

Draft Adoption Regulations and Guidance for Consultation - Adoption Support and Adoption Support Agencies

Consultation Response Form

The closing date for this consultation is: 31 August 2004
Your comments must reach us by that date.

Note when completing electronically h **mouse** to access hyperlink. And to access input boxes;
h **scroll** bar to navigate the form

The information you send to us may need to be passed to colleagues within the Department for Education and Skills and/or published in a summary of responses received in response to this consultation. We will assume that you are content for us to do this, and that if you are replying by e-mail, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system, unless you specifically include a request to the contrary in the main text of your submission to us.

The Department may, in accordance with the Code of Practice on Access to Government Information, make available on public request, individual consultation responses. This will extend to your comments unless you inform us that you wish them to remain confidential.

Please insert 'X' if you want us to keep your response confidential

Name

Organisation (if applicable)

Address

If your enquiry is related to the policy content of the consultation you can contact Richard Vaughan, DfES, Looked After Children Division, Room 104, Wellington House, 133-155 Waterloo Road, London SE1 8UG.

Telephone: **020 7972 3970**
Email: richard.vaughan@dfes.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit at

Telephone: **01928 794888**
Email: consultation.unit@dfes.gsi.gov.uk

Please identify below whether you are responding:

As an individual On behalf of an organisation

Please insert 'X' in **one** of the following boxes that best describes you as a respondent.

Local Authority Social Worker
 Representative Group Carer
 Academic Support Services Provider

Other (Please specify)

Adoption support services regulations and guidance: summary of consultation questions.

Regulation 2: Provision of adoption support services

Question 1 - Is the range of adoption support services listed in regulation 2(1) appropriate to the needs of persons affected by adoption?

Yes

No

No View

Comments:

Question 2 - Is regulation 2(5) appropriate in terms of who it prescribes as persons from whom a local authority may secure the provision of adoption support services?

Yes

No

No View

Comments:

Question 3- Should the 'and one year from the adoption order, whichever is later' caveat be removed as an additional duty on placing authorities?

Yes

No

No View

Comments:

Question 4 - Should placing local authorities always retain responsibility for natural parents and former guardians?

Yes

No

No View

Comments:

Question 5 - Should resident local authorities always retain responsibility for adopted adults and their parents?

Yes

No

No View

Comments:

My experience as an adopted adult and as a birth relative of other adopted adults leads me to believe that neither local authorities or voluntary adoption agencies are the well equipped to with the knowledge and skills required for adult post adoption work. Responsibility for adult adoptees and their birth relatives and adoptive parents should be left to specialist Adoption Support Agencies.

Question 6 - It is proposed that placing authorities, in respect of a child being placed in another local authority, must:

- Prior to placement, consult that authority in writing, including the results of the adoption support services assessment and any other appropriate information
- Obtain a response from the receiving authority which includes a proposal as to how the adoptive family's assessed needs can be met
- Put the response before the panel and their decision-maker when the placement is being considered

Is this appropriate?

Yes

No

No View

Comments:

Regulation 4: Adoption Support Services Advisor

Question 7 - Are the proposed functions of the Adoption Support Services Advisor role appropriate and workable?

Yes

No

No View

Comments:

Question 8 - Are the organisational implications of the ASSA role and functions clear?

Yes

No

No View

Comments:

Regulation 6: Procedures for assessment

Question 9 - It is proposed that the assessment of adoption support needs is carried out as part of a wider children in need assessment for the adoptive family of an adoptive child. Is this appropriate?

Yes

No

No View

Comments:

Question 10 - How should adults be assessed for their needs for adoption support services?

Comments:

Adults will generally themselves know what support services they need or do not need, their wishes should be the leading factor in any assessment being made.

Regulation 7: Amount of Financial Support

Question 11 - How in practice are local authorities handing the payment of financial support to foster carers who adopt?

Comments:

Question 12 - At what point is means testing being applied to any payments (or parts of payments) made to foster carers who adopt?

Comments:

Regulation 12: Review of the Provision of adoption support services

Question 13 - Are these the appropriate points at which reviews should be carried out?

Yes

No

No View

Comments:

Regulation 14: Recovery of Expenses between Local Authorities

Question 14 - Are these the appropriate circumstances in which one local authority may recover expenses from another local authority?

Yes

No

No View

Comments:

Means Test Section (Annex C)

General

Question 15 - Is there in principle a need for a standard national means test?

Yes

No

No View

Comments:

Question 16 - Should adoptive families receiving Income Support automatically qualify for the maximum adoption payment in a local authority? Are there any other circumstances where this automatic qualification for the maximum payment should apply?

