any other reason may send comments in writing for consideration at the Panel meeting.

(c) Panel members should normally receive documentation and the agenda seven working days prior to the meeting.

(d) Where a Panel member has knowledge either in a personal or professional capacity, of a case under consideration, this should be declared to the Chairperson who will make a decision regarding the person's involvement in the Panel discussion.

(e) The Chairperson will determine the number of cases to be considered at a meeting taking account of their complexity and the number that can be considered in the time available. The Chairperson will also determine when a matter must take priority at a meeting and when an additional Panel meeting is required.

(f) The Chairperson will advise the administrator on the items listed for the agenda before the meeting.

(g) The Chairperson will preside at each meeting and is responsible for conducting the business on the agenda and encouraging full discussion on each item. He will ensure the Panel recommendations are clear and accurately recorded.
(h) The Chairperson will determine who will attend a Panel meeting in addition to Panel members. It will be expected that the relevant Social Worker and Senior Social Worker/Senior Practitioner attend to present the case.

Any requests to observe at a Panel meeting must be submitted to the Panel Chairperson one week in advance of the meeting. All observers will sign a declaration of confidentiality.

(i) The record of each item on the agenda for discussion should be typed on separate sheets and a copy should be retained on the appropriate case file.

(j) Applicants will be invited to attend the Panel meeting at which their application is being considered. Written information about the role of the Panel, membership, format of the meeting, venue, date and time, including a feedback form, should be forwarded in advance to the applicants who will be required to confirm attendance.

(k) The assessing Social Worker and their Senior Social Worker/ Senior Practitioner will be invited into the Panel meeting. The Panel will consider confidential and third party information, and identify issues to be explored with the applicants when they join the meeting.

(l) The Chairperson will invite the applicants to join the meeting, introduce them to Panel members and invite members to introduce themselves. He will advise the applicants of the issues to be discussed and encourage panel members to initiate discussion with them, based on the areas previously identified.

(m) The Chairperson will invite applicants to raise questions with the Panel.

(n) The Chairperson will advise the applicants that panel members will take time to make their recommendation. The applicants will be shown back to the waiting area.

(o) Recommendations will usually be reached by consensus. In the event that this is not possible the majority principle will apply, with the Chairperson having a casting vote, if necessary.
(p) The Panel Chairperson with or without the assessing Social Worker and Senior Social Worker/Senior Practitioner will advise the applicants of the outcome of the Panel.

(q) The Chairperson will, normally within 10 working days, submit the recommendations of the Panel and the reasons for these, in each case to the Agency Decision Maker.

6.5.3 Other Requirements

(a) The Panel(s) will meet on an annual basis to review the way it is operating; address issues of common concern, promote consistency and uniform standards, and identify training needs.

(b) An Annual Report on the work of the Panel(s) should be prepared by the Chairperson and where appointed the Agency Adviser, in consultation with the Panel members. The report should be forwarded to the Adoption Agency’s Management Committee or the Trust Board. Trust reports should also be forwarded to the Health and Social Care Board.

6.6 Appointment of Panel Members and Conditions of Appointment

6.6.1 The Adoption Agency is responsible for the appointment of Panel members and will seek to identify people who are knowledgeable about adoption. Before their appointment, prospective Panel members should receive written information from the Agency concerning the requirements of being a member and should be interviewed jointly by a senior officer from the Agency and the Chairperson of the Panel, in order to establish their suitability.

6.6.2 The appointment process should also include:

(1) ascertaining whether or not they have any convictions or cautions for criminal offences which might make them unsuitable;
(2) obtaining two personal references and where appropriate an employer’s reference if they are not employed by the Trust or Adoption Agency, or are not an appointee to the Management Committee or Trust Board;

(3) observing a Panel meeting.

6.6.3 On appointment all Panel members will sign an undertaking that they will maintain the confidentiality of adoption information.

6.6.4 Panel members will be expected to avail of an induction programme and training opportunities, which will be provided by the Agency.

6.6.5 If a member is absent without apology for three consecutive meetings, the Chairperson will consult the member concerned about his continued membership of the Panel.

6.6.6 The Adoption Agency may terminate the appointment of a Panel member if it believes he is unfit or unable to hold office. This must be done in writing, clearly outlining the reasons for reaching such a decision.

The role of the Chairperson in such situations is crucial. Where a Panel member is not competent or effective, the Chairperson, in the first instance, should discuss this with the member concerned and consider whether training might increase the member’s competence to an acceptable level. Where difficulties are incapable of informal resolution, the Chairperson, after discussing the issues with the Agency Adviser (where one is appointed) should raise the matter with the Senior Officer responsible for the appointment of members. They should jointly interview the Panel member. A report should be submitted to the Agency’s Management Committee or the Trust’s Board, as appropriate, recommending what action needs to be taken. The Panel member should receive a copy and may submit a written response if he so wishes, for consideration by the Management Committee or the Trust’s Board.

While this formal process is ongoing, the member should not attend meetings of the Panel. The member will be informed in writing of the decision of the Adoption Agency.
Chapter Seven
Process
**Process**

7.1 **Introduction**

The Adoption process can be broken down into the following areas:

7.2 Parental Agreement and Freeing.
7.3 Work with the Child and Birth Parent(s).
7.4 Enquiries from and assessment of Prospective Adopters.
7.5 Matching and placing of the Child.

7.2 **Parental Agreement and Freeing**

7.2.1 **Agreement**

After a child has attained the age of 6 weeks, a parent, including a birth father, who has parental responsibility or a guardian, may sign an agreement to his adoption before a Lay Magistrate.

In addition, Article 17(6) of the Order as amended by paragraph 143 (3) of Schedule 9 to The Children (Northern Ireland) Order 1995, specifies that before making an Adoption Order or an Order freeing a child for adoption in respect of a child whose father does not have parental responsibility for him, the Court shall satisfy itself in relation to any person claiming to be the father, that -

(a) He has no intention of applying for an order under The Children (Northern Ireland) Order 1995 giving him parental responsibility for the child or a residence order under Article 10 of that Order.

(b) Or would be unlikely to be successful if he did make any such application.
Consequently, the Agency should seek to clarify the birth father’s intentions before proceeding to obtain agreement. With regard to the agreement process, the Social Worker should obtain a certified copy of the child’s long birth certificate and prepare the relevant Court Form A11. The Social Worker should ensure that:

- the necessary information is accurately typed on the Agreement Form and that the appropriate deletions are made;
- the names of the child and parents correspond with the names stated on the child’s long birth certificate;
- the following is typed on the back of the child’s birth certificate:

  I declare that this is the birth certificate of my child ________________
  Signature of Parent or Guardian ________________________________
  Signature of Witness _______________________________________
  Lay Magistrate _____________  Date ____________________________

The Social Worker should accompany the parent to the Lay Magistrate where Agreements and Birth Certificates are signed and witnessed by the Lay Magistrate. It is important to ensure that:

- the parent’s signature, on the Agreement Form and on the back of the child’s birth certificate, should correspond with the parent(s) name(s) as stated on the front of the child’s birth certificate, unless the name has been changed legally. The birth certificate and the Agreement Form must be signed on the same date in the presence of the Lay Magistrate;
- the Lay Magistrate initials all the deletions on the Agreement Form. The requirements for witnessing an Agreement, which is signed by a parent outside Northern Ireland, are contained in the Court Rules (see relevant paragraph on each Agreement Form).
7.2.2 Freeing Order with Agreement

An alternative method to the arrangement outlined above for obtaining agreement of the birth parents is via a Freeing Order under Article 17 of The Adoption (Northern Ireland) Order 1987.

Article 17 allows for the Application for a Freeing Order to be a joint one by the parents or guardian of the child and the Agency. An application may be heard in either the High Court or the County Courts.

**Court Procedures**

1. An Originating Summons Form A1 is completed (three copies).
3. If the child is at least six weeks old the parent or guardian may sign a form consenting to the use of a Freeing Order, Form A3. A Lay Magistrate witnesses this form and the child’s Birth Certificate is also endorsed as under 7.2.1 above.

7.2.3 Freeing Order without Agreement

The Adoption (Northern Ireland) Order 1987 makes provision for either a High Court or County Court to make a Freeing Order without the agreement of the parent or guardian in certain circumstances.

Applications may only be made under Article 18 if the child is in the care of the Agency and either the child is already placed for adoption or the Court is satisfied that it is likely he will be placed for adoption.

In relation to Article 18 the applicant for a Freeing Order is the Agency. The respondents are the mother and birth father with parental responsibility or guardian of the child and any other person the Court may direct to be a respondent. A birth father without parental responsibility is a Notice Party.

The birth family will be offered counselling and support from an agency independent of the Trust bringing the Freeing Application.
Court Procedures

(2) The Agency’s Legal Adviser, with assistance from the Social Worker, compiles a Statement of Facts, upon which the Agency intends to rely for the purpose of satisfying the Court that the agreement of each parent or guardian ought to be dispensed with on a ground specified in The Adoption (Northern Ireland) Order 1987.

(3) An Originating Summons, Form A2 is completed (three copies).

7.3 Work With Child and Birth Parent(s)

7.3.1 This will normally be the responsibility of the Agency for the area in which the parents reside, or one of the Voluntary Adoption Agencies if appropriate.

The duties of each Agency in respect of a child and his parents or guardian are as outlined in The Adoption Agencies Regulations (Northern Ireland) 1989. Regulation 7 states -

(1) When an adoption agency is considering adoption for a child it shall either -

(a) in respect of the child, having regard to his age and understanding, and, as the case may be, his parents or guardian, so far as is reasonably practicable -
   (i) provide a counselling service for them;
   (ii) explain to them the legal implications of and procedures in relation to adoption and freeing for adoption, and
   (iii) provide them with written information about the matters referred to in heading (2); or

(b) satisfy itself that the requirements of sub-paragraph (a) above have been carried out by another Adoption Agency.

(2) Where, following the procedure referred to in paragraph (1), an Adoption Agency in considering adoption for a child the agency shall -
(a) set up a case record of the child and place on it any information obtained by virtue of this regulation;

(b) obtain, so far as is reasonably practicable, such particulars of the parents or guardian and, having regard to his age and understanding, the child, as are referred to in The Adoption Agencies Regulations (Northern Ireland) 1989, together with any other relevant information which may be requested by the Adoption Panel;

(c) arrange and obtain a written report by a medical practitioner on the child’s health which shall deal with the matters specified in Part II of the aforementioned Schedule, unless such a report has been made within six months before the setting up of the case record under sub-paragraph (a) and is available to the Agency;

(d) arrange such other examinations and screening procedures of, and tests on, the child and, so far as is reasonably practicable, his parents, as are recommended by the Adoption Agency’s Medical Adviser, and obtain a copy of the written report of such examinations, screening procedures and tests; and

(e) prepare a written report containing the Agency’s observations on the matters referred to in this regulation, which shall be passed, together with all information obtained by it by virtue of this regulation, to the Adoption Panel or to another Adoption Agency.

(3) Where the identity of the father of an illegitimate child is known to the Adoption Agency, it shall so far as it considers reasonably practicable and in the interests of the child -

(a) carry out in respect of the father the requirements of paragraph (1)(a) as if they applied to him unless the Agency is satisfied that another Adoption Agency has so complied with those requirements;
(b) obtain the particulars of him referred to in Parts III and IV of the Schedule together with any other relevant information which may be requested by the Adoption Panel, and arrange and obtain a copy of the written report of such examinations, screening procedures and tests on him as are recommended by the Adoption Agency’s Medical Adviser; and

(c) ascertain so far as possible whether he intends to apply for custody of the child.

NB: An Adoption Agency should interpret (3) as referring to a birth father whose identity is known whether or not he holds parental responsibility.

7.3.2 Birth Parents – Adoption by Agreement – Procedures

(1) The Social Worker should open an adoption case file and record all contacts with the child and his birth parent(s).

(2) The Social Worker should provide a counselling service to the birth parent(s), and ascertain and record their wishes and feelings in relation to adoption. In addition an adoption counselling and support service, independent of the Agency may be considered.

(3) The Social Worker should explain to the birth parent(s) the legal implications and procedures in relation to adoption and freeing for adoption including the provisions of the Adoption Contact Register.

(4) The Social Worker should provide the parent(s) with the Agency’s information leaflet on adoption for birth parents and should discuss the contents with him, if necessary, with assistance from an appropriate advocacy and/or interpreter service.

(5) The Social Worker should complete a BAAF Form PH with both parents, and the relevant BAAF Consent Form granting permission to obtain and share all relevant health information.
Where a birth parent’s consent to disclosure of his medical history cannot be obtained, this should be clearly indicated on the form.

(6) The Social Worker should forward Form Adopt 3B with a copy of the Consent Form to the mother’s GP, and if the father’s name is disclosed, to his GP in order to obtain the relevant health history.

(7) The Social Worker should arrange for completion of BAAF Form M (Obstetric Report on mother) which should include a record of pre-natal screening (see also procedures under children, Section 7.3.4 Part 7).

(8) The Social Worker should carry out the agreement procedures as outlined in Section 7.2 (Parental Agreement and Freeing) of this manual as appropriate.

(9) The Social Worker should complete an anonymised report covering the background history of the child including family history. This report will be given to the prospective adopter(s) to assist them to make a decision regarding the proposed placement. The birth parents should be made aware of the existence of this report and they should be informed of the areas that will be contained therein (see checklist 3)\(^8\).

(10) After an Adoption Panel recommendation and the subsequent Agency Decision, the mother and father, if named, should be informed in writing within 21 days that adoption is or is not in the child’s best interests and, if appropriate, that a Freeing Order will be sought.

(11) The Agency Decision Maker may only make a decision on behalf of the Agency after taking into account the recommendation of the Adoption Panel (Regulation 11).

He/she should be satisfied that the regulatory process has been followed, that the Panel was provided with full information as required by Regulation 10 (3)(a); that the Panel was given or, where necessary sought, sufficient

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\(^8\) See folder regarding Adoption, Fact Sheets, Flowcharts and Checklists - Regional Policy and Procedures, produced as part of Regional Adopting Best Care Project.
additional information to make a recommendation (Regulation 10 (3) (b)); that appropriate legal advice was obtained (Regulation 10 (3) (c)) and that the Panel’s recommendation is rationally founded on the basis of the information submitted to it. Where any of these issues is in question, the Agency Decision Maker should refer the matter back to the Chairperson for further consideration. The Agency Decision Maker should not make a decision on the basis of any information, which the Panel has not considered.

(12) The Agency Decision Maker should complete and forward the Proforma letter to the birth parents. Where practical this may be hand delivered by the Social Worker.

7.3.3 Birth Parents – Adoption without Agreement – Procedures

Work in these circumstances must incorporate the Policy and Procedures outlined in Chapter 4 of this Manual (Permanence Policy and Regional Policy on Permanence).

Prior to the commencement of work in relation to adoption the birth parents will have been advised of the Permanence Policy and the timescales therein. Parents will have been given a copy of the Agency’s written information on permanence planning, the contents of which should be explained to them by the social worker, if necessary, with assistance from an appropriate advocacy and/or interpreter service.

Where the Trust’s plan for the child is adoption a counselling and support service (independent of the Trust that made the decision in respect of the child), should be offered throughout.

Birth parents should be made aware that their child’s circumstances will be presented to the Trust’s Adoption Panel and subsequently to the Trust’s Agency Decision Maker for a decision regarding adoption.

If during the Freeing process a birth parent decides to agree to his child’s adoption, all of the steps in 7.3.2 Birth Parents - Adoption by Agreement Procedure should be completed.
7.3.4 Children – Procedures

(1) In the case of a newborn infant, if the mother is considering adoption and wishes her child accommodated, the Social Worker should arrange a foster care placement for him. Prior to placement, the Social Worker should obtain a copy of the hospital paediatrician’s discharge letter to the child’s GP and retain it on file.

The Social Worker should also complete the following:

- The relevant UNOCINI Forms
- Looked After Children Forms
- Essential Information Record : Part 1
- Essential Information Record : Part 2
- Placement Plan Part 1 - Placement Agreement
- Placement Plan Part 2 - Day to Day Arrangements
- Care Plan

(2) Following a LAC review proposal to consider adoption for a looked after child, or in exceptional circumstances, a child who is not being looked after, the Social Worker should open an adoption case file and record all contacts with the child and his parents.

(3) The Social Worker should provide a counselling service to the child, (having regard to his age and understanding), and his parents, if this has not already been done. This includes ascertaining and recording his wishes and feelings in relation to an adoptive family.

(4) The Social Worker should explain the legal implications and procedures in relation to adoption and freeing for adoption, including the provisions for the Adoption Contact Register.

(5) The Social Worker should give written information about the matters referred to in (3), i.e. the BAAF ‘Information for Children about Adoption’ leaflet. The Social Worker should obtain a written acknowledgement, if appropriate, given the child’s age and understanding.
Consideration may be given to work, with the child and his preparation for placement, being undertaken by a social worker with adoption experience or a social worker from an agency which has not been involved in care planning regarding the child.

(6) The Social Worker should ensure Procedures (5) and (6) from Birth Parents, section 7.3.2 is completed.

(7) The Social Worker should arrange for the completion of BAAF Form M (Obstetric Report on mother) and BAAF Form B (Neonatal Report on child). On receipt of these completed forms the Social Worker should check the results of the statutory neo-natal screening. If there is difficulty these can be obtained from the Child Health System through the Health Visitor. In relation to Hepatitis, if the child is infected or is at high risk of infection, prospective adopters will be advised to consult their GP about the need for vaccination. See chapter 5 section 5.1.4.

(8) The Social Worker should obtain the child’s long birth certificate and medical registration card from the mother and ensure that the Personal Child Health Record is held by the foster carer.

(9) The Social Worker should place the child in a foster home if appropriate. Where the birth parent is not in agreement with the adoption plan, consideration should be given to placing the child with dual-approved carers.

(10) The Social Worker should liaise directly with the relevant Health Visitor regarding the placement and forward a copy of Form Adopt 2 E/C10 as soon as possible to the Child Health System Manager.

(11) The Social Worker should forward the Looked After Children Forms to the appropriate manager with a request to pay Foster Care Allowances.

(12) The Social Worker should visit the foster home “within one week of the beginning of the placement and thereafter at least every month”.
(13) The Social Worker should arrange a review of the child’s situation within two weeks of the date on which the child became looked after. The second review should be carried out three months later and the third review three months after the second, as outlined in the Permanence Policy (Chapter 4).

