

DUNDEE CITY COUNCIL

REPORT TO: Social Work Committee – 19 December 2005

REPORT ON: Review of Adoption & Permanence Panel and the Fostering Panel

REPORT BY: Director of Social Work

REPORT NO: 602 - 2005

1.0 PURPOSE OF THE REPORT

- 1.1 The report informs members of the business of the Adoption & Permanence Panel and the Fostering Panel over the past 18 months. It provides details of the roles and responsibilities of the various members of the Panels and the Agency Decision Maker. The report reviews and recommends changes to the constitutions of the Panel.

2.0 RECOMMENDATIONS

It is recommended that the Social Work Committee: -

- 2.1 Note and approve the contents of the report.
- 2.2 Approve the amendments to the constitutions of the Panel (Appendix 1 and 1A).

3.0 FINANCIAL IMPLICATIONS

- 3.1 The costs involved will be met from within the existing Family Placement budget.

4.0 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The work of the Adoption & Permanence Panel and the Fostering Panel is in line with the principles of Agenda 21. Efforts are made, wherever possible, to meet the needs of children locally and for their social, education and health needs to be promoted within a family setting.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 It is proposed that applications for Panel membership are invited from a broad range of people who can demonstrate the knowledge, experience and skills required to fulfil the functions of the Panel. The Panel membership will seek to reflect the diverse backgrounds of the children and applicants being presented for discussion.

6.0 MAIN TEXT

- 6.1 The quantity and complexity of cases being brought before the Panels for consideration and recommendation has steadily increased over recent years. This reflects the growing numbers of children and young people under the age of 12 years who are being Looked After and Accommodated, many of whom remain in care for long periods of time and a significant number of whom require to be permanently cared for away from their birth families. This is a picture that is being mirrored across Scotland and indeed across the rest of the UK.
- 6.2 At the same time, recruitment and assessment of prospective foster and adoptive carer's needs to be given a high priority to keep pace with the demands for placements. This too places pressure on the Panels and the amount of business they can undertake. In the period January 2004 - June 2005, the Adoption and Permanence Panel considered 21 adoptive or permanent carers for approval and a further 24 foster carer applicants were presented to the Fostering Panel.
- 6.3 The Panels continue to undertake their many other statutory and supplementary functions including matching children with suitable carers, offering advice to workers, reviewing the plans for children who are still awaiting placement and reviewing approval of prospective adopters.
- 6.4 The challenge for the Fostering and Adoption & Permanence Panels is to continue to ensure that cases are considered in the depth that is required whilst dealing with a greater quantity and complexity. Added to this is the need to have regard to the changes and proposed changes in legislation, inspection and practice that impact significantly on the functioning of the Panels, such as the role of the Scottish Commission and the recommendations of the Adoption Policy Review.
- 6.5 The Local Authority registered as a fostering service and an adoption agency with the Scottish Commission for the Regulation of Care on 1st April 2004. The Commission will provide increased scrutiny of the structure, conduct and functioning of the Panels with reference to the National Care Standards for foster care and family placement services and adoption services.
- 6.6 The recommendations from the Adoption Policy Review, which is now nearing the end of its final consultation phase will, most likely, lead to an increase in the quantity and range of business that the Panel will be required to deal with.
- 6.7 The research commissioned by the Executive on kinship care is due to report before the end of the year and it is probable that this will lead to further responsibilities on the Local Authority in terms of assessment and support of such placements.

6.8 As a result of the issues highlighted above the following proposals are made in terms of the operation of the Panels: -

- The Panel constitutions currently state that the Agency Decision Maker is the Children's Services Manager. This should be amended to the Agency Decision Maker will be appointed by the Director of Social Work.
- The pool of Panel members is currently the same for the Adoption & Permanence and the Fostering Panels. This means that Panel members have an extremely heavy workload and are expected to have a breadth of knowledge sufficient to cover the requirements of both Panels. It is proposed that the two Panels should be more clearly divided, with the pool of members for each Panel being completely separate. The composition of the Panels will reflect more closely the particular areas of knowledge and experience required to undertake the specific functions of each Panel.
- The Adoption & Permanence Panel and the Fostering Panel currently comprises a pool of 12 voting members. It is proposed that this should be amended so that each Panel comprises a pool of at least 8 voting members, including at least one man and one woman. The pool of Panel members will be drawn from social work staff and representatives from other departments within the Council, other agencies and independent members with appropriate qualifications, knowledge and experience in childcare, adoption and permanence issues.
- The current constitutions state that a Senior Social Work Manager is appointed who co-ordinates and Chairs the Panel; the Senior Officer, Adoption & Fostering presently undertakes this role for both the Adoption & Permanence and the Fostering Panels. The proposal is that the Chairs of both Panels will be separated and will be appointed by the Director of Social Work.
- Panel membership recruitment within Dundee has traditionally been through a combination of direct approaches to individuals based on personal recommendations and internal recruitment within Children's Services. This can lead to members being drawn from within a rather narrow group. It is now proposed that applications, in terms of recruiting Panel members will be invited from Health, voluntary agencies and from within the Local Authority as a whole. It is also proposed to advertise externally in the local media for independent persons. Whilst the Chair and independent Panel members would provide a wider perspective that hopefully will be reflected in the Panel recommendations, ultimately decisions will be made by the Agency Decision Maker who will be a Senior Manager within the Department.
- The recruitment and appointment of the Agency Decision Makers, Panel Chairs and Panel members will be based on written job and person profiles approved by the Director of Social Work and will be via interview.
- Appointments will be made for periods of one year and will be subject to formal review at the end of this period. Appointments made are renewed for further periods of a year at a time.
- At the present time the Senior Officer, Adoption & Fostering, prepares annual reports on the functioning of the Panels and the adoption and fostering services. It is proposed that this will continue but that in addition the Agency Decision Maker will provide an annual report, focusing on quality assurance issues arising from Panel business.