Yes

No

No View

Comments:

Question 17a - Do you agree with how the Maximum Payment level being made up of a core and an enhancement element?

Yes

No

No View

Comments:

Question 17b - Do you think that in each local authority ongoing payments to adopters should equal those paid to foster carers in equivalent circumstances (excluding any reward element foster carers may receive)?

Yes

No

No View

Comments:

Disposable Income Model

Question 18 - Does section 1 of the Disposable income model template “Projected family income” cover all relevant, substantive forms of income that an adoptive family may have?

Yes

No

No View

Comments:

Question 19 - Is the proposed handling of assets acceptable?

Yes

No

No View

Comments:

Question 20 - What types of debt might be considered as acceptable in terms of considering repayments on them as Expenditure for the purposes of this calculation?

Comments:

Question 21a - Is it sensible to use an average figure for core adoptive family expenditure rather than a detailed examination for each individual family?

Yes

No

No View

Comments:

Question 21b If an average figure is to be used, is the ONS Expenditure and Food Survey an appropriate source and does it cover the right kinds of expenditure?

Yes

No

No View

Comments:

Question 22 - Is this treatment of Special Family Expenditure appropriate?

Yes

No

No View

Comments:

Question 23a - Is the calculation to determine the payment that adopters receive clear?

Yes

No

No View

Comments:

Question 23b - Is 65% the right taper rate to apply to the Maximum Payment?

Yes

No

No View

Comments:

Income Only Based Model

Question 24a - Is the Child Tax Credit taper rate of 37% a sensible rate to use in our calculation?

Yes

No

No View

Question 24b - If not, what alternative do you propose and on what basis?

Comments:

Question 25a – Are the proposed threshold levels appropriate?

Yes

No

No View

Question 25b - If no, please say why and suggest alternatives

Comments:

Threshold based cut – off

Question 26a – Should the use of a ‘threshold cut-off’ methodology for arriving at the payment that adopters receive be considered further?

Yes

No

No View

Question 26b - If yes, what should the threshold level be and why?

Comments:

Summary

Question 27 - Do you prefer the idea of ‘bands’ rather than a set taper rate, and if so, why?

Yes

No

No View

Comments:

Question 28a - In principle, is Model 1 (Disposable income) a workable option for a standard national means test that you would be willing to sign up to?

Yes

No

No View

Comments:

Question 28b - (For local authorities) If this model were implemented, would the likely impact on your financial support budget be:

If the answer is ii) less demand on the budget, how would your local authority recycle savings back into adoption support services?

i) Greater demand on the budget

ii) Less demand on the budget

iii) No Change

iv) Cannot predict at this time

Comments:

Question 29a – In principle, is Model 2 (Income only) a workable option for a standard national means test that you would be willing to sign up to?

Yes

No

No View

Comments:

Question 29b - Is this model easier to understand and be involved in than Model 1?

Yes

No

No View

Comments:

Question 29c - (For local authorities) If this model were implemented, would the likely impact on your financial support budget be:

If the answer is ii) less demand on the budget, how would your local authority recycle savings back into adoption support services?

i) Greater demand on the budget

ii) Less demand on the budget

iii) No Change

iv) Cannot predict at this time

Comments:

Question 29d – (For adopters) Under this model, do you think you would be:

i) Better off

ii) Worse off

iii) No Change

iv) Cannot predict at this time

Comments:

Question 30 – Which model do you prefer, and why?

Comments:

Question 31 - Would your local authority be prepared to help evaluate the potential impact of a standard national means test model?

Yes

No

No View

Comments:

Question 32 - In the context of this set of regulations and guidance what arrangements need to be put into place to ensure the transition between the old and the new systems work effectively?

Comments:

Question 33a - Overall, is the level of detail provided by the Regulations and guidance:

Too much

About Right

Too Little

For the following questions please type the additional issue in the comments box and indicate whether it is Regulations or Guidance.

What additional issues need to be covered and where?

Question 33b - Issue 1

Regulations

Guidance

Comments:

Question 33c - Issue 2

Regulations

Guidance

Comments:

Question 33d - Issue 3

Regulations

Guidance

Comments:

Question 33e – Comments for Question 33

Comments:

Question 34a – Overall, in assisting you in interpreting the requirements set out in the Regulations do you find the guidance

Very Helpful

Helpful

Not Very Helpful

Not at all Helpful

Comments:

The guidance is lengthy and it is difficult find those parts of it which apply specifically to those areas of regulation that are of interest to me as an adult adopted person. It would perhaps have been far more helpful as far as this consultation is concerned if the DfES had been able to get a copy to me somewhat sooner before the closing date. It is impossible to study such a complex set of documents in PDF or Word format on a computer monitor.