(14) The Social Worker should obtain a detailed report from the Health Visitor regarding the child’s health and developmental progress from birth. This report should include any relevant involvement with other healthcare professionals and made available to the Adoption Medical Adviser.

(15) The Social Worker should arrange a Paediatric Assessment as soon as possible after the child reaches the age of six weeks and should accompany the foster carer and the child to the appointment. The Social Worker should bring BAAF Form IHA-C and any relevant documentation requested therein. If the mother was unwilling to have Serological Tests completed or appropriate results are not available on BAAF Form M, this should be drawn to the attention of the Paediatrician and he and the Medical Adviser should undertake a risk analysis.

(16) The Social Worker should arrange a medical examination of the child at least once in every period of 6 months before the child’s fifth birthday (BAAF Form RHA-C) and, where possible, this should be synchronised with the completion of BAAF Form IHA, to ensure that the child is not undergoing additional and unnecessary examination. If the child is over age 5 the Social Worker should arrange an annual examination.

(17) The Social Worker should contact the adoption administrative staff to arrange for the case to be referred to the Adoption Panel.

(18) The Social Worker should complete a written report for presentation to the Adoption Panel incorporating data referred to in The Adoption Agencies Regulations 1989.
If parental agreement is not available, the report should include the grounds and evidence upon which the Agency would intend to rely when bringing an Application under Article 18 of The Adoption (Northern Ireland) Order 1987.

(19) The Social Worker should forward the documentation to the Chairperson of the Adoption Panel, or his nominee, normally within 10 working days in advance of the proposed Panel meeting.

(20) The Chairperson of the Adoption Panel/ Administration staff should confirm with the Social Worker the date and time of the proposed Panel meeting.

(21) The Social Worker and the Senior Social Worker/Senior Practitioner should attend the Panel meeting.

(22) The Chairperson of the Adoption Panel should notify the Agency Decision Maker of the recommendation(s) of the Panel normally within 10 working days.

(23) The Agency Decision Maker should notify the Chairperson of the Adoption Panel of his acceptance/rejection of the recommendation(s), normally within 10 working days and ensure the relevant notifications are forwarded to the birth parent(s) as per (10-12) of section 7.3.2.

(24) A referral to ARIS should be made within one month of the ‘best interests’ decision on the ARIS CH form.

(25) If a Freeing Order is to be sought the Agency’s legal advisers should be instructed without delay.

7.4 Enquiries from and Assessment of Prospective Adopters and their Review

7.4.1. The initial contact made with the Agency is particularly significant for those who enquire about becoming adoptive parents and consequently will be dealt with by staff experienced in adoption work. Enquiries should normally be acknowledged in writing within 5 working days.
7.4.2 Assessment of prospective adopters will normally be carried out by social work staff from the Agency in which the applicant/s reside. In certain circumstances exceptions to this may be made e.g. where applicants are staff members of the Agency.

The duties of the Agency in respect of prospective adopters are outlined in Regulation 8 of the Adoption Agencies Regulations (Northern Ireland) 1989 as follows:-

(1) “When an Adoption Agency is considering whether a person may be suitable to be an adoptive parent, either:

(a) it shall -
   (i) provide a counselling service for him;
   (ii) explain to him the legal implications of and procedures in relation to adoption; and
   (iii) provide him with written information about the matters referred to in head (2); or

(b) it shall satisfy itself that the requirements of sub-paragraph (a) have been carried out in respect of him by another Adoption Agency.

(2) Where, following the procedure referred to in paragraph (1), an Adoption Agency considers that a person may be suitable to be an adoptive parent, it shall -

(a) set up a case record in respect of him and place on it any information obtained by virtue of this regulation;

(b) obtain such particulars as are referred to in Part VI of the Schedule to The Agencies Regulations (Northern Ireland) 1989 together with, so far as is reasonably practicable, any other relevant information which may be requested by the Adoption Panel;

(c) obtain a written report by a medical practitioner on the prospective adopter’s health which shall deal with the matters specified in Part VII of the aforementioned Schedule, unless such a report has been made within six months before the setting up of the case record under sub-paragraph (a) and is available to the Agency;
(d) obtain a written report in respect of any premises which that person intends to use as his home if he adopts a child;

(e) obtain written reports of the interviews with two persons nominated by the prospective adopter to provide personal references for him;

(f) obtain a written report from the prospective adopter's Health and Social Care Trust as to whether or not there is any reason to believe that the proposed adoption would be detrimental to the child; and

(g) prepare a written report containing the Agency's observations on the matters referred to in this regulation, which shall be passed, together with all information obtained by it by virtue of this regulation, to the adoption panel or to another adoption agency”.

7.4.3 Procedures

STAGE 1: INITIAL ENQUIRY

(1) A record should be maintained of people making an enquiry about becoming adoptive parents, which should include the following information:

- date of initial enquiry;
- full (and previous) names of applicants;
- address;
- date of birth;
- marital status;
- ethnicity;
- employment status;
- names and dates of birth of any children in the household;
- names and ages of other persons living in the household;
- age range of child being considered;
- if child has already been identified his name, date of birth and address.

Form Adopt 1A should be used for this purpose.

(2) The Social Worker should provide information as requested and arrange a counselling interview.
STAGE 2: COUNSELLING INTERVIEWS

(1) Counselling should include the areas listed in the Counselling Information Checklist (4). A copy should be given to the applicants to assist them in assimilating the information being provided in the counselling interviews.

(2) On completion of the interviews, it should be ensured that the enquirers have received the ‘Information for Adopters’ pack and have had sufficient time to think more about the issues relating to adoption. If they wish to apply to be considered as prospective adopters they should confirm this in writing.

(3) All interviews and contacts with the enquirers should be recorded, including a summary of the information provided and confirmation that they were given the ‘Counselling Information Checklist’ and the ‘Information for Adopters’ pack.

(4) If there are any concerns about the applicants fulfilling the Agency’s eligibility criteria, the matter should be referred to the appropriate manager for a determination.

STAGE 3: PRELIMINARY CHECKS

(1) Following confirmation from the enquirers that they wish to proceed, the Social Worker should complete the relevant sections of the ‘Information for Preliminary Checks re Adoption Application’ (Form Adopt 1B). Their signature to the ‘Consent to Obtain Information’ at the end of this form should be countersigned by the Social Worker. The Social Worker should open a file, which should contain all reports, correspondence and recording.

(2) The Social Worker should carry out the following checks/enquiries in respect of the applicants and all members of their household:

9 See folder re Adoption, Fact Sheets, Flowcharts and Checklists - Regional Policy and Procedures, produced as part of Regional Adopting Best Care Project.
• ascertain whether or not the applicants are known to Social Services in the Agency and if known, in what capacity;

• obtain Enhanced Disclosures from Access NI in respect of each member of the applicant’s household aged 10 and over. The form should reflect that a check of the list of individuals disqualified from working with children has also been carried out.

• obtain information from other Adoption Agencies to which the applicant(s) have previously made enquiries/application;

• obtain a report of a medical examination by the applicants’ GP and appropriate checks of health records by requesting medical reports in respect of each applicant, BAAF Form AH (Adult Health Report). Payment for these and any other medical reports required is the responsibility of the applicants. These forms should be forwarded to the Agency Medical Adviser.

• obtain the Medical Adviser’s opinion of these and obtain any further information thought to be necessary, including a Consultant’s Report where the applicant has had or is having specific treatment/investigation.

The Medical Adviser should inform the appropriate manager responsible for Adoption Services whether or not there are any health contra-indicators to proceeding with the assessment. If the Medical Adviser recommends that the application should not proceed on medical grounds, he should provide a written summary of the reasons for this recommendation and give it to the Agency. The Agency may in turn refer the matter to the Adoption Panel;

• the Social Worker should view the applicants’ birth certificates and if relevant, marriage/civil partnership and divorce certificates and record details.
(3) if the applicants live in another Agency’s area the appropriate Child and Family Care Manager should obtain a written report from the other Agency as to whether or not there is any reason to believe that the proposed adoption would be detrimental to a child;

(4) the Social Worker should maintain a record of all checks and these should be viewed by the relevant manager;

(5) if the preliminary checks are not satisfactory applicants should be informed and given the opportunity to discuss the situation with the appropriate manager for adoption.

STAGE 4: PREPARATION COURSE

All applicants will be expected to attend a preparation course. It is designed for prospective adopters to acquire knowledge and skills and to give them the opportunity for reflection in relation to their plans to apply to adopt. This will be an educative group and applicants will also hear from others directly involved in adoption. The programme will include a synopsis of children recently adopted or placed for adoption and also for whom adoptive families are required, the processes involved, consideration of general behaviour management strategies, child protection issues, and discipline and control issues.

STAGE 5: PRE-ASSESSMENT CHECKS

Following satisfactory completion of the preparation course the Social Worker should carry out the following checks/enquiries in respect of the applicants.

- Personal References

As required by the Adoption Agencies (Northern Ireland) Regulation(s) 1989, applicants must provide information in respect of two personal referees. The referees will provide written references using form Adopt 1C. The referees should have known the applicants well over a period of time and should be competent to comment upon the applicant(s) potential adoptive parenting capacity. Ideally at least one referee should have observed the applicant(s) contact with children and be in a position to comment on this.
The social worker should subsequently interview the referees face to face at the assessment stage and prepare a written report of these interviews to include analysis of the weight to be attached to their comments.

Agencies will also request a written reference from a member of the applicants’ extended family and additional references may be necessary to provide evidence in relation to the particular circumstances of applicants.

- Employment Reference

If a prospective adopter is or has been employed in a child care capacity or with vulnerable adults, the Agency should having obtained the consent of the prospective adopter, obtain an employer’s reference and seek information about his work children or vulnerable adults, using form Adopt 1D.

Where an applicant is engaged in voluntary work with children or vulnerable adults, the applicant’s consent should be obtained to seek a reference from a person in a supervisory capacity within the voluntary organisation.

It should be noted that an employer is not obliged to provide information in writing or otherwise and an Agency should be careful not to interpret negatively, a refusal from the employer to supply a reference.

Interviews should not be sought with employers unless the appropriate Manager agrees that there are specific reasons for so doing.

- Financial Circumstances

The Social Worker should obtain written evidence from applicants of their current income (earnings, benefits and allowances), outgoings, assets and liabilities from whatever source. Applicants should also indicate their capacity to discharge their financial responsibilities post placement (a financial statement will be required from an accountant in the case of applicants who are or become self-employed and the prospective adopters will be responsible for any costs involved in obtaining this
statement). In addition, it should be confirmed that applicants have never been the subject of court proceedings in respect of debt (see www.courtsni.gov.uk).

- Accommodation

If the accommodation is owner occupied, the Social Worker should confirm the amount and duration of the mortgage, and obtain confirmation in writing from the mortgage lender that payments are up to date. If the accommodation is rented, he should confirm that the rental payments are up to date.

The Social Worker should continue to maintain a record of these which should be viewed by the appropriate manager.

STAGE 6: THE ASSESSMENT PROCESS

(1) The appropriate manager for adoption should send the applicants written confirmation that their application can proceed.

(2) The Social Worker should refer to The Adoption Agencies Regulations (Northern Ireland) 1989 and the Agency’s Practice Guidance for the Assessment of Prospective Adopters. It is also important to refer to the Agency’s policy regarding for example, representations and complaints and prospective adopters’ rights. The Social Worker should ensure that the assessment report and accompanying documentation fulfils the requirements of the Adoption Agencies Regulations.

(3) Where the prospective adopter has jointly parented or cared for a child with a former partner, the Social Worker should interview the former partner unless the Agency considers there are exceptional reasons for not so doing.

Where former partners have not jointly parented or cared for a child with the prospective adopter, they should generally not be interviewed unless there is a specific reason for so doing.

(4) The children of any previous relationship including those who have reached adulthood should be interviewed and their views sought regarding the application.
(5) A Second Opinion Visit will be carried out by a Senior Social Worker/Senior Practitioner. The purpose of this visit is to discuss any issues that have arisen during the completion of the assessment.

(6) The Social Worker should complete BAAF Form F Adoption and Permanence – Northern Ireland, incorporating any issues raised by the Preparation Course leaders and in the second opinion visit. All relevant documentation should be passed to the appropriate manager for discussion and the formulation of a recommendation.

(7) The Social Worker should make a provisional booking with the Adoption Administrator for the date of the Adoption Panel meeting.

(8) The applicants will be given the Final Draft of BAAF Form F, excluding all third party information, to read and to record their comments with any suggested amendments. These must all be returned within 28 days. The draft given to the applicants should be suitably endorsed to ensure confidentiality.

(9) The Social Worker should confirm the date of the Adoption Panel with the Adoption Administrator and request that he circulates all relevant material and the Trust’s/Agency’s proposals, to the Adoption Panel members. The social worker should also confirm with the Adoption Administrator whether the applicants wish to attend part of the Panel meeting. Should the applicant(s) so wish the Administrator will confirm in writing the date and time allocated.

STAGE 7: APPLICATION CONSIDERED BY ADOPTION PANEL

(1) The assessing Social Worker and the Senior Social Worker/Senior Practitioner should attend the Adoption Panel on the date and time allocated. The applicant(s) may also wish to attend part of this meeting (chapter 6:5:2).
(2) The Chairperson will meet briefly with the applicants and their assessing social worker in advance of panel consideration of their application. The purpose of this meeting is to enable the Chairperson to introduce himself to the applicants and to outline the format of the meeting.

(3) The assessing Social Worker and Senior Social Worker/Senior Practitioner will be invited into the Panel meeting. The Panel will consider confidential and third party information, and identify issues to be explored with the applicants when they join the meeting.

(4) The Chairperson will invite the applicants to join the meeting and introduce themselves. He will advise the applicants of the issues to be discussed and encourage Panel members to initiate discussion with them, based on the areas previously identified.

(5) The Chairperson will advise the applicants that members will take time as a Panel to formulate their recommendation.

(6) The applicants will be shown back to the waiting area.

(7) The Panel will consider the application and make a recommendation to the Agency as to whether the prospective adopters are suitable to be adoptive parents or may request that further information be obtained.

(8) The Chairperson with or without the assessing Social Worker and Senior Social Worker/Senior Practitioner will advise the applicants of the outcome of the Panel discussion and will remind them of the role of the Agency Adoption Decision-Maker.

(9) The Chairperson of the Adoption Panel should forward the recommendations of the Panel and the reasons for these, in each case, to the Agency Decision Maker within 10 working days and a copy of the record of the meeting, as soon as possible.
(10) The Agency Decision Maker should notify the Prospective Adopters of the Agency’s decision as to whether or not it considers them suitable adoptive parents, as soon as possible and not later than 28 days following the Panel meeting.

(11) The Agency Decision Maker may only make a decision on behalf of the Agency after taking into account the recommendation of the Adoption Panel (Regulation 11).

He should be satisfied that the regulatory process has been followed, that the Panel was provided with full information as required by Regulation 10 (3) (a); that the Panel was given or, where necessary sought, sufficient additional information to make a recommendation (Regulation 10 (3) (b)); that appropriate legal advice was obtained (Regulation 10 (3) (c)) and that the Panel’s recommendation is rationally founded on the basis of information submitted to it. Where any of these issues are in question, the Agency Decision Maker should refer the matter back to the Chairperson for further consideration. The Agency Decision Maker should not make a decision on the basis of any information, which the Panel has not considered.

(12) In the event that the Agency proposes not to approve them as suitable adoptive parents, the Agency Decision Maker must inform the applicants of this in writing. Having consulted with the Chairperson of the Adoption Panel, he should forward notification in writing to the applicants and include the recommendations of the Adoption Panel, if different. He should also invite the prospective adopters to submit any representations they wish to make within 28 days.

(13) If, within the period of 28 days, the prospective adopters have not made any representation, the Adoption Agency may proceed to make its own decision and should notify them in writing of its decision, together with the reasons for it.
If, within the period of 28 days, the Adoption Agency receives representation from the prospective adopters, it may refer the case together with the relevant information, to its Adoption Panel for further consideration.

The Adoption Panel must reconsider any case re-referred to it and make a fresh recommendation to the Adoption Agency, as to whether the prospective adopters are suitable to be adoptive parents.

The Adoption Agency must make a decision on the case but if it has been referred to the Adoption Panel it must make the decision only having taken into account any recommendation of the Panel.

As soon as possible, but not later than 28 days following receipt of the Panel’s recommendation, the Adoption Agency must notify the prospective adopters in writing of its decision, stating its reasons if it does not consider the prospective adopters suitable to be adoptive parents, and of the Adoption Panel’s recommendation if different from the Agency’s decision.

(14) Following approval, prospective adopters should be given details on ARIS and asked to give their consent for details to be forwarded for inclusion on ARIS.

(15) The Senior Social Worker for the prospective adopters should ensure that details are forwarded to ARIS two weeks after Agency approval.

STAGE 8: REVIEW PROCESS

(1) The Social Worker should visit and review approved prospective adopters on a 6 monthly basis, or following the identification of significant changes in their circumstances as part of the Agency’s policy for the review of prospective adopters. The report of the review (Form Adopt 1G) should be considered by a manager above the level of Senior Social Worker and forwarded to the holder of the list of Approved Prospective Adopters.
If there are proposed changes to the prospective adopters’ approval status and/or acceptance range, the matter should be referred to the Adoption Panel for recommendation and/or endorsement.

It should be made clear to the prospective adopters that they must advise the Agency of any significant changes in their circumstances of a medical or social nature e.g. moving house, pregnancy, family illness. With regard to prospective intercountry adopters, any such changes and/or change in approval status should be promptly brought to the attention of the DHSSPS.

(2) Update Health Reports (BAAF Form AH2) should be obtained on approved prospective adopters within 12 months of the previous medical being completed. The timing of the first Interval Report should relate to the completion date of the initial BAAF AH Medical Form. However if there are ongoing medical issues, then reports should be obtained more frequently. Frequency should be agreed following discussion with the panel’s Medical Adviser. A full medical (BAAF Form AH) should be completed every 24 months.

(3) These reports should be brought to the attention of the Medical Adviser. The Medical Adviser, having considered them and having obtained any further information thought to be necessary, should inform the appropriate manager for adoption whether or not there are medical grounds for recommending that the applicants are no longer suitable as prospective adopters. In this case, he should provide a written summary of the reasons for this recommendation.

(4) If the Panel recommends a change in approval status, procedures from Stage 7 (10) – (13) will apply.

