



Executive
14th November 2005

**Report from the Director of Children
& Families**

For action

Wards Affected:
ALL

**The Composition and Function of the Adoption and
Permanency Panel**

Forward Plan Ref: C&F05/06-024

1.0 Summary

1.1 The Adoption and Children Act 2002

The Adoption and Children Act 2002 received Royal Assent in November 2002. The Act represents a comprehensive and radical overhaul of adoption legislation and replaces much of the now out-dated Adoption Act 1976. It modernises the whole existing legal framework for domestic and inter-country adoption. It creates an essential framework to safeguard the welfare of the child and support adoptive families, and helps to ensure that the adoption service is fairer and more efficient.

1.2 The Government expects more looked after children to be adopted, and fewer children to be left waiting for long periods for an adoptive family but without any reductions in the quality and stability of adoption placements.

1.3 The Adoption Agencies Regulations 2005 stipulate that all members of a panel established before 30 December 2005 shall cease their appointments on that date. The agency is required to establish a new adoption panel, with effect from 30 December 2005. The Regulations do not make fundamental changes to the operation of the panel but there are alterations to membership, tenure and quoracy, as well as more significant changes to the placement of children for adoption, covered by Pan London new policies and procedures.

2.0 Recommendations

- 2.1 That members agree the proposals to create a new adoption and permanency panel as required by the Adoption and Children Act 2002.
- 2.2 That members note that the Director of Children and Families will appoint officers and other persons to the Panel save for Councillors.
- 2.3 That members note that Councillors will be appointed to the Panel by either the General Purposes Committee or Full Council
- 2.4 That members note that the Director of Children and Families shall appoint one member of the Panel as the Chair and one as the Vice Chair of the Panel
- 2.5 That members note that the Director of Children and Families will pay such fee as he may determine, to independent Panel members, being a fee of a reasonable amount

3.0 Detail

- 3.1 The Adoption and Permanency panel considers both adoption and long-term foster care. Adoption provides a method of achieving an unrivalled level of permanent security for children separated from their original families. Alternatively, if adoption does not meet the child's needs it can advise that the child should be placed in long term foster care.
- 3.2 The key characteristics of adoption services are that:
 - The focus is firmly on the needs of the child, whose interests will be paramount in all decisions relating to adoption
 - Highly skilled professionals lead a quality service delivered to national minimum standards
 - Focussed effort goes into finding a permanent family for looked after children waiting to be adopted
 - Courts deal with all cases involving children in an efficient child-centred way
 - A range of potential adopters is welcomed and assessed efficiently in an open and fair way
 - Children and their new families have easy access to adoption support services
- 3.3 The adoption agency needs to put in place essential requirements for preparing and arranging a child's adoption. One such arrangement is to

establish a new adoption panel. The following are new requirements that are to be met by the agency:

3.4 Terms of reference

The Panel's terms of reference are as set out in Appendix 1.

3.5 **Panel membership and Quoracy**

In all the panel must consist of no more than ten members, and must include as a minimum two social workers with the requisite experience, one elected Member of that authority, the medical adviser and at least three other independent persons. In Brent the Chair of the Panel is one of the independent members and the Member appointments are drawn from members with responsibility for children's services. Ideally at least two of the independent persons are to have personal experience of adoption. Others could include specialists in education or Children and Adolescent Mental Health Services (CAMHS). The quoracy requirement has dropped from 6 to 5 members but still retains the requirement to have either the Chair or Vice Chair, and at least one social worker and one of the independent panel members.

3.6 The agency should ensure that the membership of the panel should be gender balanced as far as possible and reflect the composition of the community that the agency services.

3.7 Before appointing any panel member, the agency should inform them in writing of their performance objectives, which should include attendance at an agreed minimum number of panel meetings, participation in induction and training and safeguarding the confidentiality of records and information submitted to the panel. Each panel member should be required to sign an acceptance form to record his or her agreement to these objectives.

3.8 Each panel member's performance, both management members and elected members, should be reviewed annually against agreed performance objectives. The chair should be reviewed by the Assistant Director Social Care who is the agency decision maker and the review of other panel members should be conducted by the Service Unit Manager for the Family Placements Unit who is the agency's panel advisor as well as the panel vice chair.

3.9 Where prospective adopters are being considered in relation to an inter-country adoption, the agency should ensure that a social worker with experience of agency arrangements for inter-country adoption provides the panel with advice.

3.10 The authority may pay a fee to panel members for the time that they prepare for panel meetings, and it may also reimburse them for the travel expenses they incur.

4.0 Financial Implications

- 4.1 The Adoption and Children Act provides that a local authority may pay any independent panel member a fee that is considered a reasonable amount.
- 4.2 Independent panel members in Brent receive a fee for both reading time and panel attendance time, in all about 8 hours work per panel. Travel expenses are also paid. The panel sits twice a month at present. Payments for the panel will continue to be met from within the 2005 /6 budget. The budget for this financial year is £15,125.

5.0 Legal Implications

- 5.1 The Adoption Agencies Regulations 2005 come into force on 30th December 2005 and replace the Adoption Agencies Regulations 1983 as amended. Regulation 5 requires that a new Adoption Panel is established from 30th December 2005. Regulation 10 of the Regulations sets out transitional provisions which govern the re-appointment of any members holding office under the existing Adoption Panel. Save in the case of the appointment of the medical adviser, maximum tenure is now extended to **three terms of three years, but subject to the transitional arrangements.**

Members in their first term

Can serve a maximum of two more three year terms starting on 30th December 2005.

