

# **RESCINDING ADOPTION PLANS FOR CHILDREN PROCEDURE**

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## **1. LEGAL REQUIREMENTS**

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- 1.1 Where the local authority has authority to place a child for adoption (either by Placement Order or parental consent) there must be a Looked After Child (LAC) review no more than three months after authority to place has been granted. (Adoption Agency Regulations (2005) 36)
- 1.2 Subsequent reviews must be at intervals of no more than 6 months

## **2. WHAT MUST THE REVIEW CONSIDER?**

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- 2.1 Adoption Agency Regulations (2005) 36(6) states that the reviews must consider the following:
  - Whether the adoption agency remains satisfied that the child should be placed for adoption
  - The child's needs, welfare and development and whether any changes need to be made to meet his needs or assist his development
  - The existing arrangements for contact and whether they should continue or be altered
- 2.2 Adoption Agency Regulations (2005) 36 (7) states that, where a child is subject to a placement order and has not been placed for adoption at the time of the first 6 month review (*i.e. nine months after authority to place*), at that review the local authority must:
  - Establish why the child has not been placed for adoption and consider what further steps the authority should take in relation to the placement of the child for adoption
  - Consider whether it remains satisfied that the child should be placed for adoption
- 2.3 The first review (*after three months*) should establish that the child's details have been placed on the Adoption Register unless a match has already been identified from local, Consortium or national resources. This should be recorded in the review papers and marked as an urgent action if it has not happened. The Family Finding social worker in the Adoption Team is responsible for making this referral and any failure to refer to the Adoption Register should be brought to the attention of the Adoption Team Manager.
- 2.4 A Placement Order places greater restrictions on the rights of birth parents than a Care Order and the review will need to consider whether it may be more beneficial for the child to enable his birth parents to have the greater involvement in his life that they would have under a Care Order.

- 2.5 If the child is of an age to contribute to their review, their wishes and feelings should be ascertained and considered by the review meeting.
- 2.6 It is important for the review meeting to bear in mind the impact on the child of knowing that a search for an adoptive family is being undertaken but that a family has not been identified. The stress of this situation on the child should be weighed against pursuing the Care Plan for adoption as opposed to considering another form of permanence.

### **3. WHAT PAPERWORK WILL THE FIRST 6 MONTH REVIEW (I.E. NINE MONTHS AFTER AUTHORITY TO PLACE HAS BEEN GIVEN) MEETING NEED TO CONSIDER?**

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- 3.1 In addition to the forms required by the review, the following will be needed to assist the Independent Reviewing Officer and the meeting when considering the points above.
- A chronology of significant events in the child's life since the Placement Order was made
  - A family finding history listing the efforts that have been made to date
  - A brief report from the Family Finding social worker outlining what further efforts could be made to identify an adoptive family and giving some assessment of the possible success of any further efforts. The report should also highlight any significant factors that are increasing the difficulty of identifying prospective adopters.

### **4. WHAT HAPPENS NEXT?**

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- 4.1 If the conclusion of the LAC review is that the child should no longer be placed for adoption, the Care Plan should be altered to reflect this and to identify an alternative plan for permanence.
- 4.2 There is no legal requirement for the change of plan to be presented to the Agency Decision Maker but it is good practice to do so. The paperwork to be given to the Agency Decision Maker would be:
- The original documentation presented at the point that the Agency Decision Maker considered the plan for adoption
  - The proposed new Care Plan
  - The LAC review minutes where the change of plan was agreed
  - A chronology of significant events in the child's life since the Placement Order was made

- A family finding history listing the efforts that have been made to date
  - A brief report from the Family Finding social worker outlining what further efforts could be made to identify an adoptive family and giving some assessment of the possible success of any further efforts. The report should also highlight any significant factors that are increasing the difficulty of identifying prospective adopters.
- 4.3 A legal planning meeting should be convened to discuss the process for applying to the Court to revoke the Placement Order and what paperwork will be required
- 4.4 The case of *A & S v Lancashire County Council (2012)* relates to two children on Freeing Orders rather than Placement orders but should be born in mind when making decisions about the revocation of Placement orders on children for whom the plan is no longer one of adoption. As a result of this case, the Children's Commissioner asked that cases of Placement orders where the plan for adoption had been changed should also be reviewed as they can throw up similar issues.
- 4.5 It is possible that, when the birth parents or wider family become aware that adoption is no longer the local authority plan for the child, they may make an application for contact or to apply for discharge of the care order. Therefore there needs to be an up to date assessment of the child's needs and the parent's capacity to meet those needs. Contact between the child and family members will need to be reconsidered in light of the change of plan from adoption to an alternative permanence plan. Consideration should also be given as to whether an order under section 34(4) of the Children Act 1989 is required if the Local Authority is to suspend contact.
- 4.6 The child will be party to the proceedings and therefore a Guardian will be appointed.
- 4.7 If the plan for adoption is changed to another permanence plan and the Placement Order is revoked leaving the Care Order in place, the child continues to be a Looked After child subject to all the appropriate procedures.