7.5 Matching Process and Placing of Child

7.5.1 An Adoption Agency’s duties in respect of a proposed placement are outlined in The Adoption Agencies Regulations, (Northern Ireland) 1989 as follows:-
1. “Subject to paragraph (2), an Adoption Agency shall refer its proposal to place a particular child for adoption with a prospective adopter, which it considers may be appropriate, together with a written report containing its observations on the proposal and any information relevant to the proposed placement, to its adoption panel.

2. An Adoption Agency shall refer its proposal to place a child for adoption to the Adoption Panel only if:

   (a) any other Adoption Agency which has made a decision in accordance with Regulation 11(1) that adoption is in the best interests of the child, or that the prospective adopter is suitable to be an adoptive parent, has been consulted concerning the proposal; and

   (b) any Agency or voluntary organisation which has parental responsibilities in respect of the child by virtue of Article 17, 18 or 21 (Freeing Child for Adoption with or without Parental Agreement and Transfer of Parental Rights and Duties) or by virtue of the corresponding sections of the Adoption and Children (England and Wales) Act 2002 or the Adoption and Children (Scotland) Act 2007 or in whose care the child is, has been consulted and agrees with the proposal.

3. An Adoption Agency which has a proposal to place a particular child for adoption with prospective adopter(s) shall set up case records in respect of them to the extent that it has not already set up such records and place on the appropriate record any information, reports and decisions in respect of them referred to it by another adoption agency together with any information to be passed to the Adoption Panel by virtue of this Regulation.

4. An Adoption Agency shall obtain, so far as is reasonably practicable, any other relevant information which may be requested by the Adoption Panel in connection with the proposed placement.”
7.5.2 Procedures for Adoption Placement

(1) Where an agency requires an adoptive placement, the Senior Social Worker responsible for the child should contact the holder of the Agency’s list of approved prospective adopters. If a suitable match with prospective adopters is identified, ARIS should be notified/updated. If the child is not matched within the Agency’s list of approved prospective adopters, ARIS should be advised that the child should ‘go live’ and a search carried out for a suitable link.

(2) The practice for identifying a suitable adoptive placement should follow the Agency’s matching protocols.

(3) The Social Worker for the child should ensure that the background report (Agency Summary) for the prospective adopters, containing the history of the child and his birth family, is finalized. At this point, this will be shared in a non-identifying form with the prospective adopters (the list of areas to be covered therein is contained in Checklist 3).  

(4) The Social Worker for the child should retrieve the Personal Child Health Record from the foster carers for consideration by the Medical Adviser. He should also provide the name and address of the child’s current Health Visitor.

(5) The Medical Adviser should provide the Social Worker with responsibility for the child, with a medical report for the prospective adopters. In certain circumstances it may be appropriate for prospective adopters to discuss health issues regarding the child, with the Agency’s Medical Adviser or a specialist. Arrangements for this should be made by the Medical Adviser.

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10 See folder re Adoption, Fact Sheets, Flowcharts and Checklists – Regional Policy and Procedures, produced as part of Regional Adopting Best Care Project.
(6) The Social Worker and Senior Social Worker responsible for the child should convene a meeting with the Social Worker and Senior Social Worker for the prospective adopters, to plan introductions, the support required and clarify other inter/intra-agency issues, including any issues in relation to contact, post placement/post adoption.

(7) If it is considered that the placement may be appropriate, the proposed placement, with a written report (Form Adopt 2A) containing the Agency’s observations on its suitability and any other information relevant to the proposed placement, should be referred to the Agency’s Adoption Panel.

(8) Having considered the Agency’s provisional decision regarding an adoption allowance (Chapter 10), the Panel should also recommend whether or not an adoption is practicable without payment of an allowance.

(9) A recommendation as to whether prospective adopters would be suitable adoptive parents for a particular child may be made at either the same meeting of the Panel at which a recommendation has been made that adoption is in the child’s best interests or at a meeting following this recommendation.

(10) Following the meeting of the Adoption Panel, the Chairperson should notify, in writing, the Agency Decision Maker of the Agency responsible for the child of its recommendation(s) normally within 10 working days.

(11) The Agency Decision Maker should advise the Chairperson of the Adoption Panel of his acceptance/ non acceptance of the recommendation(s), as soon as possible and not later than 10 working days.

(12) The Agency Decision Maker with responsibility for the child should arrange for the completion of the proforma letter to the prospective adopters, offering the child for adoption and setting out the Agency’s proposals regarding placement.
(13) The Social Worker for the child and the Social Worker for prospective adopters should together approach the prospective adopters, regarding the child.

(14) The Social Worker with responsibility for the child should give the documentation referred to in (3), (5) and (12) above to the prospective adopters, in order to assist them to make a decision regarding the placement of the child. Receipt of this documentation should be acknowledged in writing by the prospective adopters within 5 working days.

(15) If the prospective adopters do not wish to proceed with the placement, all documentation must be retrieved from them. A record of the circumstances leading to their decision should be completed by the Social Workers for both the child and the prospective adopters, which should be considered as part of the review process. The Social Worker for the child should advise the holder of the Agency’s list of Approved Prospective Adoptive Parents.

(16) If, following discussion and receipt of written information, the prospective adopters feel they would be interested in caring for a particular child, the Senior Social Worker in conjunction with the child’s Social Worker should follow the process as set out in the matching protocol for their Agency. This should address the introduction plan and identify the supports necessary for the child and the prospective adopters.

(17) A further planning meeting will be required (normally within 2 weeks) to include the prospective adopters and, if appropriate, the current foster carers. A Senior Member of the Agency’s staff should chair this meeting. A placement plan should be provided to the prospective adopters within 1 week of the meeting. A review meeting of the plans for introduction and placement proposals may be convened, as appropriate.

(18) At their request, the Social Worker should forward relevant letters to the prospective adopters’ employers, for the purpose of adoption leave.
(19) Where the child is capable of understanding the proposal, the Social Worker should involve him in the planning process.

(20) When the date of placement has been agreed, written confirmation should be sent to the prospective adopters by the Agency Decision Maker.

(21) The Social Worker for the child should notify the Chairperson of the Adoption Panel of the proposed date of placement.

(22) Before placement, the Agency Decision Maker for the child should notify the appropriate manager for the Agency, in whose area the prospective adopters reside.

(23) Before placement the appropriate manager for the child should notify the Education and Library Board in whose area the prospective adopters reside, if the child is of compulsory school age, or if the Medical Adviser considers the child to be disabled.

(24) Before placement the Agency should forward a written report of the child’s health history and current state of health to the prospective adopter’s General Practitioner or the child’s General Practitioner, if different, with details of the proposed placement. The Medical Adviser should have compiled this earlier.

(25) At the time of placement the appropriate manager for adoption should arrange for the transfer of the Personal Child Health Records to the child’s current Health Visitor, having confirmed that this record has been recently viewed by the Medical Adviser. The Health Visitor will arrange to have the records screened and re-labeled.

(26) The Social Worker for the child should arrange completion of the transfer medical report on Form Adopt D, immediately prior to placement.

(27) The Social Worker should arrange for the birth parent(s) (in agreement situations) to sign Form Adopt 2B, authorising the prospective adoptive parents to consent to medical treatment for the child.
(28) The Social Worker should place the child with the prospective adopters and have them sign a ‘Prospective Adopters Agreement Form’ - Form Adopt 1I. He should also give them Form Adopt 2C, which confirms the Agency’s authorisation for them to consent to medical treatment for the child.

(29) The Social Worker for the child should confirm the placement with the Agency Decision Maker. The Social Worker should update relevant SOSCARE records to ensure that fostercare allowances cease (name and address of prospective adopters not to be included).

(30) The Agency Decision Maker should arrange that a letter be forwarded to the birthmother and birthfather (if known), to the effect that the child has been placed for adoption, unless a parent has made a declaration under Article 17 (5) of The Adoption Order, that he prefers not to be involved in future decisions concerning the adoption of the child.

(31) An appropriate officer of the Agency for the child should ensure that the list of Children Awaiting Adoption Placement is amended.

(32) The Social Worker for the child should remain in contact with the birth parent/s, (see (30) above for exception), the child and the prospective adopters, until the Adoption Order is granted and liaise closely with the Social Worker for the prospective adopters.

(33) The Social Worker for the prospective adopters should remain in contact with them until the Adoption Order is granted and liaise closely with the Social Worker for the child.

(34) The Social Worker for the child should initially visit the child within one week of placement and afterwards as often as is considered necessary to supervise his well-being, but not less than monthly. A written report of each visit should be made.
(35) The Social Worker for the child should advise the prospective adopters of their right to claim Child Benefit (Form CH2 available from any Inland Revenue Enquiry Centre or through Child Benefit Enquiry line). Applicants should attach a letter to the effect that information regarding placement, and any other relevant details may be obtained from their Social Worker. Form CH 122B (Northern Ireland) will be forwarded to the Agency by Her Majesty’s Revenue and Customs Child Benefit Office. Prospective adopters are not entitled to Child Benefit if Foster Care Allowances are being paid.

(36) The Social Worker for the child should notify the Child Health System (Form Adopt 2E/C10) plus copy for the local nurse manager and should liaise directly with the new Health Visitor at the time of the placement.

(37) The Social Worker for the child should advise the prospective adopters to obtain Form HS22 (AD) from the Business Services Organisation, Franklin Street Belfast, to enable the child to be registered with a medical practitioner without delay, under his proposed new name.

(38) The Social Worker for the child should forward the child’s medical card or infant registration card under his original name to the Business Services Organisation, advising that the child has been placed for adoption, (it is not necessary to give details of the actual placement) and requesting that the entry in respect of the child in the Central Health Index be amended.

(39) Senior Staff in the Agency should arrange a review of the placement in accordance with Regulation 12(2) (k), if an application for an Adoption Order has not been made within three months of the placement and on other such occasions as the Agency considers necessary. This will include the review of ongoing contact arrangements.

(40) The Social Worker for the child should provide the prospective adopters or the Solicitor acting for them with details, which will allow completion of the Originating Summons (Form A9).
(41) The Social Worker for the child should advise the adoptive parents to contact the Official Solicitor/Her Majesty’s Revenue and Customs – Child Trust Fund Office, as appropriate, to ensure that the future management of the Child Trust is transferred to them.

(42) On appointment of the Guardian ad Litem, the Social Worker for the child should ensure that all documentation is made available to him.

(43) No later than the date specified by the Court in the correspondence relating to the Adoption Application, the Social Worker should complete a report in writing covering the matter specified in Part 1 of Appendix 4. The report in triplicate should be forwarded to the relevant Court.

(44) The appropriate Social Services Manager should notify the birth parent(s) when an Adoption Order is granted (see 30 above for exception).

(45) The Social Worker for the child should notify the Child Health Department on Form Adopt 2F/C10A that an Adoption Order has been granted.

(46) If the child was baptised prior to the adoptive placement the Social Worker should obtain for the adoptive parents an amended baptismal certificate from the Priest/Minister of religion who issued the original one.

(47) If the child has previously attended hospital the Social Worker for the child should request amendment of those records on the granting of an Adoption Order.

(48) The Social Worker for the child should provide details on Form Adopt 2H to the Adoption Services Manager so that these may be entered on the Central Index.

(49) The Social Worker for the child should ensure that all information pertaining to the adoption is held on the one case record and that it is appropriately stored in the Agency, which retains responsibility for the case.
7.5.3 Procedures for Dually Approval Placement

(1) Where an Agency requires a dually approved placement, (see Chapter 4 paragraph 3.4) the Senior Social Worker responsible for the child should contact the holder of the Agency’s list of approved prospective adopters. If a suitable match with approved prospective adopters is identified for the child ARIS should be notified. If no suitable placement is identified within the Agency’s list of prospective adopters, ARIS should be advised that the child should ‘go live’ and a search carried out for a suitable link.

The practice for identifying a suitable dually approved adoptive placement should follow the Agency’s/Regional matching protocols on adoption.

(2) When an Agency is considering a proposal to place a particular child on a fostering basis with dually approved carers, it should hold an Inter-Agency/ Intra-Agency meeting, with the Agency with responsibility for the prospective adopters. The purpose of the meeting is to look at the capacity of the proposed placement/family to meet the needs of the child; the legal context; preparedness of the child and family for placement; expectations of the placement and the views on any proposed contact. The meeting should be attended by the child’s Social Worker and Senior Social Worker and the family’s assessing Social Worker and Senior Social Worker.

(3) The Social Worker for the child should ensure that the background report (Agency Summary) containing the history of the child and his birth family, as then known to the Agency, is available at the meeting. (The list of areas to be covered therein is contained in Checklist 3)11.

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11 See folder re Adoption, Fact Sheets, Flowcharts and Checklists – Regional Policy and Procedures, produced as part of Regional Adopting Best Care Project.
(4) Prior to the meeting, the Social Worker for the child should have requested the Adoption Medical Adviser to provide a medical summary of the information known at the time. To assist in this, the Social Worker should have retrieved the Personal Child Health Record from the current foster carers for the Medical Adviser's consideration. It may be appropriate for dual approved carers to discuss health issues regarding the child, with the Agency’s Medical Adviser, specialist or any other relevant health professional who knows the child. Arrangements for the latter should be made by the Medical Adviser.

(5) If it is considered that the placement may be appropriate, the proposed placement, with a written report (Form Adopt 2A(i)) containing the Agency’s observations on its suitability and any other information relevant to the proposed placement, should be referred to the Agency's Adoption Panel.

(6) A recommendation as to whether the dually approved carers could be suitable adoptive parents for a particular child may be made at either the same meeting of the Panel at which a recommendation has been made that adoption is in the child’s best interests or at a meeting following this recommendation.

(7) Following the meeting of the Adoption Panel, the Chairperson should notify in writing, the Agency Decision Maker of the Agency responsible for the child, of its advice, normally within 10 working days.

(8) The Agency Decision Maker should advise the Chairperson of the Adoption Panel of his acceptance/non acceptance of the advice, as soon as possible and not later than 10 working days.

The Social Worker and Senior Social Worker responsible for the child should follow the Agency’s protocol for matching in respect of long term fostering placements including all relevant notifications.
(9) The Social Worker and Senior Social Worker for the child and the dually approved carers should attend the Fostering Panel meeting to approve the match.

(10) If approved the Social Worker and Senior Social Worker responsible for the child should convene a meeting with the Social Worker and Senior Social Worker for the dually approved carers, to plan introductions, identify the support required and clarify other inter/intra-agency issues, including fostering allowances, contact and reviews.

(11) The Agency Decision Maker with responsibility for the child should arrange for the completion of the letter to the dually approved carers, offering the child for placement and setting out the Agency’s proposals regarding placement.

(12) The Social Workers for both the child and the prospective adopters should make a joint approach to the prospective dually approved carers, regarding the child.

(13) The Social Worker with responsibility for the child should give the documentation referred to in (3), (4) and (11) above to the dually approved carers, in order to assist them to make a decision regarding the placement of the child. Receipt of this documentation should be acknowledged in writing by the prospective adopters/foster carers within five working days.

(14) If the dually approved carers do not wish to proceed with the placement, the Social Worker for the child should contact the holder of the Agency’s List of Approved Prospective Adopters, so that other prospective adopters may be considered. A report of the circumstances surrounding their decision should be provided by the child’s and dually approved carers’ Social Workers and considered as part of the review process. All documentation must be retrieved from the dually approved carers.
(15) If, following discussion and receipt of the written information, the dually approved carers indicate they would be interested in caring for a particular child, a further planning meeting will be required to include the dually approved carers and, if appropriate, the current foster carers. This meeting should be conducted in line with the Trust’s protocol for matching children with prospective adopters and should normally take place within 2 weeks. With a placement plan provided to the dually approved carers within 1 week of the planning meeting. A review meeting of the plans for introduction and the placement proposals may be convened, as appropriate.

(16) Where the child is capable of understanding the proposal, the Social Worker should involve him in the planning process and agree a proposed date of placement.

(17) The Social Worker for the child, on behalf of the Agency, should propose a date of placement, on behalf of the Agency. Following acceptance of this proposal by the dually approved carers, the Social Worker should arrange confirmation in writing, from the Agency Decision Maker.

(18) At the request of the dually approved carer, the Social Worker should forward a letter to their employer supporting the application for leave.

(19) The Social Worker for the child should notify the holder of the Agency’s list of approved adopters and ARIS of the proposed date of placement.

(20) The Chairperson of the Fostering Panel should notify the appropriate manager for the Agency, in whose area the dually approved carers reside, of the placement.

(21) The Social Worker for the child, should arrange completion of the transfer medical report on Form Adopt 2D, immediately prior to placement.

(22) The Social Worker should also complete the following Looked After Children Forms:
i) Essential Information Record : Part 1  
ii) Essential Information Record : Part 2 
iii) Placement Plan Part 1 – Placement Agreement 
iv) Placement Plan Part 2 – Day to Day Arrangements 
v) Care Plan 
vi) UNOCINI Pathway Plans  

(23) The Social Worker should place the child with the dually approved carers and have them sign a Foster Care Agreement form. 

(24) The Social Worker for the child should provide the dually approved carers with the Personal Child Health Record. 

(25) The Social Worker for the child should notify the Child Health System (Form Adopt 2E/C10 with copy to the Nurse Manager) and should liaise directly with the new Health Visitor at the time of placement. 

(26) The Social Worker for the child should confirm the placement with the Agency Decision Maker and request the Fostering Service arrange cessation of Foster Care Allowances to the original foster parents and commencement of Fostering Care Allowances to the dually approved carers. 

(27) An appropriate officer should add the relevant details regarding the dually approved carers to the Agency’s Register of Foster Carers. 

(28) The Social Worker for the child should visit the foster home “within one week of the beginning of the placement and thereafter at least once a month”. A written report must be made following each visit. 

(29) The Social Worker should arrange a review of the child’s placement within two weeks of the date on which the child became looked after by the dually approved carers. The second review should be carried out three months later and the third review six months after the second. 

Regulation 6(1)a of the Foster Placement (Children (Northern Ireland) 1996
(30) Six months following the completion of the paediatric examination, the Social Worker should arrange a further examination for a child under five years of age. If a child is over age five, the Social Worker should arrange an annual examination.

(31) On the granting of a Freeing Order or agreement to adoption being given, the proposed placement should be re-referred to the Adoption Panel for a recommendation to formalize the placement for adoption.

(32) The Social Worker should also request the Fostering Service to issue a Notice of Termination of fostering and formal removal from the Fostering Register where appropriate.