7.0 CONSULTATION

- 7.1 The Chief Executive, the Depute Chief Executive (Finance) and the Depute Chief Executive (Support Services) have been consulted in the preparation of this report.

8.0 BACKGROUND PAPERS

- 8.1 None.

Alan G Baird
Director of Social Work

Date: 9 December 2005

**DUNDEE CITY COUNCIL
SOCIAL WORK DEPARTMENT**

ADOPTION PANEL CONSTITUTION

Dundee City Council Social Work Department, in accordance with its duty as an Adoption Agency, and the requirement of the Adoption (Scotland) Act 1978 and the Adoption Agencies (Scotland) Regulations 1996 hereby appoints an Adoption Panel.

ROLE AND FUNCTION

The Panel's primary functions are:

- (a) To consider whether adoption is in the best interests of a child and if the Panel recommends that it is, whether an application should be made to free the child for adoption;
- (b) to consider 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; and
- (d) to provide a written report of the consideration given by them to alternatives to adoption and in circumstances where adoption with parental contact is recommended, why adoption is recommended rather than an alternative course of action.

SUPPLEMENTARY FUNCTIONS OF THE PANEL

The Regulations give agencies discretion to seek the Panel's advice on other such relevant matters and in Dundee the Adoption and Permanence these supplementary functions are:

- (a) to consider permanence plans for children;
- (b) to consider plans to place siblings together or separately;
- (c) to monitor and review the implementation of plans for children;
- (d) to review after 12 months approved adoptive parents who have not been linked with a child;
- (e) to consider reports on the disruption of any adoptive placement and make recommendations about whether adoption is still in the best interests of the child, and whether the prospective adopters should still be approved and, if so, the terms of their approval.
- (f) to consider matters relating to financial assistance for adopters, for example approved adoption allowances or the payment of legal expenses incurred by the adopters in obtaining an adoption order.

COMPOSITION

An Adoption Agency must satisfy itself that the numbers, qualifications and experience of individual members of an Adoption Panel will enable it to discharge its duties. In order to ensure that Dundee Adoption & Permanence Panel is able to effectively discharge its duties the Adoption and Permanence Panel will comprise of 8 voting members appointed by the Director of Social Work. A quorum for each Panel should consist of not less than 3 voting members.

In addition, although the medical adviser is a voting member, he or she cannot make up the quorum.

The legal adviser will not be a voting member. The legal adviser's advice at the Panel enables members to explore the legal issues in each case and to clarify the alternatives to adoption. A Solicitor from the Council's Legal Division will attend the Panel when legal advice is required.

Dundee City Council Adoption Panel is made up of 8 voting members who include: -

- 1 A chair who co-ordinates the panel and is appointed by the Director of Social Work.
- 2 Social Work Staff members with appropriate qualifications and expertise in adoption.
- 3 Representatives from other agencies, departments and independent members who are considered competent in terms of their knowledge, skills and experience.
- 4 Professional Adviser to be appointed as necessary.
- 5 Medical Adviser to the Panel.

The responsibilities of the Chair will be undertaken by a designated Depute Chair if the chair is unavailable.

The balance of Panel members offers a wide experience and reflects a multi agency approach that provides objectivity. Panel members should have an awareness of differing racial, ethnic and cultural backgrounds. Other staff, such as translators or diversity advisers may be asked to participate in any particular panels where there is a specific need.

Concerns about the conduct of any Panel member will be raised in private by the Panel Chair. If concerns cannot be resolved informally the agency will put in writing the reasons why it intends to end the Panel Members appointment. Concerns regarding the conduct of the Panel Chair will be raised in the first instance by the Agency Decision Maker. The Director of Social Work may terminate the appointment of the Chair or any member if concerns cannot be resolved.