Question 34b – How could we make the guidance more helpful and accessible?

Comments:

By trying a little harder to use plain English.

Adoption Support Agencies

Question 35a - Is the list of adoption support services which require registration as an adoption support agency right?

Yes

No

No View

Question 35b - If no, please give details of the provision of which adoption support services you believe should require registration as an adoption support agency?

Comments:

No it is not right, services to adult adopted people and birth relatives who seek to renew contact, are going to be over regulated and therefore considerably more expensive to the service user than is necessary. There are many self help groups who will fall under the blanket of these regulations that should not be regulated. Many adopted people will turn to agencies private detective agencies and similar firms, yet it appears that there is to be no regulation of private detective agencies etc that often carry out the work of searching for birth relatives.

There seems to be an obsession with regulating counselling services without providing any clear definition of what is meant by counselling, most adults who have been separated by adoption want search help not "counselling".

Question 36a - Should we provide any specific exemptions from registration?

Yes

No

No View

Question 36b - If yes, please give details and reasons for your answer

Comments:

Small self help groups that meet locally in individual's houses or are run as Internet support groups for adult adopted people and birth relatives, provide a valuable and essential service most could not afford to meet the requirements for registration as Adoption Support Agencies nor should they need to. They work solely with adults and do not charge for services.

Question 37a - We intend that the Regulations and standards should be service user centred and proportionate, achievable and affordable over time. Have we achieved these aims?

Yes

No

No View

Question 37b If no, please give details and suggestions for improvement

Comments:

Certainly you have not as far adult adopted people and their birth relatives are concerned.

Despite round after round of consultation the views of adopted adults and birth relatives remain largely unheard. The only group representing adults that has been actively consulted is NORCAP. Whilst NORCAP is fine organisation and I hold voluntary office in it, it directly represents less than one percent of those affected by the Access to Information (Pre-Commencement Adoptions) Regulations. It also has some conflict of interest, in being both a group that represents our interests and seeking to become a service provider as a registered ASA. The vast majority of people who might want to use an Adoption Support Agency in connection with renewed contact with an adult affected by adoption, remain unaware that there has been any form of consultation in which they were entitled to participate.

I do not believe who will meet those aims as far as services to adults affected by adoption are concerned until you make a much greater effort to listen to the needs of that group directly.

Question 38a - Are the draft Regulations clear and understandable?

Yes

No

No View

Question 38b - If no, please identify the particular regulation/s and give details of how it/they should be clarified.

Comments:

They simply are not. I am not able to tell whether or not I am a person who needs to register as an ASA

The Standards

Question 39a – Are the standards clear helpful?

Yes

No

Question 39b - If no, please identify the particular standard/s and give details of how it/they should be clarified.

Comments:

There needs to be a set of standards that apply specifically to agencies that undertake the work of helping adult adopted people and birth relatives who seek to renew contact.

Question 40 – Do the Regulations and standards fit together to give a complete picture?

Yes

No

No view

Comments:

I doubt that they do, I would have liked to have had the time to study the consultation documents well enough to be able to answer questions such as this, but they arrived here so late that was not possible.

Small Adoption Support Agency

Question 41a - Do you agree with the proposed definition of a small adoption support agency as outline in the Proposals section?

Yes

No

No View

Question 41b - If no, please suggest an alternative and give reasons for your answer.

Comments:

Question 42a - Do you agree with the proposed frequency of inspections as outlined in the Proposals section?

Yes

No

No View

Question 42b - If no, how frequently do you think adoption support agencies should be inspected?

Comments:

Question 43a - Do you agree with the proposed transitional arrangements set out in the Proposals section?

Yes

No

No View

Question 43b - If no, please give details

Comments:

Managers

Question 44a - Do you agree with the proposed levels of qualification and experience for the manager in Standard 5?

Yes

No

No View

Question 44b - If no, please give details and suggest alternatives.

Comments:

May be somewhat restrictive for a small ASA set up specifically for helping adopted adults and birth relatives who wish to renew contact, these are likely to fall within your definition of small ASA and will sometimes be one person. How many different sets of qualifications can one or two people have? For a lot of small ASAs dealing only with adults the standards are set too high.

Question 45a - Do the standards appropriately cover individual practitioners as well as larger adoption support agencies?

Yes

No

No View

Question 45b - If no, please give details.