7.6 Children Subject of a Freeing Order – Adoptive Placement not yet achieved

7.6.1 If a child has been freed for adoption under Article 17 or Article 18 and 6 months have elapsed since the making of that Freeing Order, but the child has not yet been placed with a prospective adopter, the Adoption Agency must review the child’s case and decide what action to take. The situation will continue to be reviewed at least every 6 months thereafter.

7.6.2 Article 19 (3), of The Adoption (Northern Ireland) Order 1987 requires that within 14 days following the date 12 months after the making of the Freeing Order, if an Adoption Order has not been made or the child placed for adoption, the Adoption Agency must notify the birth parent (parental responsibility is now vested in the Adoption Agency). It should also inform the former parent of his rights under Article 20 (1) (see below).

Article 19 (4) requires the Adoption Agency subsequently to notify the former parent when the child is adopted, placed for adoption or ceases to be placed with a prospective adopter.

7.6.3 Article 20, of The Adoption (Northern Ireland) Order 1987 provides for a former parent, at any time after 12 months from the granting of a Freeing Order, if there has been no Adoption
Order, and the child is not placed in an adoptive placement, to apply to the Court which made the Freeing Order, and ask the Court to revoke it on the ground that he wishes to resume parental responsibility for the child.

7.7 Placement Disruption

With regard to these procedures, disruption is the premature ending of a placement prior to the granting of an Adoption Order and can occur for many and complex reasons. Instead of being regarded as an end in itself, disruption should often be regarded as an interruption in the original plan for the child’s care, which may well be continued once a careful evaluation of the dynamics of the placement has taken place.

7.7.1 The Trust manager responsible for the child should arrange a disruption meeting, normally within 6 weeks of the date the placement ended. A person independent of those currently involved and who has experience in adoption should chair this meeting.

The main objective of the disruption meeting should be to examine the sequence of events, and to learn from the experience in order that:

i) the child’s needs can be identified and met;
ii) the family can be given help to recover from the experience;
iii) practice may be improved.

It may be helpful to consider disruption using the following format:

a) the circumstances surrounding the need for the child to be looked after by the Agency;
b) the pattern of the child’s life in care;
c) the assessment of the child and decision to seek an adoptive family for him;
d) the Adoption Panel’s recommendation and the Agency’s decision regarding the prospective adopter(s) suitability to be adoptive parent(s);
e) the Adoption Panel’s recommendation to approve the prospective adopter(s) as suitable adoptive parent(s) for the child and the Agency’s decisions;
f) the introduction of the child to the family;
g) the placement, and post placement support;
h) the disruption and subsequent action;
i) the lessons to be learned by the Agency/Agencies.
j) any other relevant issues

7.7.2 A detailed report should be made of the meeting, setting out the information contributed at the meeting, the main issues identified, the Chairperson's summary and lessons to be learned from the disruption.

7.7.3 The Senior Social Worker (Adoption) should arrange a review of the prospective adopters. The aim of the review is to consider the reasons why the placement disrupted; establish whether the prospective adopter(s) wish their names to remain on the waiting list; the types and ages of children to whom the applicants are best suited; the applicants’ needs and skills; training needs, and any action to be taken by the Agency.

7.7.4 A report of the review together with the minutes of the disruption meeting, the assessment documentation earlier made available to the Panel and any subsequent routine reviews, should be referred to the Adoption Panel for a recommendation. The Chairperson of the Adoption Panel should inform the Agency Decision Maker of its recommendations.

In the event that the Agency proposes that the prospective adopters are no longer suitable, Stage 7, 7.4.3, points 12 and 13 will apply.
Chapter Eight

Non-Agency Domestic (including Step Parent/Family) Adoption
Non-Agency Domestic (including Step Parent/Family) Adoption

8.1 Introduction

This section relates to step parent and family adoptions and adoptions of children who were placed by foreign authorities during a period when the prospective adopter(s) were domiciled or habitually resident overseas.

The legislation makes provision in certain circumstances for the adoption of some children who have not been placed for adoption by a Registered Adoption Agency. These adoption applications are referred to as non-Agency placements and include applications by a parent on his own, a parent and a step-parent jointly, relatives with whom a parent has placed the child and private foster parents.

A relative is defined under Article 2 (2), which is amended by paragraph 138(8) of Schedule 9 of The Children (Northern Ireland) Order 1995 and Subsection (3) of Section 203 of the Civil Partnership Act 2004.

Article 29 makes provision for persons including relatives and foster carers who have cared for a child for the preceding 5 years, to serve notice of their wish to adopt the child. When a notice has been served, the child may not be removed from their care, without leave of the court. Article 11(b) also makes provision for a child to be placed for adoption in pursuance of an Order of the High Court.

8.2 Protected Children

8.2.1 Article 22 states that an Adoption Order shall not be made in respect of a child who was not placed with the applicant(s) by an Adoption Agency, unless the applicant has at least three months before the date of the Order, served notice on the Health and Social Care Trust within whose area he has his home, of his intention to apply for the Order.
8.2.2 Article 13(2) stipulates that when a child is privately fostered, an Adoption Order shall not be made unless he is at least 12 months old and, at all times during the preceding 12 months, has had his home with the applicants, or at least one of them.

On receipt of the notification, under Article 33, the child becomes a protected child and the Health and Social Care Trust becomes responsible for supervising his wellbeing, while the adoption is pending.

8.3. **Non-Agency Adoption Applications with a Foreign Element**

A child from overseas may be the subject of an adoption application. Some examples of such applications are as follows:

- The child is the birth child or relative of a foreign national, now married to a UK citizen who is not the child’s birth parent i.e. a step parent or relative application with a foreign element;

- The child is not related to the applicant(s), but was made the subject of an adoption or guardianship order in a foreign court during a period when the applicant(s) was (were) habitually resident overseas. The order made in a foreign court is not recognised in the UK and the applicant(s) wish(es) to have the adoption legally recognised in the UK;

- The child was placed into the care of the applicant(s) while he and they were habitually resident overseas and having lived with the applicant(s) for a period of at least 18 months has been granted leave to enter the UK as the de facto adoptee of the applicant(s).

A joint protocol exists between the Northern Ireland Courts Service (NICtS) and the Department of Health, Social Services and Public Safety (the DHSSPS) whereby the DHSSPS is notified of all adoption applications with a foreign element before courts. These include intercountry adoptions which have been effected in accordance with the regulations governing such adoptions (see chapter 13).
The DHSSPS provides written comment to the court on all adoptions with a foreign element and to this end will liaise with the social worker responsible for completing the report under Part 1 of Appendix 4 of the Family Proceedings (Amendment Rules) Northern Ireland 2003 to obtain copies of relevant documentation and where necessary further information relevant to the application.

The UK Border Agency (UKBA) of the Home Office also wishes to consider all adoption applications with a foreign element made to UK courts. The following documentation should be supplied to the DHSSPS for onward transmission to the UKBA:

- scanned copies of the applicants passport;
- if one or both applicants are foreign nationals, scanned copies of visas;
- scanned copy of the child’s passport and visa;
- Where requested, scanned copy of an adoption or guardianship order made in the foreign country.

The UKBA will issue a letter for the attention of the court indicating either that it has no objection to an adoption order being granted or that it wishes to intervene in the proceedings. In some situations, the UKBA complex advice team may need to become involved.

8.4 Procedures

(1) The Agency Decision Maker or his nominee should acknowledge receipt of Court Form A10.

(2) The Social Worker should set up a case record, ensure its safekeeping and establish if the family is known to the Agency.

(3) The Social Worker should visit the applicants within 7 working days of receipt of the notification to apply for an Adoption Order and explain to the prospective adopters the legal requirements and procedures for an Adoption Order and the provisions for the Adoption Contact Register.
(4) The Social Worker should counsel the applicant(s) to ensure they fully understand the implications of the proposed adoption and obtain their permission to undertake the statutory checks. Enhanced Disclosures will be sought from Access NI in respect of each person in the applicant’s household age 10 and over.

(5) The Social Worker should explain to birth parents, including a named birth father without parental responsibility, their legal rights and responsibilities and counsel them to ensure they fully understand the implications of the proposed adoption.

(6) The Social Worker should explain to the birth parents the legal requirements and procedures for an Adoption Order. If a birth parent’s whereabouts are unknown, all reasonable steps must be taken to identify him and ascertain his wishes and feelings on the proposed adoption.

(7) The Social Worker should suggest where this seems appropriate, that the applicants/birth parents should consider seeking legal advice. This advice if sought will be at the applicants own expense.

(8) The appropriate manager or his nominee should acknowledge receipt of the copy of the adoption application, which includes the Originating Summons/Petition and supporting documentation, when it is received from court. He should notify the relevant court and NIGALA of the name, address and telephone number of the Social Worker responsible for providing the report under Part 1 of Appendix 4, The Family Proceedings (Amendment Rules) Northern Ireland 2003.

(9) The Social Worker should explain to the applicants that no later than the date specified by the court in the correspondence relating to the adoption application, the Agency is required to complete a report covering the areas specified in Part 1 of Appendix 4.
To complete the report, the Social Worker will be required to:

- establish if any of the parties are already known to any of the Agencies and obtain and view the relevant records;
- interview all the parties to the proceedings, ensuring that the child (unless very young) and the applicants, are seen separately as well as together in the family group;
- obtain, if relevant, Access NI checks in relation to birth parents, particularly if future contact is anticipated between the child and his birth parents;
- obtain two personal references in respect of the applicants;
- liaise with the relevant health visiting and school personnel and obtain a report(s), as appropriate;
- obtain the comments of the Agency’s Medical Adviser regarding the child’s health and that of the applicants, unless it is a parent/step-parent application/petition. The Medical Adviser’s comments will be based on medical reports as required under Part 2 of Appendix 4, which normally include BAAF Form IHA-C and BAAF Form AH. (Medical Reports are completed by General Practitioners at the expense of the applicants/petitioners);
- investigate the suitability of the applicant and any other matters relevant to the operation of Article 9 of The Adoption (Northern Ireland) Order 1987;
- investigate, bearing in mind the Agency’s particular duty to comment on whether the placement is in contravention of Article 11 of The Adoption (Northern Ireland) Order 1987;
- liaise as appropriate with and provide the relevant information to the appointed Guardian ad Litem, to ensure that the child’s wishes and feelings are ascertained sensitively and all requirements are met.
(10) The report, in triplicate, should be forwarded to the relevant court, including a copy for the appointed Guardian ad Litem.

(11) The Social Worker should continue to visit a Protected Child on at least a monthly basis, so long as none of the circumstances as outlined in Article 33(3) and amended by paragraph 156 (4) of Schedule 9 of The Children (Northern Ireland) Order 1995 applies. Attention is drawn to the amendment that a child ceases to be protected where no application is made for an adoption order, on the expiry of the period of two years from the giving of the notice. Where the applicants current address is known they should be notified that the child has ceased to be a protected child. The case should be closed and the file forwarded to the agreed storage location.

(12) The Social Worker should attend court as requested.

(13) On the granting of an adoption order, the Social Worker should provide details on Form Adopt 2H so that these may be entered on a central index retained by the adoption agency.

(14) The Social Worker should notify the Child Health Department on Form Adoption 2F/C10A that an Adoption Order has been granted.

(15) The Social Worker should notify the parents and the non applicant parent in writing when an adoption order has been granted.

(16) The Social Worker should ensure that all case record information pertaining to the adoption is held on the one case record and forwarded to the agreed storage location.
Chapter Nine

Post Adoption Service
Post Adoption Service

9.1 Introduction

Each Adoption Agency should have a clear post adoption strategy for working with and supporting children, birth families and adoptive families. This should recognise the life long implications of adoption for all parties and ensure the provision for them of a responsive and flexible service.

9.2 Legal Basis for the Adoption Support Service

The legal basis for the post adoption service is contained in Article 3 and Article 54 of the Adoption (Northern Ireland) Order as amended by paragraphs 158 (2) and 159 Schedule 9 to the Children (Northern Ireland) Order 1995 and the Civil Partnership Act 2004.

Article 3 states:

Every Board shall establish and maintain within its area a service designed to meet the needs, in relation to adoption, of

(a) children who have been or may be adopted;
(b) parents and guardians of such children; and
(c) persons who have adopted or may adopt a child,

And for that purpose shall provide the requisite facilities, or secure that they are provided by registered adoption societies.

Article 54 states

(1) Subject to the provisions of this Article, the Registrar General shall, on application made in the prescribed manner by an adopted person, a record of whose birth is kept by the Registrar General and who has attained the age of 18 years, supply to that person on payment of the prescribed fee (if any) such information as is necessary to enable that person to obtain a certified copy of the record of his birth.
(2) On an application made in the prescribed manner by an adopted person under the age of 18 years, a record of whose birth is kept by the Registrar General and who is intending to be married or to form a civil partnership, and on payment of the prescribed fee (if any), the Registrar General shall inform the applicant whether or not it appears from information contained in the registers of live births or other records that the applicant and the intended spouse or civil partner may be within the prohibited degrees of relationship for the purposes of Article 18 (1) of The Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 or Schedule 12 to the Civil Partnership Act 2004.

(3) Before supplying any information to an applicant under paragraph (1), the Registrar General shall inform the applicant that counselling services are available to him –

(a) If he is in Northern Ireland –

   (i) from the Board or HSC Trust in whose area he is living;

   (ii) where the adoption order relating to him was made in Northern Ireland from the Board or HSC Trust in whose area the Court which made the Order sat; or

   (iii) from any other Board or HSC Trust;

(b) If he is in England or Wales –

   (i) at the General Register Office;

   (ii) from the local authority in whose area he is living;

   (iii) where the adoption order relating to him was made in England and Wales, from the local authority in whose area the Court which made the Order sat; or

   (iv) from any other local authority;
(c) If he is in Scotland –

(i) from the regional or islands council in whose area he is living;

(ii) where the adoption order relating to him was made in Scotland, from the council in whose area the Court which made the Order sat; or

(iii) from any other regional or islands council.

(d) If he is in the United Kingdom and his adoption was arranged by an adoption society –

(i) registered under Article 4; or

(ii) approved under section 3 of the Adoption Act 1976; or

(iii) approved under section 3 of the Adoption (Scotland) Act 1978, from that society.

(4) Where an adopted person who is in Northern Ireland

(a) applies for information under –

(i) paragraph (1), or

(ii) section 51 of the Adoption Act 1976, or

(b) is supplied with information under section 45 of the Adoption (Scotland) Act 1978.

It shall be the duty of any body mentioned in paragraph (5) to provide counselling for him if asked by him to do so.

(5) The bodies are -

(a) any Board or HSC Trust; and

(b) any adoption society falling within paragraph (3) (d) in so far as it is acting as an adoption society in Northern Ireland.
(6) If the applicant chooses to receive counselling from a body falling within paragraph (3), the Registrar General shall send to the body the information to which the applicant is entitled under paragraph (1).

(7) Where a person –

(a) was adopted before 18th December 1987, and,

(b) applies for information under paragraph (1),

The Registrar General shall not supply the information to him unless he has attended an interview with a counsellor arranged by a body whose counselling services are available as mentioned in paragraph (3).

(8) Where the Registrar General is prevented by paragraph 7 from supplying information to a person who is not living in the United Kingdom, he may supply the information to a body which –

(a) the Registrar General is satisfied is suitable to provide counselling to that person, and

(b) had notified the Registrar General that it is prepared to provide such counselling.

**Article 54A, Contact Register**

(1) The Registrar General shall maintain at the General Register Office a register to be called the Adoption Contact Register.

(2) The register shall be in two parts –

(a) Part 1. Adopted Persons: and

(b) Part 11. Relatives

(3) The Registrar General shall, on payment of such fee as may be prescribed, enter in Part 1 of the register the name and address of any adopted person who fulfils the conditions in paragraph (4) and who gives notice that he wishes to contact any relative of his.
(4) The conditions are that –

(a) a record of the adopted person’s birth is kept by the Registrar General; and

(b) the adopted person has attained the age of 18 years and –

(i) has been supplied by the Registrar General with information under Article 54: or

(ii) has satisfied the Registrar General that he has such information as is necessary to enable him to obtain a certified copy of the record of his birth.

(5) The Registrar General shall, on payment of such fee as may be prescribed enter in Part II of the register the name and address of any person who fulfils the conditions in paragraph (6) and now gives notice that he wishes to contact an adopted person.

(6) The conditions are-

(a) that record of the adopted person’s birth is kept by the Registrar General: and

(b) that the person giving notice under paragraph (5) has attained the age of 18 years and has satisfied the Registrar General that –

(i) he is a relative of the adopted person: and

(ii) he has such information as is necessary to enable him to obtain a certified copy of the record of the adopted person’s birth.

(7) The Registrar General shall, on receiving notice from any person named in an entry in the register that he wishes the entry to be cancelled, cancel the entry.

(8) Any notice given under this Article must be in such form as may be determined by the Registrar General.
(9) The Registrar General shall transmit to an adopted person whose name is entered in Part 1 of the register the name and address of any relative in respect of whom there is an entry in Part II of the registrar.

(10) Any entry cancelled under paragraph (7) ceases from the time of cancellation to be an entry for the purpose of paragraph (9).

(11) The register shall not be open to public inspection or search and the Registrar General shall not supply any person with information entered in the register (whether in an uncancelled or a cancelled entry) except in accordance with this Article.

(12) The register may be kept by means of a computer.

(13) In this Article –

“relative” means any person (other than an adoptive relative) who is related to the adopted person by blood (including half-blood) or marriage: and

“address” includes any address at or through which the person concerned may be contacted.

9.3 Elements of a Post Adoption Service may include the following:-

- Counselling and social work support for an adopted child/young person and his adoptive family.
- Provision of therapeutic services for adoptive families.
- Access to support groups and parenting courses.
- Payment of Adoption Allowances (See Chapter 10).
- Provision of information on the Adoption Contact Register (See above).
- Counselling and support of an adopted adult who wishes to obtain information regarding his origins including access to his birth record. (See Article 54 above).
- Counselling and support of adult de facto adoptees and their families.

- Counselling and support of birth family members, affected by adoption.

- Counselling, support, mediation and facilitation in relation to direct and indirect contact with birth family members and significant others.

- Administration, monitoring and review of a post box service.

9.3.1 In relation to an adopted child, the social worker should:

- Provide counselling and social work support and, if appropriate, life story work.

- Provide clarification of legislation and practice.

- Provide information regarding support groups.

- Provide information regarding the existence of the Adoption Contact Register.

- Refer as appropriate to therapeutic services.