Appointments will be made for a period of one year. Following review appointments may be extended for further periods of a year at a time.

MEETINGS

The timing and the frequency of meetings is determined by the Chair of the Panel in consultation with Panel members and will be determined by the needs of the Authority in its capacity as an Adoption Agency.

AGENCY DECISION MAKING

Decisions on matters referred to the Panel are made by a Decision -Maker or his/her delegate appointed for that purpose by the Director of Social Work. The Agency Decision-Maker receives all reports presented to Panel and the Panel minutes. This allows the Decision-Maker to make decisions on full information and to understand why the Panel has reached particular recommendations. The Decision-Maker is required to make a decision within fourteen days of the Panel. Panel recommendations and the decision are intimated in writing, by the Decision Maker, to prospective adopters and parents of children when a decision has been made that their child is in need of permanent substitute care.

APPEALS

Appeals by prospective adopters against a Panel's recommendations and subsequent decision should be made in writing to the Director of Social Work within 14 days of the receipt of notification of the agency decision. Upon receipt of such an appeal the Director of Social Work will appoint an Appeal Panel where appropriate.

**DUNDEE CITY COUNCIL
SOCIAL WORK DEPARTMENT**

FOSTERING PANEL CONSTITUTION

Dundee City Council Social Work Department, in accordance with its duty as a Fostering Service, and the requirement of the Children (Scotland) Act 1995 and the Fostering of Children (Scotland) Regulations 1996, hereby appoints a Fostering Panel.

ROLE AND FUNCTION

The Panel's primary functions are to consider and recommend to the agency:

- (e) Whether to recommend the approval of Foster Carers;
- (f) what the approval should consist of, for example, categories of children, age range, gender and if for a specific child;
- (g) amendments to the approval of Foster Carers;
- (h) applications from relatives or friends who are known as Link Carers (Link Carers are where children have been placed through the Children's Hearing).

SUPPLEMENTARY FUNCTIONS OF THE PANEL

- (a) advise on specific issues during the assessment process;
- (b) reviews of Foster Carers where there are specific difficulties;
- (c) de-registration of carers where the Social Work Department are recommending de-registration of the carers

COMPOSITION

A Fostering Service must satisfy itself that the numbers, qualifications and experience of individual members of a Fostering Panel will enable it to discharge its duties and in Dundee the Panel will comprise of 8 voting members appointed by the Director of Social Work. A quorum for each Panel should consist of not less than 3 voting members. In addition although the medical adviser is a voting member, he or she cannot make up the quorum.

The 8 voting members will include: -

- 6 A Chair who co-ordinates and chairs the panel and is appointed by the Director of Social Work.
- 7 Social Work Staff members with appropriate qualifications and expertise in adoption;

- 8 Representatives from other agencies, departments and independent members who are considered competent in terms of their knowledge, skills and experience;
- 9 Professional Adviser to be appointed as necessary.
- 10 Medical Adviser to the Panel.

The responsibilities of the Chair will be undertaken by a designated Depute Chair if the chair is unavailable.

The balance of Panel Members offers a wide experience and reflects a multi agency approach that provides objectivity. Membership should, where possible reflect the racial and cultural heritage of prospective Foster Carers and other staff may be asked to participate in particular Panels where there is a specific need.

Concerns about the conduct of any Panel member will be raised in private by the Panel Chair. If concerns cannot be resolved informally the agency will put in writing the reasons why it intends to end the Panel Members appointment. Concerns regarding the conduct of the Panel Chair will be raised in the first instance by the Agency Decision Maker. The Director of Social Work may terminate the appointment of the Chair at any time if concerns cannot be resolved.

Appointments will be made for a period of one year. Following review appointments may be extended for further periods of a year at a time.

MEETINGS

The timing and the frequency of meetings is determined by the Chair of the Panel in consultation with Panel members and will be determined by the needs of the Authority in its capacity as a Fostering Agency.

AGENCY DECISION-MAKING

The Agency Decision-Maker is appointed by the Director of Social Work. The Agency Decision-Maker receives all reports presented to Panel and the Panel minutes. This allows the Agency Decision-Maker to make decisions on full information and to understand why the Panel has reached particular recommendations. The Agency is required to make a decision within 14 days of the Panel. Panel recommendations and the Agency Decision are intimated, in writing, by the Chair of the Panel, to prospective foster carers.

APPEALS

Appeals by prospective Foster Carers against a Panel's recommendation(s) and subsequent agency decision are expected to be made in writing to the Director of Social Work within 14 days of the receipt of notification of the agency decision. Upon receipt of an appeal the Director of Social Work may appoint an Appeal Panel where appropriate.