Comments:

There are many individual practitioners in the area of adult post adoption work providing search and intermediary services who have no formal social work or management qualifications, but who are far more capable of undertaking this kind of work than are many of the social workers currently assigned to do so by LASSs and VAAs. It would be very unfortunate if they were lost to us because of overly restrictive bureaucratic regulations.

Question 46a – Is the approach taken to volunteers right?

Yes

No

No View

Question 46b - If no, please give details and suggestions for improvement.

Comments:

In ASAs that solely work with adult adopted people and birth relatives seeking contact , it is the volunteers who will have the most relevant experience. There will not be enough social workers and managers with relevant experience to meet the initial demand. People who have the real experience necessary for this work will be forced in to the volunteer role by the the qualification requirements There should be a statutory obligation for ASA undetaking this work to use staff who have personal experience either on a voluntary paid basis.

Question 47a – Are the levels of knowledge and skills required by professionally qualified staff reasonable (Standard 11)?

Yes

No

No View

Question 47b - If no, please give details and alternative suggestions.

Comments:

No, staffing of departments in LAs and VAAs that undertake work with adult adopted people and birth relatives is poor now, I can not see it becoming any better whilst there is such an obsession with counselling. What ever use is a qualification in music therapy going to be when that person has no experience at all in what it is like to be adopted or to have been separated from brothers and sisters by adoption. It is abysmal now and that is how it will remain under the present proposals. Perhaps if there is to be such a emphasis on qualifications there needs to be a new qualification specificaly for that kind of work.

Question 48a – Should adoption support agencies be required to inform potential service users that they may be entitled to an assessment of their needs for adoption support services from a local authority?

Yes

No

No View

Question 48b - If no, please give reasons for your answer.

Comments:

Question 49 – For how long should adoption support agencies be required to keep their case records? Please give reasons for your answers.

Comments:

Depends a lot on the records, records that may usefully for tracing and for associated counselling should be kept for as long as any other adoption records, at least 75 years.

Question 50a – Your comments on the text of the individual standards would be very helpful. If you wish to comment on any individual standard, please enter the standard number in the comments box below.

Agree with this standard

Disagree with this standard

Comments:

Question 50b – If you disagree, please give your proposed amendment/alternative

Comments:

Impact of the Regulations

Question 51 - Do you agree with the assessment made on the likely impact of the Regulations in the Partial RIA?

Yes

No, Assessment too high

No, Assessment too Low

No View

Comments:

I would dispute that the impact on small businesses will be insignificant Many small business now provide "people searching services" to adopted people and birth relatives who wish to search for each other. If these businesses wish to continue to undertake such work they will be required register as Adoption Support Agencies and will in order to do so be obliged to employ qualified staff whose qualification have little bearing on the work that they undertake.

It has been difficult for me as potential operator of an Adoption Support Agency serving adult adopted people and birth relatives, to form an informed opinion on this as the DfES has only very recently provided me with a copy of the consultation documents on regulations for registration of Adoption Support Agencies even though that consultation began in early May I have had only this August bank holiday to study the documents.

It does seem that little has ever been done to inform small businesses and sole traders who undertake searches on behalf of the adoption community, of what impact either this or legislation requiring registration as an ASA will have on them, or to consult them on their views. I was asked to provide consultation to one well established business that had no idea of what consultation was taking place. The notion that small businesses have been properly consulted is simply not true

Such private enterprises have in the past provided a very useful service. Though some degree of regulation was obviously needed most of these enterprises have acted responsibly and ethically. Some will no doubt be unable to afford to meet the requirements for registration as ASAs and will be forced out of business. Which be a sad loss to those who are forced to pay high fees for a counselling based service that do not desire provided by staff who have very little idea of the real issues surrounding 'people searching'

Benefits of the Regulations

Question 52 - Do you agree with the assessment of the benefits of the Regulations as outlined in the Partial RIA?

Yes

No, too positive

No, too Negative

No View

Comments:

My answer to the question above makes it clear why I feel that assessment is too positive in respect of the adult sector of post-adoption work

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you tick the box below.

Please acknowledge this reply

The Department for Education and Skills carries out research on many different topics and consultations. As your views are valuable to us, would it be acceptable if we were to contact you again from time to time either for research or to send consultation documents?

Yes

No

Code of Practice on Consultation

All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Thank you for taking the time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 31 August 2004

Send by post to: Consultation Unit, Department for Education and Skills, Area 2A, Castle View House, East Lane, RUNCORN, Cheshire, WA7 2GJ

Send consultation responses by e-mail:

-Once you have completed the questionnaire, save it on your hard drive and then open an email to adoptionssupport.consultation@dfes.gsi.gov.uk, and then attach the completed questionnaire file and send the email