In relation to adoptive families the social worker should:

- Provide counselling and support including assistance with contact.

- Provide clarification of legislation and practice.

- Provide information regarding support groups and training.

- Provide information regarding the existence of the Adoption Contact Register.
In relation to birth families the social worker should:-

- Provide counselling and support or refer to an independent counselling and support service, if appropriate.
- Provide clarification of legislation and practice.
- Provide information regarding the existence of the Adoption Contact Register.
- Record any wishes regarding contact with the adopted relative.
- Help to achieve contact if practicable.
- Act as an intermediary in contact.

In relation to Adopted Adults the social worker should:-

- Refer to the General Register Office if the birth name is not known.
- Provide information regarding the existence of the Contact Register.
- Provide counseling either directly or via referral to another agency.
- Provide information from adoption records if the adoptee is over 18 years of age.
- Provide information regarding relevant support group(s).
- Record any wishes regarding contact.
- Help to achieve contact were practicable.
- Act as an intermediary in relation to contact were practicable.
Chapter Ten

Adoption Allowances
Adoption Allowances

10.1 Introduction

10.1.1 The Adoption Allowance Regulations (Northern Ireland) 1996 exercise the powers conferred by Article 10(1) of the Adoption (Northern Ireland) Order 1987 and also Article 59A of that Order which was inserted by paragraph 164 of Schedule 9 to the Children (Northern Ireland) Order 1995 and came into operation on 4 November 1996. The Regulations enable Adoption Agencies to pay allowances to prospective adopters who intend to adopt a child in pursuance of arrangements made by the Agencies. Adoption Agencies may also pay allowances to those who have already adopted a child, where an allowance was agreed ‘in principle’ or paid under an approved scheme.

10.1.2 The Regulations make provision for:

- determining the circumstances in which Adoption Agencies may pay allowances;
- determining the amount of the allowance;
- the procedure to be followed in determining whether an allowance may be paid;
- supplying information about allowances to adopters;
- the responsibilities of Adoption Agencies in reviewing, varying and terminating allowances; and
- maintaining the confidentiality of, the preservation of, and allowing access to, case records.
10.1.3 In accordance with the intention of these provisions, it is the policy of the Agency to implement the Regulations in a way which seeks to ensure that no child who needs an adoptive home, will be denied it solely for financial reasons.

10.1.4 The allowance paid by the Agency shall not include any element of remuneration for the care of the child by the adopters.

10.2 Procedures

10.2.1 If the Agency, pursuant to Regulation 2, considers that an adoption allowance may be payable the Social Worker should provide prospective adopters with the leaflet ‘Adoption Allowances: Information for Adoptive Parents’.

10.2.2 The Social Worker should arrange for the prospective adopter(s) to complete the Application for Adoption Allowances (Form AA1) (guidance attached to form) and forward to the Agencies Finance Department. This is not required where payment of allowance has been agreed in principle. Regulation 2.2.D.

10.2.3 The appropriate manager, should forward the statement of the provisional decision for an adoption allowance to the prospective adopters (Form AA2).

10.2.4 Prospective adopter(s) should respond to the provisional decision (Form AA3).

10.2.5 The appropriate manager should consider this response and arrange for a submission to be made to the Adoption Panel seeking its recommendation.

10.2.6 The appropriate manager should confirm the Agency’s decision whether or not to pay the adoption allowance, with the prospective adopter(s), following receipt of the Panel’s recommendations.

10.2.7 The appropriate manager should forward the agreement, including terms for the payment of an adoption allowance, to the prospective adopters for their signature (Form AA4).
10.2.8 The appropriate manager should notify the Finance Department of the date of commencement of the adoption allowance. This will be the Date of Placement of the Child for adoption.

10.3 Adoption Allowance – Calculation of Amount

10.3.1 Having established that the circumstances warrant the payment of an allowance using the criteria in Regulation 4 of The Adoption Allowance Regulations (Northern Ireland) 1996, the Agency shall determine the amount of the allowance.

10.3.2 Regulation 3 of the Adoption Allowance Regulations (Northern Ireland) 1996 sets out how the Agency shall determine the amount including financial resources available to adopters (10.3.3), their outgoings (10.3.4) and the needs and resources of the adoptive child (10.3.9).

10.3.3 Financial resources available to Adopters.

This will include the adoptive parents’ earnings (after income tax, National Insurance deductions), Child Tax Credit and Working Tax Credit including any significant income from investments. Disability Living Allowance in respect of the adopted child will be disregarded. Child Benefit will be included, unless the adopters are in receipt of Income Support. Any income in respect of the child to be adopted, other than Social Security benefits (e.g. investment income other than from the Child Trust Fund provisions) will be included.

10.3.4 The amount needed by adopters in respect of their own outgoings. The DHSSPS’s Guide to the Adoption Allowance Regulations (paragraph 50), states:

“the assessment should take into consideration expenses and outgoings which are familiar and accepted items of family expenditure.”

10.3.5 The Agency will set and annually review an agreed amount for weekly expenditure for households with children. This amount will be based on the annual Family Expenditure Survey. The
amount will be based on the published figure for weekly expenditure for non-pensioner adult households, with additions for each child already in the household. These additional amounts will be equal to the agreed and published age appropriate Foster Care Allowances.

10.3.6 In addition to the outgoings of the prospective adopters, as outlined in 10.3.5, there will also be an amount added for the prospective ‘Adopted Child’ [Regulation (3)(2)(c)] which will equal the amount that would be paid in respect of the Child if they were fostered (i.e. age appropriate Foster Care Allowances plus any enhanced rate).

10.3.7 Children of the adoptive parents who are aged 18-21 in full time education, and living at home, will continue to be considered as dependent children in terms of this financial assessment.

10.3.8 Adopters can request that the weekly expenditure amount set by the Agency [10.3.5] should be increased to reflect their particular circumstances, if they have additional expenditure, which is to support a member of their extended family. The circumstances could include for example:

(1) financial support for a parent who is in residential/nursing accommodation;

(2) maintenance payments for children of either parent from a previous relationship;

(3) a child of the adoptive parents who is aged 18-21 and is in full time education living outside the family home.

(4) specialist care/support for a family member other than the adopted child.

10.3.9 The financial needs of the child which will be supported by an Adoption Allowance shall not exceed the amount of Foster Care Allowance which would be payable if the child were fostered by the adopters. The Agency will pay the difference between the agreed outgoings at 10.3.4 – 10.3.8 and the
income referred to at 10.3.3, up to a maximum which will be equivalent to the age appropriate Foster Care Allowances Scale Rate for maintenance, excluding any extra allowances such as Christmas and Birthdays monies.

If the child’s needs are such that they would qualify for an enhanced rate of Foster Care Allowance, the same enhancement should be applied to the calculated Adoption Allowance.

10.3.10 The Allowance amount will be reviewed annually to take account of changes in:

- Family Expenditure Survey;
- Foster Care Allowances;
- age of adopted child;
- changes in family circumstances which affect outgoings (10.3.4 – 10.3.8).

10.3.11 The annual statement of circumstances (Form AA1) to be completed by the adopters will be sent by the Agency.

10.3.12 The payment of an allowance will be suspended and the need may be deemed to have ceased if the annual statement (10.3.11) is not returned to the Trust within 28 days.

10.3.13 The Adoption Agency shall terminate payment of an allowance when:

(a) the child ceases to have his home with the adopters (or either of them);

(b) the child ceases full-time education and commences employment or qualifies for a placement on a government training scheme;

(c) the child qualifies in his own right for incapacity benefit, income support, invalid care allowance, maternity allowance, severe disablement allowance, jobseeker’s allowance or employment and support allowance.
(d) the child attains the age of 18, unless he continues in full-time education, when it may continue until he attains the age of 21 so long as he continues in full-time education; or

(e) any period agreed between the Adoption Agency and the adopters for the payment of the allowance expires.
Chapter Eleven
Confidentiality and Preservation of Case Records
Confidentiality and Preservation of Case Records

11.1 Introduction

Regulations 6 (2) and 14 of the Adoption Agencies Regulations (Northern Ireland) 1989 require that:

- all information obtained by virtue of the Adoption Regulations and any recommendations and decisions made under the Regulations shall be confidential;

- all reports, recommendations and decisions made about the child or the prospective adopter(s), should be filed on the relevant case record. This includes any information regarding adoption allowances and is provided for by the Adoption Allowances Regulations (Northern Ireland) 1996;

- persons to whom information is made available in order to discharge the functions of the Agency should give an assurance, in writing, that the information will remain confidential. This will include the members of the Adoption Panel and the Agency employees involved in adoption work;

- the indexes to all adoption case records and the records of all adoption cases shall be kept in fireproof cabinets or rooms on Agency, or other approved, premises and in a manner which maintains confidentiality;

- the indexes to all adoption case records shall be kept for at least 75 years. Where the case concerns a placement, which resulted in an adoption order, the case records will also be kept for at least 75 years.
11.2 Adoption Agency Requirements

11.2.1 Case records pertaining to prospective adopters who withdraw their application or whose application was not accepted shall be kept for at least 30 years.

11.2.2 Case records relating to a child who was returned to his birth parents, where an order was refused, or where placement did not proceed, shall be retained in accordance with file retention policies for Looked After Children.

11.2.3 Case records pertaining to a child who is the subject of an Adoption Order, shall be kept within the case records relating to his adoptive parents.

11.2.4 A central index relating to case records where Adoption Orders were granted should be maintained by the Agency. In some areas where Trusts are/were operating as a consortium outside the Trust’s geographical area this index relates to the records of all the Trusts/Agencies involved.

11.2.5 Form Adopt 2H should be completed when an Adoption Order is made in a Trust’s geographical area and where the placement was arranged by any of the Trusts with prospective adopters living outside the Trust’s geographical area or through a Voluntary Adoption Agency.

11.3 Access to Case Records and Disclosure of Information

11.3.1 Regulation 15(1) of the Adoption Agencies Regulations (Northern Ireland) 1989 sets out the circumstances in which access to adoption case records must be provided or information must be disclosed:

(a)\(^{12}\) to those holding an Inquiry under Article 69 of the Order;

(b) the Department of Health, Social Services and Public Safety

\(^{12}\) Inquiries Act 2005 repealed Article 69 of the Adoption Order (2005 c.12). Inquiry should take cognizance of this legislation.
(c) to the Northern Ireland Commissioner for Complaints for the purposes of any investigations under the Commissioner for Complaints (Northern Ireland) Order 1996 (1996 No. 1297 (N.I. 7));

(d) to the persons and authorities referred to in Regulations 11 and 12, namely the child, the parents, the adoptive parent(s), the adopter(s)’ General Practitioner, the Health Department and the Education and Library Board “to the extent specified in those regulations”;

(e) to a Guardian ad Litem;

(f) to a Court dealing with the adoption proceedings concerning a child.

11.3.2 Regulation 15(2) sets out the circumstances in which an Adoption Agency may and to the extent it considers desirable, provide access to its case records or disclose adoption information:

(a) for the purposes of carrying out its functions as an Adoption Agency; and

(b) to a person who is authorised in writing by the DHSSPS to obtain information for the purposes of research.

11.3.3 With regard to access and disclosure, the Agency adopts two general principles. Firstly, information will only be made available to those who need to know in order to participate in providing an adoption service. Secondly, consideration will always be given to whether the provision of information from which identifying particulars have been deleted, would be sufficient.

11.3.4 Within the Agency access will be granted to:-

(a) members of the Adoption Panel and Social Workers involved in adoption work;

(b) members of the relevant Board/Committee;
(c) members of the management team;
(d) members of administrative and secretarial support staff;
(e) members of staff compiling statistical returns or involved in payment of Foster Care Allowances or Adoption Allowances.

11.3.5 Outside the Agency, in addition to those identified under Regulation 15 (1), information will be provided to:

(a) another Adoption Agency taking part in the adoption arrangements where this involves sending a copy of all or part of a case record;
(b) the Agency’s Legal and Medical Advisers;
(c) specialist Health Advisers whose help is needed in assessing health implications of a proposed adoption;
(d) birth parents regarding their child’s progress without disclosing the child’s new identity or whereabouts;
(e) an adopted person seeking background information regarding himself or the circumstances of his adoption (this excludes information recorded on his birth certificate as disclosure of this is provided for separately under Article 54);
(f) other Adoption Agencies where they are undertaking birth records counselling;
(g) for the purposes of a child protection inquiry;
(h) individuals or Agencies undertaking approved research.

11.3.6 Unless where otherwise stated in these procedures, requests for disclosure of information should be authorised by the appropriate Senior Manager.

11.3.7 A written record should be kept of any access provided or disclosure made.
Chapter Twelve

Representations and Complaints
Representations and Complaints

12.1 Each Trust and voluntary agency has in place procedures to enable service users, carers, or other interested parties to make representations or complaints.

12.2 Within Trusts there are 2 specific procedures:

- “Representation and Complaints Procedure” as required by Article 45(3) of the Children (NI) Order 1995. This procedure covers all personal social services provided to children under Part IV of the Order, commonly known as the “Children Order procedure”.

- A procedure in compliance with the requirements of the Department of Health, Social Services and Public Safety (Northern Ireland) guidance contained in “Complaints in HSC, Standards and Guidelines for Resolution and Learning”, commonly known as the “General Procedure”.

12.2.1 Under both of the procedures mentioned at 12.2 above, staff and service users are encouraged to use “local resolution” or “problem solving” as the first attempt to resolve any issues raised. If efforts at that stage are unsuccessful, the formal processes can be invoked.

It is a requirement for Trusts to make users aware of the existence of both of these procedures and for staff to be aware of the procedures and provide assistance and information to any person who wishes to avail of the arrangements.

12.2.2 A complaint or representation made by or on behalf of a child receiving a Part IV service (for example, a child who is being looked after by a Trust or is in need as defined by Article 17 of the Children Order 1995) will be dealt with under the “children order procedure”. All other issues will be dealt with under the “General Procedure”.

The Representations Procedure Children Regulations (N.I.) 1996
12.2.3 In addition to the procedures mentioned at 12.1 above, Trusts and other Adoption Agencies also have in place, a representations procedure in relation to the approval of prospective adopters. Prospective adopters have an opportunity to comment on the assessment report and to make representation if the Agency proposes not to approve them as suitable adoptive parents. These arrangements are outlined in chapter 7, section 7.4.3 stages 7 and 8 of this manual. This representation process is discrete and should, like problem solving mentioned at 12.2.1 above, precede any complaint regarding the Agency decision that a prospective adopter may wish to pursue.

12.2.4 Adoption Agencies should have in place a system for keeping records of all complaints and for handling these confidentially and securely.
Chapter Thirteen

Intercountry Adoption
**Intercountry Adoption**

13.1 *Introduction*

This chapter provides a summary of the processes and procedures involved in adoption from overseas. It covers Hague Convention countries, Designated countries and Non-Convention Non-Designated countries.

A more detailed guide to these procedures and exploration of the issues involved in intercountry adoption may be found in the DHSSPS guidance, *Implementing The Adoption (Intercountry Aspects) Act (Northern Ireland) 2001.*

13.2 *Policy*

a) Adoption Agencies have a duty to establish and maintain a service that covers both domestic and intercountry adoption.  

b) Intercountry adoption may be considered as an alternative means of providing a family for a child who cannot be cared for in a suitable manner in his own country.

c) Intercountry adoption should take place in the best interests of the child and with respect for his fundamental rights as recognised in international law.

d) Assessment and post-placement safeguards, standards and eligibility criteria, which apply in domestic adoption, will be applied in intercountry adoption to protect the welfare of the child. This is in accordance with United Nations Convention on the Rights of the Child, Article 21(c) which requires States to “Ensure that the child

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13 The Adoption (Intercountry Aspects) Act (N.I.) 2001 inserted a new paragraph (2A) into Article 3 of the Adoption (N.I.) Order 1987 to make it clear that throughout the Order, the description of the adoption service includes intercountry adoption.

14 However, where Northern Ireland is the receiving country, there is no formal role for the Adoption Panel at the matching stage.
concerned by intercountry adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;”

e) Profit should not be made from the process.

f) All those who enquire about intercountry adoption will be given information on both intercountry and domestic adoption. During the counselling process, applicants will be asked if they have considered domestic adoption and, if appropriate, will be advised of the children likely to need adoption placements.

g) Applicants are not permitted to pursue simultaneously applications for domestic and intercountry adoption.

h) Prospective adopters already approved for domestic adoption who wish to pursue intercountry adoption, will be put on hold for domestic adoption whilst their application for intercountry adoption is considered. Where applicants do not complete the intercountry adoption process, their suitability for domestic adoption will be reviewed before their names are re-activated on the domestic adoption list.

i) Prospective adopters already approved for intercountry adoption who wish to apply for domestic adoption, will be advised that their chosen country must be informed of the suspension of the application via the DHSSPS. In the case of prospective intercountry adopters who were subsequently approved to adopt a child domestically, the intercountry approval will be rescinded. Notification will be made by the Trust/Agency to the DHSSPS who in turn will notify the relevant authority in the chosen country (please refer to chapter 5.1.13 in respect of children from an ethnic minority background who become available for domestic adoption).

j) Applicants seeking to adopt a second or subsequent child from overseas will be considered after the last adopted child has lived with them for at least one year and in respect of non-designated countries, after the Adoption Order has been made in Northern Ireland on the last adopted child.
k) In accordance with established good practice, the Agency will expect an age gap of at least two years between the overseas child to be adopted and the child closest in age within the adopters' family.

l) Please refer to chapter 5.1.6 in relation to pregnancy and birth of a child to prospective adopters.

13.3 Procedure

13.3.1 Information, advice, counselling and preparation

The information, assessment and approval procedures are the same regardless of the chosen country.

(1) People interested in overseas adoption who are living in Northern Ireland approach an Adoption Agency. ¹⁵

(2) The Adoption Agency provides information both verbally and in writing about the adoption process and any costs associated with this.

(3) The Adoption Agency provides counselling and information.

(4) Prospective applicant(s) will be expected to attend a structured preparation course. Preparation covers the matters, which would normally be considered in domestic adoption and additional matters relevant to intercountry adoption, including post placement and post-adoption support arrangements.

(5) People who wish to be considered as prospective adoptive applicants decide on the country from which they wish to adopt and apply in writing to the Adoption Agency for a 'determination of eligibility to adopt'.

(6) Where applicants are eligible and wish to proceed, the Adoption Agency obtains Enhanced Disclosures from Access NI in respect of each member of the applicants household age 10+ and medical information and ensures that there are no contra-indications to the application.