Members in their second term

Can serve a maximum of one more three year term starting on 30th December 2005.

Members in their third term

Members whose tenure was extended beyond the second three year term by an amendment made by the Adoption Agencies (Amendment) Regulations in 2003 can serve a maximum of one more year starting on 30th December 2005.

The Medical Adviser can serve for so long as they are nominated.

6.0 Diversity Implications

- 6.1 Brent Council has ensured that the membership of the panel is gender balanced as far as possible and reflects the composition of the community of Brent that it serves in line with the Adoption Guidance.

6.2 The proposals in this report have been subject to screening and officers believe that any diversity issues arising from it are given attention as and when new members are recruited to the panel.

7.0 Staffing/Accommodation Implications

7.1 There are no changes with regard to numbers of staffing or accommodation arising from the composition and function of the new adoption and permanency panel.

8.0 Panel Tenure

There should be a maximum of ten panel members and a minimum of seven panel members. The length of time members may serve in the new panel depends on how long they have served in the old panel.

8.1 Membership of the new panel

Members of the existing adoption panel will transfer on to the new Panel but subject to the transitional arrangements.

Accordingly, the Chair and Vice Chair and one of the existing independent member can serve one more term of three years from 30th December 2005

Two of the existing independent members can serve two more terms of a total of six years from 30th December 2005

One existing independent member's term comes to an end in November 2005, so may no longer hold office as a member of the new adoption panel.

One elected member's term has one more year from 30th December 2005

One existing elected member can serve two more terms of a total of six years from 30th December 2005.

The medical adviser is also a panel member but can serve for so long as she is nominated.

8.2 It is proposed that the Independent Chair and all panel members of the existing panel whose tenure has not ended will be reappointed following the process outlined at 3.7 above, i.e. they will be informed of performance objectives and the agreed minimum number of panel meetings, expectations about participation in training and confidentiality. Each panel member will be required to complete an application form detailing their relevant experience and sign an acceptance form to record his or her agreement to the performance objectives.

8.3 It is proposed that when vacancies arise on the panel as a result of end of tenure or when a member leaves, the independent members who need to have personal experience of adoption will be selected through the West

London and Westminster Consortium for Adoption or other appropriate agencies and will be interviewed.

- 8.4 It is proposed that when the tenure of elected members serving as independent panel members ends there will be nominations from the chair of the Corporate Parenting Group and the Children and Families Scrutiny Committee.

Background Papers

Adoption and Children Act 2002

The Adoption Agencies Regulations 2005

Adoption and Children Act 2002 - Guidance on Adoption Agency Arrangements

Contact Officers

Janet Palmer

Director of Children & Families

John Christie

Appendix 1

TERMS OF REFERENCE FOR THE LONDON BOROUGH OF BRENT ADOPTION PANEL

1. The role of the Adoption Panel (“the Panel”) is as laid down in the Adoption Agencies Regulations 2005 (“the Regulations”).
2. The purpose of the Panel is to make recommendations to the Assistant Director Family Support as to:
 - a) whether or not the child should be placed for adoption in accordance with Regulation 18 of the Regulations
 - b) whether any advice should be given to the agency in terms of the matters which fall to be considered under Regulation 18(3).
 - c) suitability of prospective adopters to adopt in accordance with the terms of Regulation 26 of the Regulations
 - d) whether any advice should be given to the adoption agency in respect of the number of children the prospective adopter may be suitable to adopt, their age range, sex, likely needs and background in accordance with Regulation 26(3).
 - e) whether the child should be placed for adoption with particular prospective adopters in accordance with Regulation 32 of the Regulations
 - f) whether any advice should be given to the adoption agency in respect of the provision of support services, the plan for contact and the exercise of parental responsibility in accordance with Regulation 32(4)
 - g) any other matter that it is required by law to consider.

Where recommendations are made in respect of an adoption with a foreign element then the Panel recommendations must take into account any modifications made to the Regulations by The Adoptions with a Foreign Element Regulations 2005.

APPPOINTMENT

3. The Director of Children and Families will appoint officers and other persons to the Panel. Full Council or the General Purposes Committee will appoint elected members to the Panel.

MEMBERSHIP

4. The Director of Children and Families must appoint a Chair who has the necessary skills and experience to chair an adoption panel and who is not a disqualified person under the Regulations. The Chair may be one of the independent persons referred to below in (d).
5. The Director of Children and Families must also appoint a vice-chair to act in the Chair's absence
6. The Panel shall consist of no more than ten members and must include the following:
 - a) Two social workers with at least three years' relevant post-qualifying experience
 - b) One member of the Local Authority
 - c) The medical adviser to the adoption agency
 - d) At least three other persons who are independent, including where reasonably practicable at least two persons with personal experience of adoption. Other independent members could include specialists in education or child and adolescent mental health.

TENURE

7. A member of the Panel may not serve on the Panel for more than three terms and each term is not to exceed three years. This is qualified in the case of the medical adviser who may serve on the Panel for so long as he/she is medical adviser to the Adoption agency.
8. A member of the Panel may resign from the Panel at any time by giving one month's notice in writing to the Agency.
9. In accordance with the provisions of the Regulations, a panel member's tenure may be brought to an end by the Adoption Agency.

QUORACY

10. The Panel may not conduct its business unless its meeting includes the chair or vice-chair, and at least one of the social workers, and one of

the independent members and at least five of the members attend the meeting.

25th October 2005