

## Overview of Agency Decision Maker (ADM) Process for Adoption Decisions where a Placement Order to be Sought Guidance

This guidance to be read in conjunction with:

- [5.2.4 Placement for Adoption](#)
- [5.2.3 Adoption Panel](#)
- [Scheme of Delegation](#)
- [Section 22C of the Children Act 1989 \(amended by the Children and Families Act 2014\)](#)
- [Section 9 of the Children and Social Work Act 2017 amends section 1\(4\)\(f\) of the Adoption and Children Act 2002](#)
- [Placement for Adoption - Adoption Decision Making Process Flowchart](#)

Not all cases are referred to the Adoption Panel. Cases where the criteria apply for the local authority to apply for a Placement Order, i.e., the child is the subject of a Care Order or the Threshold Criteria for a Care Order are satisfied or where there is no parent or guardian, will not be referred to the Adoption Panel for a recommendation, but will be referred directly to the Agency Decision Maker (ADM) (Adoption) for a decision (the SHOBPA decision). All other cases (i.e. where the parents have given consent and there is no application for a Placement Order) will continue to be referred to the Adoption Panel for a recommendation, which the ADM will take into account when making a decision.

The ADM for Halton Borough Council is the Operational Director for the Children and Families Service (Children Social Care and Early Help).

The local authority is required to produce the Child Permanence Report (CPR). It is a statutory requirement that all paperwork, including the CPR, in relation to adoption must be written by the social worker who knows the child best, who must also be a qualified social worker with suitable experience. This must include direct experience of adoption work either in assessing prospective adoptive parents or implementing an adoption plan for a Child in Care. Where the author of the report does not have the requisite qualifications and experience, they must have either a qualification in social work or be a social worker in training and must be supervised by a qualified social worker with 3 years' relevant experience. Where the person preparing the report is an independent social worker, they must always be suitably qualified and experienced and be supervised by a member of staff with the suitable qualifications and experience.

The need for accuracy and quality in the papers submitted for the briefing cannot be overemphasised. The significance of the Child Permanence Report and consequent decision making was the subject of scrutiny in the case of **Re S-F [2017] EWCA Civ 964**

11. The permanence report and the agency decision maker's record of decision contain the required analysis and reasoning which is necessary to support an application for a placement order. They are disclosable documents that should be scrutinised by the children's guardian and are susceptible of cross examination. It is good practice to file them with the court in support of a placement order application. Given their importance, I would go further and say that it is poor practice not to file them with the court because this is the documentation that records in original form the pros and

cons of each of the realistic care options and the social work reasoning behind the local authority's decision to apply for a placement order.

12. The reasoning of necessity will include a justification of the opinion that nothing other than adoption will do, it will consider the child's need for contact and any relevant information about the feasibility and availability of the placement options. It is neither second hand nor in summary form as everything else tends to be.

The Principal Manager/ Practice Lead must quality assure and evidence their satisfaction as to the quality of the paperwork by signing the CPR. The Agency Adviser (a role now undertaken by the regionalised adoption agency, Together for Adoption) is responsible for further monitoring the quality of the CPR and deciding whether it is adequate for submission to the ADM. This is not a substitution for the quality assurance role of the Principal Manager/Practice Lead and must not be used as such.

Should the paperwork be deemed by the Agency Adviser to be of a poor standard, the adviser will provide direct feedback to the social worker and Principal Manager / Practice Lead; and a decision will be reached as to whether the case will be submitted for consideration by the ADM or requires additional information before it can be submitted.

Feedback will be provided by the ADM to the HoS and Principal Manager/Practice Lead on case issues, where cases are poorly managed and/or where there are performance and quality issues.

### **The Agency Decision Maker (Adoption)**

The Agency Decision Maker (ADM) considers recommendations from the Adoption Panel and, in those circumstances outlined in [Section 1, Adoption Panel Purpose and Function](#), also makes decisions about whether a child is suitable to be placed for adoption without reference to the Adoption Panel. The following principles apply to all such decisions.