¹⁵ This may be a Trust or a Voluntary Adoption Agency accredited for that purpose.
proceeding. The application will not be formally accepted until these checks have been received and prove satisfactory. The costs of medical examinations and reports are the responsibility of the applicants.

(7) Applications will be considered in respect of one country only and for one child only, unless there is sufficient evidence to show that the applicant(s) have the skills and capacity to meet the needs of twins or a sibling group.

(8) Where prospective adopter(s) wish to adopt a named child, the Adoption Agency, in the first instance should contact the DHSSPS to discuss the child's circumstances and identify any potential issues that might present difficulties in relation to an application proceeding.

Applicants should then submit:

- Written information from an appropriate source in the child’s country of origin detailing the child’s family history and current circumstances;

- Written confirmation from an appropriate authority in the child’s country of origin that the child is free for adoption (the DHSSPS will advise on whether the chosen “authority” is acceptable for the purpose of progressing an application);

- Written confirmation that the authority will accept an application for intercountry adoption by the prospective applicants in respect of the child;

- Evidence of the child’s abandonment or consent of the birth parent to the child’s placement for adoption should also be obtained.

It is the responsibility of applicants to obtain all of the above documentation which should be submitted to the DHSSPS by the Adoption Agency for consideration prior to the commencement of the preparation and assessment process.
In the case of relatives seeking to adopt from a Hague Convention country, all of the regulations governing Convention adoptions will apply. In all other cases, the Agency will not begin the preparation and assessment process, until it has received confirmation that the child will meet U.K entry clearance requirements.

13.3.2 Assessment and Approval by the Adoption Agency

(1) An assessment of the prospective adopter(s) is carried out. It is expected that once an intercountry adoption application has been accepted, the assessment will be completed within a period of 6 months, beginning from the date of commencement. If the timescale is likely to exceed 6 months, a letter will be sent to the applicant(s) giving them an explanation for the delay and a clear indication of the anticipated date of completion.

(2) The assessment report should be completed in the same manner as for a domestic adoption, but should also incorporate discussion of the additional needs of children adopted from abroad.  

(3) The applicant(s) receive the relevant sections of BAAF Form F and notification that the application is to be referred to the Adoption Panel. The applicant(s) is invited to make comments and suggest amendments in writing, within 28 days.  

(4) At the end of 28 days, or earlier if a waiver or comments and suggested amendments are received before the deadline, the Adoption Agency passes the report (including the prospective adopters’ comments) to the Adoption Panel. The Agency informs the applicant(s) of the date of the Adoption Panel which they are invited to attend.

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16 The publication “Towards a Standardised Framework for Intercountry Adoption: A Study of Assessment Procedures in Intercountry Adoption” (1999), commissioned by the Department of Health and Children in Dublin, provides a useful best practice reference. See also the DHSSPS guidance.

17 This is a statutory requirement only in Convention adoptions but is good practice in all intercountry adoption.
(5) The Panel considers the report and makes a recommendation to the Adoption Agency within 10 working days.

(6) The Adoption Agency makes a decision to approve or not to approve the applicant(s) as suitable to adopt, based on the papers provided to the Panel and the Panel’s recommendation.

(7) Where the Adoption Agency proposes not to approve the applicant as suitable to adopt, it notifies the applicant in writing. It states the reasons and provides a copy of the recommendation of the Panel, if different, inviting the applicant to submit any representation within 28 days. 18

(8) If the Adoption Agency receives a waiver or does not receive representation, it makes its decision and the Agency Decision Maker notifies the applicant accordingly.

(9) If the Adoption Agency receives representation within 28 days it may refer the case to the Adoption Panel for further consideration. The Panel considers the case and makes a fresh recommendation.

(10) The Adoption Agency makes a decision and notifies the applicants in writing. It states the reasons and provides a copy of the recommendation of the Panel, if different.

(11) Where applicants are approved as suitable to adopt, they are notified in writing and their papers are submitted to the DHSSPS normally within 6 weeks.

(12) In the event that the applicants become pregnant, they are required to notify the Trust as soon as the pregnancy is confirmed. The Trust will suspend their application and advise the foreign agency. Following the birth the application will be rescinded.

18 This is a statutory requirement only in Convention adoptions but is good practice in all intercountry adoption
13.3.3 Post Approval Arrangements within the Agency

(1) The Social Worker should visit approved prospective adopters on a 6 monthly basis or following the identification of significant changes in their circumstances as part of the Agency’s policy for the review of prospective adopters (Form Adopt 1G ICA). The review should take account of the applicants continued wish to adopt from overseas and should raise issues relevant to domestic adoption. It should be made clear to the prospective adopters that they must advise the Agency of any significant changes in their circumstances of a medical or social nature e.g. moving house, pregnancy, family illness. Any changes and/or change in approval status should be brought to the attention of the DHSSPS immediately.

In the case of pregnancy the DHSSPS will notify the foreign agency and the application to adopt will be suspended and subsequently withdrawn following the birth.

(2) Annual Interval Health Reports should be obtained on approved prospective adopters and the timing of these should relate to the completion date of the initial BAAF AH Medical Form(s).

(3) Annual Update Health Reports (BAAF Form AH2) should be brought to the attention of the Medical Adviser. The Medical Adviser having considered them and having obtained any further information thought to be necessary should inform the appropriate manager for adoption whether or not there are medical grounds for recommending that the applicant(s) are no longer suitable as a prospective adopter(s). In this case, he should provide a written summary of the reasons for this recommendation.

(4) If it is proposed that the applicant(s) are no longer suitable as prospective adopter(s), the Adoption Agency should refer the matter to the Adoption Panel for consideration and a recommendation.
(5) In the event that the Agency proposes that the prospective adopters are no longer suitable, Stage 7, 7.4.3, points 12 and 13 will apply.

13.4 Adopting From Hague Convention Countries

Adoption from Hague Convention countries is regulated by the Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003

13.4.1 Post-Approval Arrangements – Role and Responsibilities of DHSSPS

(1) The DHSSPS Child Care Policy Directorate and the office of Social Services check the documentation and, where necessary, seek clarification. The DHSSPS considers the application and if it agrees that the case may proceed, issues a notification to this effect to the prospective adopter(s).

(2) The DHSSPS then issues a Certificate of Eligibility confirming that the requirements under the Convention Regulations have been met.

(3) The Child Care Policy Directorate arranges for the documentation to be notarised, legalised and authenticated in accordance with the requirements of the overseas authority.

(4) The DHSSPS sends the application to the State of Origin’s Central Authority (SOCA) by courier and notifies the Adoption Agency and prospective adopters in writing.

(5) On receipt of an invoice, the prospective adopters pay the courier company.

13.4.2 The Matching Process

(1) The DHSSPS receives from SOCA the Article 16 report which contains information about the child.
(2) The DHSSPS sends the Article 16 report to the Adoption Agency. The Agency considers the report and seeks the views of the paediatrician. 19

(3) The Adoption Agency sends a copy of the report to the prospective adopters and arranges a meeting within 10 working days to discuss the report with the prospective adopters and the paediatrician.

(4) The Agency Decision Maker advises the DHSSPS that it is content that the applicants travel to meet the child.

13.4.3 Meeting the Child and Adopting the Child Overseas or returning with the child to adopt him in Northern Ireland

(1) The prospective adopter(s) visit the child in the child’s home country and confirm in writing to the Adoption Agency that they have visited the child and wish to proceed to adopt.

(2) The Adoption Agency informs the DHSSPS that all the requirements have been met and confirms that it is content that the adoption should proceed.

(3) The DHSSPS shares the prospective adopters’ and the child’s details with the Home Office to confirm that the child will be authorised to enter and reside permanently in the United Kingdom.

(4) The DHSSPS notifies SOCA that the prospective adopter(s) wish to adopt the child and that it agrees with SOCA that the adoption may proceed.

(5) The DHSSPS informs the Adoption Agency and the prospective adopter(s) that an Article 17(c) 20 agreement has been made.

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19 The paediatrician designated by the Trust under The Hague Convention (N.I.) Regulations 2003 to receive information on the child.

20 See Article 17 (1) of the Convention.
Depending on the procedures of the overseas authority, the prospective adopter(s) is:

(a) granted a full Convention adoption order overseas and returns with the child to Northern Ireland; or

(b) granted an interim adoption order which will become a full Convention adoption after a period of trial placement and/or on receipt of satisfactory post-placement reports on the child; or

(c) entrusted to bring the child to Northern Ireland for the purposes of adoption here.

In all cases, the prospective adopter(s) must accompany the child back to the U.K.

Where the prospective adopter decides not to proceed with the adoption at any stage before the child is placed with him, the prospective adopter notifies the Adoption Agency in writing, which in turn notifies the DHSSPS in writing and returns to the DHSSPS the Article 16 report and its supporting documentation.

The DHSSPS notifies SOCA and returns to SOCA the Article 16 report and its supporting documentation.

Process to be followed prior to the child’s arrival in Northern Ireland

Where the Adoption Agency has been informed by the DHSSPS that an Article 17(c) agreement has been made and that the adoption may proceed, the Adoption Agency immediately sends a written report on the child’s health and details of the placement to the paediatrician, the Senior Nurse Manager21 and to the prospective adopters’ GP. The Child Care Policy Directorate will alert the DHSSPS’s Public Health Official that any referrals received on the child from the Port Medical Officer should be referred to the designated paediatrician.

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21 The Senior Manager in the Trust responsible for Community Nursing, including Health Visiting
13.4.5 Immigration Arrangements

Where the child is the subject of a full Convention Order

(1) The prospective adopter applies to the nearest British Embassy, High Commission or Consulate for a British passport for the child.

(2) A passport will be issued and the child may enter the U.K. in the normal manner. He will not be subject to entry clearance arrangements.

13.4.6 Entry Clearance Arrangements for a child who is the subject of an Interim Adoption Order

(1) The adopter(s) apply to the nearest British Embassy, High Commission or Consulate, for entry clearance for the child to enter and reside permanently in the United Kingdom.

(2) The Entry Clearance Officer checks the documentation and once satisfied with the immigration aspects, will issue a visa granting the child leave to remain in the U.K. for 12 months.

13.4.7 Entry Clearance arrangements where the child is to be adopted in Northern Ireland

(1) Where an Article 17(c) agreement has been made, and the child is to be brought to Northern Ireland to be adopted, the prospective adopter applies to the nearest British Embassy, High Commission or Consulate, for entry clearance for the child.

(2) The Entry Clearance Officer checks the papers and when satisfied with the immigration aspects, refers the application to the DHSSPS for advice on whether the documentation is sufficient to support an application for an adoption order in a U.K. court.

(3) The DHSSPS provides advice to the Entry Clearance Officer, who then decides whether to issue entry clearance.
(4) The Entry Clearance Officer issues the child a 24 month visa granting the child entry to the U.K. for the purposes of adoption.

13.4.8 Post Arrival Monitoring Arrangements

Where the child has been adopted in a Convention Country, the prospective adopter notifies the Trust that he has returned to Northern Ireland with the child on the first working day after the child’s arrival.

13.4.9 Where the child is the subject of an Interim Convention Adoption Order

(1) The prospective adopters, on the first working day after the child’s arrival, inform the Trust that they have returned to Northern Ireland with the child and subsequently notify the Trust in writing, that they are caring for the child on a private fostering basis.

(2) The Trust monitors and supports the placement as a private fostering arrangement under the Children Order until the full adoption order is made.

(3) The Trust provides update reports to SOCA as required prior to the adoption order being made.

(4) Prior to the full adoption order being granted, the Trust assesses the child and family’s need for post adoption support and draws up a post adoption support plan, which should be reviewed on a three monthly basis for as long as considered necessary.

13.4.10 Where the child is to be adopted in Northern Ireland

(1) The prospective adopters notify the Trust that they have returned to Northern Ireland with the child on the first working day after the child’s arrival.

(2) The Trust monitors the placement as a private fostering arrangement under the Children Order until the Notice of Intention to Adopt is served on the Trust.
(3) When the Notice of Intention to Adopt (Court Form A 10) is received by the Trust, the child becomes a protected child and the Trust fulfils its duties under the Adoption Order (see Chapter 8 Protected Children).

(4) The prospective adopter(s) apply to a Northern Ireland Court for an Adoption Order at the same time as, or as soon as possible after, serving the Notice of Intention on the Trust.

(5) Where the 24 month visa has lapsed and no Adoption Order has been granted, the prospective adopters ensure that the child has a valid visa to remain in the United Kingdom until an adoption order is granted.

(6) The Court sets a date for the adoption hearing and appoints a Guardian ad Litem. The Guardian and the Trust’s Social Worker prepare reports for the Court in accordance with the requirements of the Adoption Order.

The Court notifies the DHSSPS of the adoption application and the DHSSPS seeks from the Adoption Agency copies of the relevant passport and visa document for onward transmission to the UK Border Agency (UKBA) The DHSSPS provides a written report to the court confirming that the prospective adopters have complied with the regulatory requirements. The UKBA issues a letter to the court indicating whether it wishes to intervene in the proceedings.

(7) When the Adoption Order is made, the Trust assesses the child and family’s need for post adoption support and, where necessary, draws up a post adoption support plan.

13.4.11 Where Prospective Adopters are unable to proceed with an application to adopt

(1) The Trust receives the child from the prospective adopters within a period of 7 days of notification from them that they are unable to proceed with the adoption and makes arrangements for the child to be looked after;

(2) The Trust notifies the DHSSPS in writing.
13.4.12 Post Arrival Support Arrangements for all Children

(1) The child and the prospective adopters are seen by the Trust’s Social Worker, the Health Visitor 22 and the GP within 7 days of arrival in Northern Ireland.

(2) The child and the prospective adopters are seen by the paediatrician within 21 days of the child’s arrival in Northern Ireland.

(3) The Adoption Agency draws up a multi-disciplinary and interagency Post Placement/Adoption Support Plan with the adopter within 28 days of arrival, which should be reviewed on a three monthly basis for as long as considered necessary.

(4) Most countries require regular post placement/post adoption reports to be made on the progress of the adopted child. Adopters should make arrangements with an Adoption Agency for these to be provided.

13.4.13 Citizenship

(1) Provided one of the adoptive parents is a British citizen and (in the case of a joint application) both parents are habitually resident in the United Kingdom, the child will automatically receive British citizenship on the issue of a FULL Convention adoption order.

(2) A child who is subject to an interim order or is being adopted in Northern Ireland retains the citizenship of his country of origin until the Convention adoption is complete.

13.5 Adopting From Non-Convention Designated Countries

Adoptions made in designated countries have full legal status in Northern Ireland and there is no need for the child to be adopted again.

22 The Health Visitor appointed by the Senior Nurse Manager in the Trust in whose area the adoptive parents reside.
13.5.1 Post Approval Arrangements – Role and Responsibilities of DHSSPS

(1) The DHSSPS’s Child Care Policy Directorate and the Office of Social Services check the documentation and consider the application. If it agrees that the case may proceed, the DHSSPS issues a notification to this effect to the prospective adopters.

(2) When the DHSSPS has agreed that the case may proceed, it sends the application to the Department for Education (DfE) for affixation of a Certificate of Eligibility.

(3) Subject to the requirements of individual countries, the DHSSPS collects fees from the prospective adopters for legalisation and posting by the Foreign and Commonwealth Office (FCO), and authentication and posting by the Foreign Embassy.

(4) The DHSSPS arranges for the translation (if required), notarisation, legalisation and authentication of the application.

(5) The DHSSPS sends the application overseas by courier and notifies the Adoption Agency and prospective adopters in writing.

(6) On receipt of an invoice, the prospective adopter pays the courier company.

13.5.2 The Matching Process

(1) The overseas authority matches a child with the prospective adopters and, depending on the country, sends the details, including the medical report on the child to: DHSSPS or DfE which forwards the details to the DHSSPS.

(2) The DHSSPS sends the details to the Adoption Agency.
(3) The Adoption Agency forwards these details to both the prospective adopters and the paediatrician.

(4) The Adoption Agency sends a copy of the report to the prospective adopters and arranges a meeting within 10 working days to discuss the report with the prospective adopters and the paediatrician.

(5) The Agency Decision Maker advises the DHSSPS that it is content that the applicants travel to meet the child.

13.5.3 Decision by the Adopters not to Proceed

(1) The prospective adopter(s) confirm in writing to the Adoption Agency and the DHSSPS that they do not wish to proceed to adopt the child.

(2) The prospective adopter(s) either withdraw their application or request another match of a child.

(3) The DHSSPS notifies the overseas authority of the prospective adopters’ decision and returns the matching details.

13.5.4 Decision to Proceed

Where permitted by the overseas authority, the prospective adopters should travel to meet the child, before they confirm in writing to the Adoption Agency that they wish to proceed to adopt the child.

- The Adoption Agency informs the DHSSPS in writing that it is content that the adoption should proceed.

- The DHSSPS notifies the overseas authority that the prospective adopters wish to adopt the child.

23 The paediatrician designated by the Trust to receive information on the child.
13.5.5 Adopting the Child Overseas and Entry Clearance

The prospective adopters adopt the child overseas.

(1) The adopter(s) apply to the nearest British Embassy, High Commission or Consulate for entry clearance for the child to enter and reside permanently in the United Kingdom.

(2) The Entry Clearance Officer considers the documentation and once satisfied with the immigration aspects, issues a visa which grants the child indefinite leave to remain in the U.K.

(3) The adopters return with the child to Northern Ireland.

13.5.6 Process to be followed prior to the Child’s Arrival in Northern Ireland

The Adoption Agency sends the original reports and any updated information and details of the child’s adoption to the paediatrician, the Senior Nurse Manager and the adopters’ GP. The Child Care Policy Directorate will alert the DHSSPS’s Public Health Official, that any referrals received on the child from the Port Medical Officer should be referred to the designated paediatrician.

13.5.7 Post Arrival Support Arrangements

(1) The child and the adopters are seen by the Adoption Agency’s Social Worker, the Health Visitor and the GP within 7 days of arrival in Northern Ireland.

(2) The child and the adopters are seen by the paediatrician within 21 days of arrival.

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24 Whilst best practice, it is not a statutory requirement that adopters accompany the child back to Northern Ireland from designated countries.

25 The Senior Manager in the Trust who is responsible for Community Nursing, including Health Visiting.

26 The Health Visitor appointed by the Senior Nurse Manager in the Trust in whose area the adoptive parents reside.
(3) The Adoption Agency draws up a multi-disciplinary and interagency Post Placement/Adoption Support Plan with the adopter within 28 days of the child’s arrival in Northern Ireland. The Plan should be reviewed on a three monthly basis for as long as considered necessary.

(4) Most countries require regular post placement/post adoption reports to be made on the progress of the adopted child. Adopters should make arrangements with an Adoption Agency for these to be provided.

13.5.8 Citizenship/Registration of Adoption

The child is still a foreign national when he enters Northern Ireland. If the adopters wish to change the child’s citizenship to British he must apply to the Home Secretary. If he wishes to change the child’s citizenship to Irish, he must apply to the Minister for Justice in Dublin.

The adopter may apply to the Registrar General to have the child’s adoption registered.

13.6 Adopting From Non-Convention Non-Designated Countries

13.6.1 Adoptions made in non-designated countries have no legal status in Northern Ireland and the child must be adopted here. This category of adoption is regulated by The Adoption of Children from Overseas Regulations (Northern Ireland) 2002.

13.6.2 Post Approval Arrangements – Role and Responsibilities of DHSSPS

(1) The DHSSPS’s Child Care Policy Directorate and the Office of Social Services check the documentation and consider the application. If it agrees that the case may proceed, the DHSSPS issues a notification of this effect to the prospective adopters.

(2) When the DHSSPS has agreed that the case may proceed, it sends the application to the DfE for affixation of a Certificate of Eligibility to Adopt.
(3) Subject to the requirements of individual countries, the DHSSPS collects fees from the prospective adopter for legalisation and posting by the FCO, and authentication and posting by the Foreign Embassy.

(4) The DHSSPS arranges for the translation (if required), notarisation, legalisation and authentication of the application.

(5) The DHSSPS sends the application overseas by courier and notifies the Adoption Agency and prospective adopters in writing.

(6) On receipt of an invoice, the prospective adopters pay the courier company.

13.6.3 The Matching Process

(1) The overseas authority matches a child with the prospective adopters and, depending on the country, sends the details, including the medical report on the child to:
   - the DfE, which forwards the details to the DHSSPS; or
   - the DHSSPS

(2) The DHSSPS sends the details to the Adoption Agency and the paediatrician.

   NB: If, exceptionally, the prospective adopters receive matching details from another source, they send copies to the DHSSPS and to the Adoption Agency.

   The paediatrician completes a report based on the medical information, and if available the social history information on the child. The paediatrician forwards the report to the social worker for sharing with the applicant’s prior to their consideration of the proposed match.

(3) The Adoption Agency sends the child’s details to the prospective adopters. The Agency arranges a meeting within ten working days with the paediatrician having received the translated document, to discuss the report with the prospective adopters and the paediatrician.\(^{27}\)

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\(^{27}\) The paediatrician designated by the Trust to receive information on the child.
(4) The Agency Decision Maker advises the DHSSPS that it is content that the applicants travel to meet the child.

13.6.4 Decision by the Adopters not to Proceed

(1) The prospective adopters confirm in writing to the DHSSPS that they do not wish to proceed to adopt the child.

(2) The prospective adopters either withdraw their application or request another match of a child.

(3) The DHSSPS notifies the overseas authority of the prospective adopters’ decision and returns the matching details.

13.6.5 Decision to Proceed

(1) Where permitted by the overseas authorities, the prospective adopters should visit the child before they confirm in writing to the Adoption Agency that they wish to proceed to adopt the child.

(2) The Adoption Agency informs the DHSSPS, in writing, that it is content that the adoption should proceed.

(3) The DHSSPS notifies the overseas authority that the prospective adopters wish to adopt the child.

13.6.6 Adopting the Child Overseas and Entry Clearance

(1) The prospective adopter(s) adopt the child overseas or receive the child under a guardianship or equivalent placement authority.

(2) The adopters apply to the nearest British Embassy, High Commission or Consulate for entry clearance for the child to enter the U.K. for the purposes of adoption.

(3) The Entry Clearance Officer checks the papers and when satisfied about the immigration aspects, refers the application to the DHSSPS for confirmation that the documentation is sufficient to support an application for an adoption order in a U.K. court.
The DHSSPS provides advice to the Entry Clearance Officer who decides whether to issue entry clearance.

The Entry Clearance Officer issues a 24 month visa granting the child entry to the U.K. for the purpose of adoption.

The prospective adopters return with the child to Northern Ireland.

13.6.7 Process to be followed prior to the child’s arrival in Northern Ireland

The Adoption Agency sends the original reports and any updated information and details of the child’s adoption to the Social Worker, Paediatrician, the Senior Nurse Manager and the adopters’ GP. The Child Care Policy Directorate will alert the DHSSPS’s Public Health Official that any referrals received on the child from the Port Medical Officer should be referred to the designated paediatrician.

13.6.8 Post Arrival Monitoring and Adoption Arrangements

(1) The prospective adopters notify the Trust that they have returned to Northern Ireland with the child on the first working day after the child’s arrival.

(2) The Trust monitors the placement as a private fostering arrangement under the Children Order until the Notice of Intention to adopt is served on the Trust.

(3) The prospective adopters notify the Trust, within 14 days of the date of the child’s arrival in Northern Ireland, of their intention to apply for an adoption order or their intention not to proceed with the adoption. Failure to do so will constitute a criminal offence.

(4) When the Notice of Intention to Adopt (Court form A 10) is received by the Trust, the child becomes a protected child and the Trust fulfils its duties under the Adoption Order (see Chapter 8 Protected Children).

28 Whilst best practice, it is not a statutory requirement that adopters accompany the child back to Northern Ireland from non-designated countries

29 The Senior Manager in the Trust who is responsible for Community Nursing, including health visiting.
(5) The prospective adopters apply to a Northern Ireland court for an adoption order at the same time as, or as soon as possible after, serving the Notice of Intention on the Trust.

(6) The prospective adopters ensure that the child has a valid visa to remain in the United Kingdom until an adoption order is granted.

(7) The court sets a date for the adoption hearing and appoints a Guardian ad Litem. The Guardian and the Trust’s Social Worker prepare reports for the court in accordance with the requirements of the Adoption Order.

The Court notifies the DHSSPS of the adoption application and the DHSSPS seeks from the Social Worker copies of relevant passport and visa documentation for onward transmission to the UK Border Agency (UKBA). The DHSSPS provides a written report to the court confirming that the prospective adopters have complied with the regulatory requirements. The UKBA issues a letter to the court indicating whether it wishes to intervene in the proceedings.

(8) Most countries require regular post placement reports to be made on the progress of the child. Adopters should make arrangements with a Trust or an Adoption Agency for these to be provided.

(9) When the adoption order is granted, the Trust assesses the child and family’s need for post adoption support. Where necessary and in agreement with the adoptive parents, the Trust draws up a post adoption support plan.

13.6.9 Post Arrival Support Arrangements

(1) The child and the adopters are seen by the Adoption Agency’s Social Worker, the Health Visitor and the GP within 7 days of arrival in Northern Ireland.

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30 The health visitor appointed by the Senior Nurse Manager in the Trust in whose area the adoptive parents reside.
(2) The child and the adopters are seen by the Paediatrician within 21 days of arrival.

(3) The Adoption Agency draws up a multi-disciplinary and interagency Post Placement/Adoption Support Plan with the adopters within 28 days of the child’s arrival in Northern Ireland, which should be reviewed on a three monthly basis for as long as considered necessary.

(4) Most countries require regular post placement/post adoption reports to be made on the progress of the adopted child. Adopters should make arrangements with an Adoption Agency for these to be provided.

13.7 Transfer of ICA Cases between UK Agencies

Adoption Agencies in Northern Ireland are recognised under legislation in England, Wales and Scotland.

The receiving agency should request a transfer of case records (regulation 16). There is no requirement to “re-approve”. The receiving agency subsequently assumes responsibility for all reviews and placement functions as required.

In such transfer cases the DHSSPS in Northern Ireland will liaise with the DfE (England) or the equivalent Departments in Wales and Scotland regarding the transfer of Central Authority Functions.

13.8 Disruption in ICA Placement – prior to the granting of an Adoption Order

13.8.1 In the case of Convention applications, the procedures to be followed are outlined in Regulation 17 of the Intercountry Adoption (Hague Convention) Regulations (NI) 2003.

There are no similar provisions covering adoption breakdown in the Adoption of Children from Overseas Regulations (Northern Ireland) 2002 in respect of adoptions from other countries.
In the event of a disruption of any other ICA placement, prior to the granting of an adoption order the Trust must notify DHSSPS and consider whether the child’s best interests would be served by the child being placed with another prospective adopter habitually resident in Northern Ireland/UK.

i. If the Trust is satisfied that this route should be followed then it must seek to identify suitable prospective adoptive parent(s) and must notify DHSSPS, sending the assessment report and associated documentation.

ii. Where the Trust is not satisfied that it would be in the child’s best interests to be placed for adoption with another prospective adopter in Northern Ireland/UK, it must liaise with DHSSPS to arrange for the return of the child to his State of origin.

13.9 Citizenship

When the Adoption Order is made in a Northern Ireland Court, the child automatically receives British citizenship provided one or both of the prospective adoptive parents is a British citizen and both (where it is a joint application) are habitually resident in the United Kingdom at the time the Order is made.
Chapter Fourteen
Northern Ireland Guardian Ad Litem Agency
Northern Ireland Guardian Ad Litem Agency

14.1 Role of the Guardian Ad Litem Agency in Adoption Proceedings

Under the provisions of the Children (Northern Ireland) Order 1995 and the Adoption (Northern Ireland) Order 1987 (as amended by the Children Order) an independent Guardian Ad Litem service came into operation on 4 November 1996. A Guardian Ad Litem is, therefore, appointed by the Court from a Panel set up under the Guardians Ad Litem (Panel) Regulations (Northern Ireland) 1996.

14.2 The Appointment of the Guardian Ad Litem

Under the provisions of Article 66 of The Adoption (Northern Ireland) Order 1987 the Court Rules require that a Guardian Ad Litem shall be appointed in every case involving:


- application for Authority to remove a child from Northern Ireland for the purpose of Adoption Abroad. – Rule 4C2. (2) The Family Proceedings (Amendment) Rules (Northern Ireland) 2003.
14.3 Duties of Guardian Ad Litem in Adoption Proceedings

14.3.1 The powers and duties of the Guardian Ad Litem in adoption proceedings should not be confused with the role of a Guardian Ad Litem in specified public law proceedings under the Children (Northern Ireland) Order 1995.

The principal duty of the Guardian Ad Litem is to safeguard the child’s interests before the Court. The specific responsibilities in each type of application are set out in detail in the relevant Court Rules. (The Family Proceedings (Amendment) Rules (Northern Ireland) 2003).

14.3.2 These are as follows:

- ensure as far as is reasonably practicable that any agreement to the making of an adoption order or order freeing a child for adoption, is given freely and unconditionally and with the full understanding of what is involved;

- investigate all the circumstances relevant to any such agreement;

- investigate so far as is reasonably practicable:

(1) the matters alleged in the application, any report supplied under Rule 4A.15(5) (a) or (b) and, where appropriate, the Statement of Facts supplied under Rule 4A. 16;

(3) any other matters which appear to him to be relevant to the making of an Adoption Order;

- on completing his investigations make a report in writing to the court, drawing attention to any matters which, in his opinion, may be of assistance to the court in considering the application, and shall notify the applicant that he has done so;

- advise whether, in his opinion, the child should be present at the hearing of the application; and
• perform such other duties as appear to him to be necessary or as the court may direct.

In respect of freeing proceedings, the Guardian Ad Litem must also:

• confirm that the parent or guardian has been given an opportunity of making a declaration under Article 17(5), that he prefers not to be involved in future questions concerning the adoption of the child;

• where it is proposed to free a child for adoption whose parents were not married to each other at the time of his birth and whose father is not his guardian, take all reasonable steps to identify any person claiming to be the father in order to be able to advise the court:

  of that persons views;

  (ii) of whether that person intends to apply for an order under 7(1) or 10 of the Children (Northern Ireland) Order 1995;

  (iii) of any matter relevant to the determination of the application under the Children (Northern Ireland) Order 1995;

• with a view to obtaining the direction of the court on any matter, the Guardian Ad Litem may at any time make such interim report to the court as appears to be necessary and in such a case the Court Officer shall notify the applicant;

• the Guardian Ad Litem shall attend any hearing of the application if so required by the court;

• any report made to the court by the Guardian Ad Litem shall be treated as confidential and can only be obtained with the permission of the court.
Legal representation for the child is only appointed in proceedings under the Adoption (Northern Ireland) Order 1987 with the leave of the Court. The Official Solicitor may provide this service. However if a solicitor from the Children’s Panel of solicitors has been appointed for the child in proceedings under the Children (Northern Ireland) Order 1995, that same solicitor will usually be appointed in the adoption proceedings.

14.4 **Guardian Ad Litem’s Right of Access to Information**

14.4.1 In addition to all court documents, the Guardian Ad Litem has the right of access to all records relevant to the application, which are in the possession of the Trust/ Adoption Agency.

14.4.2 A request from a Guardian Ad Litem to read files should be agreed on the understanding that the file will be perused in the work setting of the reporting Adoption Agency. Copies of documents held on file should be given, if requested, to the Guardian Ad Litem.

14.4.3 The DHSSPS Guide to The Adoption (Northern Ireland) Order 1987 (Part 3 – A Guide to the Adoption Agencies Regulations (Northern Ireland) 1989 paragraph 3.116) indicates that it is not the role of the Guardian Ad Litem to gather background information for the Court, but rather to critically assess the content and veracity of statements made, and when in doubt, to take active steps to inquire into the relevant matter in order to fulfill the function of safeguarding the child’s interests, and the parents rights.

14.5 **The Guardian Ad Litem Report**

14.5.1 At the time of the notification to the Northern Ireland Guardian Ad Litem Agency of the court’s appointment of a Guardian Ad Litem a direction may be given for the date by which the Guardian is to lodge a final report. The Guardian Ad Litem is invited to make a request in writing to the Master, via the Court Office, for any revision required in respect of this date. Alternatively, timetabling for the report may be dealt with at a Directions Hearing in Court.
The Guardian Ad Litem must, at the time of forwarding his final report to the Court, notify the applicant(s) that it has been submitted (4A.6(e), The Family Proceedings (Amendment) Rules (Northern Ireland) 2003).

Within 14 days of being notified by the Guardian Ad Litem that he has made his report to the court, the applicant shall apply to the Master for the fixing of a hearing date for the application (4A.8 and 4A.20, The Family Proceedings (Amendment) Rules (Northern Ireland) 2003). However in operational terms this is not necessary as the court office lists the matter for hearing and notifies the applicant(s) and parties regarding the date of hearing.

As the Guardian Ad Litem’s report is confidential it can only be obtained through application to the court.

Following the granting of the Adoption Order the Guardian Ad Litem is discharged from the case.
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December 2010

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Regional Policy on Permanence

May 2007
Policy on Permanence

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Policy on Permanence

1.0 Introduction

This policy emphasises that placement stability through permanency planning is an essential requirement for all children/young people who are looked after or may become looked after by a Trust.

The central theme of permanency planning is to ensure that children/young people move quickly from an uncertain care placement to the security of a safe and stable permanent family with their birth parent(s) or other carers.

It is intended that this policy will complement, inform and enhance social work practice in relation to looked after children.

1.1 Definitions

‘Permanence is a framework of emotional, physical and legal conditions that gives a child a sense of security, continuity, commitment and identity’

(Adoption: Practice Guidance to Support the National Adoption Standards for England).

"Permanence provides children with a foundation from which to develop their identity, values and relationships, not only throughout childhood, but on into their adult lives. This can only be fully achieved when children have the opportunity to live in a family where they expect to remain throughout their childhood and to which they will also belong in adulthood."

(BAAF 1996 - Practice Note 33)

1.2 A permanent family offers the opportunity to meet the child/young person’s developmental needs by providing a sense of belonging, security, protection, food, clothing and shelter, love and acceptance, stability, continuity and predictability in family relationships, connections to the past, hope for the future and lifetime family connections.

1.3 It is an established principle of child care practice to seek to ensure that children/young people experience permanence and continuity within their own families provided this does
not compromise the child's safety or welfare. This principle is firmly incorporated within domestic legislation, the Children (NI) Order 1995. Where children cannot safely be returned to their birth families, the issue of permanence becomes particularly acute.

1.4 Important aspects of permanency planning include the need for systematic planning, establishing time limits, ensuring actions which are designed to help children live in families that offer continuity of relationships, thereby facilitating effective decision making.

2.0 Policy

2.1 Article 26 of the Children (NI) Order 1995 places a duty on Trusts to safeguard and promote children's welfare, and to seek their views and those of their parents when reaching decisions. It is the Trust's policy to ensure that children experience continuity and stability in the parenting they receive, as this is a key factor in safeguarding and promoting their welfare. This matter has to be considered early in a child's care pathway.

2.2 It is generally, better for most children/young people to find continuity and stability within their birth families, and to that end, the Trust is committed to providing a range of Services:

- to support families, including the 'accommodation of children' when appropriate to assist in maintaining them at home;
- Convening a Family Group Conference is when it is likely that a child/young person will be admitted to care, other than for respite or short-term purposes;
- facilitating the return home of children/young people who have come into its care, by the provision of services based on a need/risk assessment;
- which help children/young people remain in contact with their families when they are in care.

2.3 There are, however, circumstances where it is in a child/young person's best interests to remain 'looked after' either in the longer term or permanently. Social workers, their managers and the Chairperson of looked after reviews
must, therefore, be in a position to identify those situations where support to parents/families will be insufficient to safeguard and promote children's welfare, and where permanence options outside the birth family will be required. A child's need for stability and continuity of care and carer is well documented and must be taken into account at LAC reviews.

2.4 All children/young people who require to be looked after will have their need for continuity of care safeguarded and promoted, through implementation of the Trust's permanency policy.

2.5 Following the agreement of the child/young person's care plan, this should be no later than the second review i.e. 3 months after the first statutory review, notification should be made to the Trust's Permanency Panel (see Appendix 1). The social worker should outline the options; together with the actions required and timescales to ensure the provision of a permanent placement for the child. The Permanency Panel will monitor implementation of the care plan until its objectives have been achieved.

2.6 Where adoption is the preferred option, a second review should be held within 3 months.

2.7 Where parents are unwilling, or are assessed as unable, to provide a satisfactory permanent home for their children, the Trust will, in the first instance, look for a permanent placement for the child/young person within his/her extended family networks.