In reaching their decision, the Agency Decision Maker must consider:

- The welfare checklist in Section 1 of the Adoption and Children Act 2002.
- All the information surrounding the case including the reports submitted to the Adoption Panel (where applicable), and that the authors of the reports are appropriately qualified to prepare them (see [Section 7, Reports to Adoption Panel](#)).
- The stability and permanence of the relationship of any couple under consideration.
- The recommendation and reasons of the Adoption Panel and any Independent Review Panel under the Independent Review Mechanism; and
- The final minutes of the Adoption Panel including any minutes from adjourned Panel meetings and the Independent Review Panel.

It is good practice for the ADM:

- To list the material taken into account in reaching the decision.
- To identify key arguments.
- To state whether they agree with the process and approach of the relevant Panel(s) and are satisfied as to its fairness and that the Panel(s) has/have properly addressed the arguments.

- To consider whether any additional information now available to them that was not before the Panel has an impact on its reasons or recommendation.
- To identify the reasons given for the relevant recommendation that they do or do not wish to adopt; and
- To state (a) the adopted reasons by cross-reference or otherwise and (b) any further reasons for their decision.

The ADM must make a decision within 7 working days of receipt of the reports.

### **Referral directly to Agency Decision Maker (Adoption)**

The Agency Decision Maker (ADM) for Halton Borough Council is the Operational Director for the Children and Families Service (Children Social Care and Early Help).

Where cases are to be referred directly to the ADM for a decision, a time should be booked with the ADM for the decision to be made and this should be a maximum of 2 months from the date when the adoption plan was ratified at the Children in Care Review. This date must fit in with the relevant court proceedings, and in particular, to enable the Placement Order application to be issued prior to the Issues Resolution Hearing. In order for the decision to be made within this timescale, the ADM should be sent the same reports and information as would be submitted to the Adoption Panel, as set out in [paragraph 2.14 Presentation to the Adoption Panel](#).

To facilitate this there will be the following:

- An adoption decision briefing usually once a week for the ADM to consider SHOBPA decisions in cases where a Placement Order is to be sought.
- For each meeting there will be slots for cases, with some capacity built in for extra, urgent cases.
- The booking of a slot with the ADM will be via the Panel Manager.
- Social Workers must attend the meetings for their cases, supported by their Principal Manager / Practice Lead where appropriate. If a social worker is less than 3 years qualified, they must be supported by an Advanced Practitioner or Principal Manager/Practice Lead, who must have supervised and countersigned the adoption paperwork.
- The meetings will be attended by the Agency Adviser, Legal Adviser, where possible, and Panel Manager to take the minutes.

The child's social worker will send the relevant reports to the Agency Adviser at least 10 working days before the relevant date booked with the ADM., Therefore all the CPR and all court directed assessments must be received by the Adoption Business Support Team 7 working days in advance of the Adoption Decision Meeting i.e. 12 noon on the Friday of the week before. This is to reflect the expectation that the quality assurance will be done in the teams.

The Agency Adviser will be responsible for checking the quality of the reports before they are submitted to the ADM. The Advisor to send the reports to the ADM 5 working days before the meeting.

it is essential that final care planning meetings take place. These will be chaired by a Principal/Service Manager and the minutes produced for the adoption decision meeting. This is to ensure that all realistic and viable options for permanence for that particular child/ren have been properly evaluated and that the ADM is fully informed as to why “adoption is necessary” and “why nothing else will do”.

In making the decision the ADM may discuss the case with the Agency Adviser, Medical Adviser and legal adviser. However, there is no provision for adjourning the decision to allow time for taking advice. **N.B.** The Agency Decision Maker (Adoption) is expressly prohibited from referring a case to the Adoption Panel for advice.

The principles of the decision-making should be as set out in [Adoption Panel Procedure, Agency Decision Maker](#)

The ADM must make a decision within 7 working days of receipt of the reports.

The minutes of the Adoption Decision Meeting will be produced in a timely manner, usually within 2 working days.

Parents will be informed orally of the agency's decision within 2 working days and written confirmation should be sent to them within 5 working days. These arrangements will be made by the ADM and child's Social Worker. Formal notifications will be completed by the Panel Manager on Eclipse.

This process will be subject to ongoing review.