3.0 Legislative Framework

Current social work practice involving the family placement of children in Northern Ireland is governed by legislation and statutory requirements which include:

- The Children (NI) Order 1995
- The Review of Children's Cases Regulations (NI) 1996
- The Arrangement for Placement of Children (General) Regulations (NI) 1996
• The Contact with Children Regulation (NI) 1996
• The Foster Placement (Children) Regulations (NI) 1996
• The Placement of Children with Parents etc. Regulations (NI) 1996
• The Adoption Allowance Regulations (NI) 1996
• The Adoption (NI) Order 1987
• The Adoption Agencies Regulations (NI) 1989
• The Health and Personal Social Services (NI) Order 1994
• The Adoption (Intercountry Aspects) Act (NI) 2001
• The Children (Leaving Care) Act (NI) 2002
• The Health and Personal Social Services (Quality, Improvement and Regulation) (NI) Order 2003
• The Social Security (NI) Order 1988 Repeals Article 4.7 (3) of the Adoption Order
• The Civil Partnership Act 2004
• The European Convention on Human Rights
The Human Rights Act 1998

Social Workers and their managers should also be familiar with:

• Permanency Planning for Children: Adoption Achieving the Right Balance (May 1999)
• Adopting the Future: Consultation Document 2006
• Adoption Regional Policy and Procedures
• Residence Order Allowances Policy and Procedures
• Guidance in relation to Family Group Conferencing
• Looked After Children Policy and Procedures
• Adopting Best Care.
4.0 **Principles**

4.1 The welfare of the child is the paramount consideration.

4.2 Children/young people have a right to grow up with their brothers and sisters. Evidence of best interest is required to justify any other plan.

4.3 Children/young people are raised within a safe and nurturing environment and have the opportunity to form consistent and lifelong attachments.

4.4 Delay or drift in planning for children's long-term future is detrimental to the future social, emotional and psychological wellbeing of children.

4.5 Prevention is the primary goal of permanency planning, therefore, every reasonable effort is made to enable children/young people to grow up within their birth family/or extended family network, or with other significant adults to whom they have formed a strong attachment.

4.6 Plans in relation to children and young people are made in partnership with parents, provided this is consistent with the paramountcy principle.

4.7 Contact with a child's birth family and/or extended family members will be facilitated, evaluated and reviewed unless it is clearly identified as inappropriate.

4.8 Children/young people, their parents, and other significant adults, are involved and/or consulted at all stages of planning for alternative care.

4.9 Positive action is taken to achieve placements which meet a child/young person's needs with regard to his/her religious persuasion, racial origin, cultural and linguistic background.

4.10 All families/carers in contact with the Trust are made aware of its Policy on Permanence.
5.0 General considerations when exploring options

5.1 When determining the appropriate plan for a child/young person there are a number of factors that need to be considered and assessed. The Children (NI) Order 1995 places a duty on Trusts (a) to safeguard and promote the welfare of children within its area who are in need; and (b) as far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of personal social services appropriate to those children's needs.

5.2 The Comprehensive Assessment of the child/young person's needs should identify work required with the child/young person in relation to helping:
(a) the child/young person understand his/her past;
(b) the child/young person understand and cope with separation and loss;
(c) prepare the child/young person who cannot return home, for moving to a permanent family placement. It is important that the child/young person's views are sought, in accordance with their age and understanding and taken into account when planning transitions.

5.3 When considering alternative carers, it is essential that social workers take account not only of the child/young person's needs but also the prospective carer's ability to meet the child's assessed needs. The identification and provision of specific training or support for carers may be required in order to prepare carers for and appropriately respond to the child's ongoing needs.

5.4 The social worker should seek to ascertain the views of parents, other persons with parental responsibility, or any other persons whose views the Trust considers relevant.

5.5 A Family Group Conference should be considered as a means of obtaining the views of all concerned parties regarding a child/young person's future care.

6.0 Permanency Planning Options

6.1 Research has shown that if a child/young person continues to be looked after for more than 6 weeks he/she is likely to remain in care; therefore intensive intervention is required
during this early phase, if sufficient changes are to occur to facilitate the child’s successful return home. Consequently, comprehensive and intensive efforts are required if children/young people are to be reintegrated within their own homes. A Family Group Conference should be convened when it becomes apparent that a child/young person may become looked after for anything other than a period of respite or a short-term or emergency placement is required.

6.2 Immediate intervention is required, if it is not in the child/young person’s best interests to remain with his birth family. If a child/young person requires to be looked after temporarily, he/she should be placed with relatives/friends or in a foster home geographically close to his/her family. The child should return to his/her parents at the earliest possible date if this is in the child's best interest, following intensive work with the family and child/young person. Ongoing supports must be provided to prevent another Looked After episode occurring, where possible.

6.3 In situations where a return home appears unlikely, a concurrent plan should be drawn up. This is defined by Katz as:

‘The process of working towards family unification, while at the same time establishing an alternative permanent plan’.

6.4 A rehabilitation plan should include details of and a request for the resources considered essential for its successful implementation.

6.5 Attempts at rehabilitation should be based on clear objectives and contracts with parents and must be carefully monitored and recorded. The programme of work for the child/young person’s future placement should be explicit. Rehabilitation work should not continue past the stage where there is a realistic possibility of success. Getting the balance right is sometimes difficult, but it is important for the wellbeing of children/young people that situations are not allowed to drift, perhaps more in hope than expectation. In cases where children/young people are accommodated and, for whatever reason, the rehabilitation plan is seen to be
drifting, the Trust should seek to acquire parental responsibility for the child/young person, in order to secure his or her future (Recommendation 6.20-Adopting Best Care).

6.6 In situations where rehabilitation is no longer the Care Plan, a range of care options are available. Determining which option to pursue must be informed by the comprehensive assessment of the child/young person's needs, and based on evidence and sound professional judgement.

7.0 Adoption

7.1 Where rehabilitation is not possible, and an extended family placement is not achievable, adoption is the best means of securing permanence for most children/young people. The child/young person's right to continuity of care and security should be balanced against his/her need for identity within the extended family, therefore, the younger the child, the more continuity of care and security takes precedence over identity issues.

7.2 Adoption with the parent's agreement is preferable to contested adoption. Parental agreement will, therefore, be actively sought in the first instance.

7.3 Where the Trust has decided that adoption is the best means of promoting the child/young person's welfare and the child/young person's parents do not agree, legal proceedings will be instituted at an early stage to seek the court's consent for the child's adoption.

7.4 The child/young person's birth parents and wider birth family occupy a unique position in the child/young person's life, and this will be respected by:

- encouraging and facilitating direct contact where it is assessed to be in the child/young person's best interest;
- an 'open' approach to the flow of information and a willingness to be open to the possibility of other forms of contact, if direct contact is not in the child's best interest.
7.5 The identification of an adoptive placement should be progressed without delay.

7.6 Post-placement support should be available to prospective adoptive families. Prior to placement, a pre placement meeting should be convened to which all relevant professionals are invited. A post placement support plan should be drawn up and signed by the prospective adoptive parent/s and the social worker. All plans must state the provisions that are being made to support the placement and who is responsible for ensuring delivery of each element of this plan. All plans should be subject to review on a 3 monthly basis. The manager with responsibility for Adoption should ensure reviews are carried out in conjunction with families, and other such professionals as are appropriate.

7.7 Consideration should be given to the adoptive family's need for support following the granting of an adoption order, and families should be made aware of supports available and how to access this at any future point in time. It is important that a balance is achieved and adoptive parents are encouraged to parent independently.

8.0 Residence Orders

8.1 A Residence Order is an order, granted by a court, settling the arrangements about with whom a child/young person is to live. The granting of a Residence Order should add to the child/young person's 'sense of permanence' within his/her placement. A Residence Order may be useful for children/young people where it is inappropriate to legally sever the links with their families and the past.

8.2 A Residence Order is more likely to be the choice for older children/young people. Reasons for any decision to proceed with a Residence Order in respect of a younger child must be clearly evidenced.

8.3 Residence Orders will have the effect of discharging the child from his/her looked after status and therefore impact on the child's future entitlement to leaving and aftercare support. The granting of a Residence Order should not affect allowances already being paid.
8.4 Residence Orders may be particularly suitable to situations where children/young people are or will be living permanently with relatives or friends or for older children/young people who are in stable and secure foster placements and it is unlikely that there will be a conflict between the birth parents and the carer who has acquired a Residence Order.

8.5 In situations where Residence Orders are granted, parental responsibility will continue to be shared with the child/young person’s birth parents. Whilst the social worker should present the strengths and limitations of this option, those considering a Residence Order should also seek legal advice. Trusts should consider providing carers with assurances of ongoing assistance with legal costs in the event that parents instigate legal proceedings.

8.6 Where a child/young person has been in the care of the Trust, consideration should always be given to requesting that the Residence Order continue until the young person is aged 18 years. This will safeguard the interests of the young person through the potentially difficult and vulnerable time of mid adolescence.

**NB** A Residence Order, unlike an Adoption Order does not ensure that a child or young person has a family for life with all the rights of inheritance etc. associated with adoption.

9.0 Longer-Term Foster Care Placements

9.1 Longer-term fostering can also be viewed as a permanent placement; however, this would rarely be considered a suitable option for younger children aged 0-8 years, for whom adoption should be the first consideration. Social workers should also bear in mind that older children may also be successfully adopted.

9.2 Research indicates that the outcomes for children/young people in longer-term foster care do not compare favourably with those adopted. They underachieve in areas such as education, experience greater problems with their health,
and usually experience considerable placement disruption within the care system (DHSSPS 'Outcome Indicators for Looked after Children' year ending 30.9.02). While there is no guarantee against the breakdown of any placement, research shows greater stability for adoption; as adoptive parents are more likely to persevere with challenging behaviour than longer-term foster carers.

9.3 Clearly, there will be children/young people whose needs will best be met in longer term foster care e.g. older children and young people, with strong family attachments and ongoing need for significant birth family contact. For these children/young people, their placements need to be planned with the intention of providing permanency.

9.4 In cases where longer term fostering is considered to be in the best interests of the child/young person the reasons for this decision should be recorded together with the reasons for discounting other alternatives.

10.0 Placement with Relatives and Friends (Kinship Care)

10.1 The Children (NI) Order 1995 encourages the planned placement of children/young people with relatives or people with whom they are familiar (friends), as an alternative to being placed with people they do not know, provided this is consistent with promoting and safeguarding their welfare. These carers are assessed and approved as foster carers and, therefore, entitled to the same financial assistance, training and supports as other carers.

10.2 In addition to pursuing family placement, as an immediate or short term option, social workers should also consider the benefits such placements provide in the longer term e.g. continuity of carer, maintenance of family identity and familiarity, etc. Available research evidence supports this option, where it is deemed in the child/young persons best interests, in terms of improved outcomes. When making such placements, social workers need to be mindful of the time frame for completing assessment, and ensure that this is adhered to.
11.0 Residential Care

11.1 Residential Care is for some children a placement of choice. It should not be seen as a 'last resort' but as the preferred option where it is clear that the young person's needs cannot be met appropriately in any other setting.

11.2 Any placement of a young person in residential care as a longer term option must be informed and determined by a thorough assessment of the young person's needs and consideration of his/her wishes and kept under review via the LAC process.

12.0 Decision Making and Timescales

If rehabilitation of the child/young person, to his/her birth family, is not likely there are a number of factors which should be considered in deciding when social services have gone "far enough" in a particular case. These include:

12.1 Reasonable Length of Time

Parents must demonstrate an ability to change within a 'reasonable length of time' which will be determined on the basis of the child/young person's best interests. Parents' potential to rehabilitate 'over time' is not a sufficient reason for delay in decision making in respect of their child (ren). The timeframe of the child must be the test by which 'reasonable length of time is judged'. Social Workers should be mindful of Articles 6 and 8 of the Human Rights Act 1998 in terms of parents' rights to family life and also the child's right to family life.

Evidence demonstrates that the longer the placement in care, the less likely it is that the child/young person will return home.

Research indicates that one year or less, is the period of time in which to make decisions about a child/young person's permanent placement. For young children, 6-12 months is the longest they should have to live with such uncertainty.
For each looked after child/young person, the care plan to be agreed, in consultation with parents and relevant others, no later than the second review (3 months after the first statutory review), should outline and define the options, including adoption, together with the actions required and timescales to ensure the provision of a permanent placement. The Chairperson of the review should ensure that the care plan is formulated in accordance with relevant guidance and that the plan identifies the persons responsible for taking forward the agreed actions and the associated timescales.

Where adoption is the preferred option, this plan should be progressed in accordance with the Regional Adoption Policy and Procedures.

Progress of all plans for permanency should be monitored by the Trust's Permanency Panel to ensure the avoidance of delay/drift.

12.2 Previous Efforts at Rehabilitation

Where there is evidence that provision of a comprehensive range of support services have been provided to a family on previous occasion(s) for a sustained period of time with no indication of change or progress.

12.3 In addition factors such as the family's history, parent's willingness/capacity to become involved in assessment and treatment work and the age of the child/young person should be considered.

13.0 Contact

13.1 For many children/young people, maintaining links with their birth families is important. This requires new parents/carers to have a genuine acceptance of the child/young person's past and an ability to share the child/young person's memories without feeling threatened by them.
13.2 Ongoing contact should be in the child/young person's best interests and any arrangements should not undermine plans for the child/young person to be parented. Contact should be demonstratively beneficial for the child/young person and focused on his/her needs. The security of the placement should be safeguarded as a priority, and where contact has a destabilising effect this should be reassessed and alternative arrangements made for maintaining identity and links with the birth family. In some cases it may result in contact being terminated to secure the placement.

13.3 A child/young person’s link with his birth family can happen in different ways, for example, directly or indirectly.

13.4 Contact arrangements need to be well defined, clarity of purpose and frequency, should be established and set out in a written agreement.

13.5 Contact arrangements will be different for individual children/young people and the nature of contact may also vary over time and according to the views of all those involved.

14.0 Post Placement/ Post Adoption Support

14.1 Parenting children/young people who have a history of attachment difficulties, or who have been abused, and may have had several placements, is not easy. Whether the children/young people have been placed for adoption or permanence has been served through another route, they and their carers may need access to support services. It is important, therefore, that adoptive parents, or other carers, are properly supported.

14.2 Ongoing support for children and their families should be available as of right. The required support package should be agreed at a pre placement meeting in circumstances where a child/young person is moving to a new placement, or at a meeting following the confirmation that the current placement is to be the child/young person's long term home. A formal written agreement between the Trust and carers should then be drawn up and signed by all.
14.3 In circumstances, where it is likely that social services will have no ongoing role, it is essential that any assessed need for ongoing support is considered and a formal written agreement between the Trust and carers drawn up and signed by all.

14.4 Adoptive families should also be made aware of their right if required, to avail of services in the future and how to access this.

15.0 Examples of Support Services

- Adoption/Residence Order Allowances
- Access to ongoing training e.g. regarding behaviour management, parenting children who have been sexually abused or who display sexually inappropriate behaviour, explaining adoption to children who have been adopted
- Ongoing individual work with the child/young person
- Managing contact with birth parents
- Support at key periods in the child/young person’s development
- Respite care in appropriate circumstances
- Acting as a post box for correspondence

16.0 Equality Statement

This policy has been drawn up and reviewed in the light of Section 75 of the Northern Ireland Act (1998) which requires Trusts to have due regard to the need to promote Equality of Opportunity.

In line with the duty of equality this policy has been screened against particular criteria and as a result no major issues requiring further impact assessment have been identified.

This policy has also been considered and prepared with regard to Trust’s obligation under the Human Rights Act 1998. Trusts are satisfied that the policy complies with obligations under that Act.
If at any stage of the life of the policy there are any issues within the policy which are perceived by any party as conflicting with his/her rights, that party should bring these to the attention of the Director of Human Resources or raise a complaint through the published complaints procedure.
Appendix 1

Permanency Panel

1.0 Purpose of the Panel

The function of the panel is to monitor the implementation of care plans in respect of children or young people who have been looked after for more than 3 months to the point where a permanent placement has been secured. The panel will ensure that the child/young person's need for permanency is progressed in accordance with relevant Policies and Procedures and that discontinuity of care, delay or drift is avoided. The panel will also ensure that the identification of a permanent placement is progressed without delay. The panel will advise the relevant Senior Manager and/or Reviewing Officer on progress until the objectives of the care plan are achieved. As corporate parent the programme Director should also be advised of situations where delay or drift arises, this includes any delay in achieving a permanent placement for the child/young person. The panel will ensure that the welfare of the child is the paramount consideration when considering the future care arrangements for children/young people. The panel is independent of the LAC process.

The panel should ensure that:

1. Social workers have completed a comprehensive assessment of a child's needs;

2. That all options in relation to the child's future care arrangements have been explored as outlined in the Regional Policy on Permanence;

3. That the child/young person's family are aware of the Trust's plans for their child/young person and the implications of these plans;

4. That actions required in relation to the achievement of the child/young person's care plan have/are being actioned;
5. That timescales (in line with relevant Policies and Procedures) are adhered to;

6. That efforts are made without delay to identify and secure a permanent placement for the child/young person.

2.0 Membership of the Panel

Membership of the Panel should reflect the potential implications in terms of recommendations re decision making/challenging decisions. The Panel should be chaired by a Senior Manager and include a Principal Practitioner, the Senior Social Worker/Team Manager for Fostering and/or Adoption/Permanence and a Senior Social Worker for field work.

3.0 Notification and Review Process

Notification should be made to the Panel after the child/young person's 2nd review i.e. 3 months after the admission to care. The social worker should clearly outline the options considered, the actions required to achieve the child's care plans and the timescale required for this to be achieved. A report should be forwarded to the panel in advance of the panel meeting, an existing report i.e. case conference report or LAC report is acceptable providing it contains the necessary information.

The panel should be advised immediately of situations which are not progressing as agreed and updated bi-monthly on subsequent progress. The panel will provide guidance, advice and direction in situations where delay or drift is apparent.

As the corporate parent the programme Director should also be notified of situations were there is a deviation from agreed plans including delay or drift in identifying and securing a permanent placement for a child/young person.

4.0 Scheduling of Panel Meetings

The panel will meet on a monthly basis to consider new notifications and to monitor cases already notified.
Recommendations made by the panel should be communicated in writing to the relevant senior manager.

An annual report should be provided to assist with Governance arrangements, the monitoring of delegated statutory functions, service planning and development and Performance Management arrangements.