



COMHAIRLE NAN EILEAN SIAR  
Department of Education and Children's Services  
*Permanence Allowance Scheme*



## **1. The Legal Framework**

- 1.1 A permanence allowance is a means tested regular payment made by the Comhairle to carers and is deemed to cover the costs associated with the specific needs of a child who has been adopted or is the subject of specific court orders relating to parental responsibilities e.g. a Residence Allowance supported by the Comhairle.
- 1.2 From the 28<sup>th</sup> September 2009 the Adoption Support Services and Allowances (Scotland) regulations 2009 replaced the scheme for the payment of adoption allowances under the Adoption Allowance (Scotland) Regulations 1996.
- 1.3 The provisions for payment of allowances to foster carers in are set out in Standard 9 of the National Care Standards for Foster Care and Family Placement Services and Regulation 9 of the Fostering of Children (Scotland) Regulations 1996.
- 1.4 The Comhairle may also provide single payments to the carers. Such payments are separate and distinct from an allowance. A single payment can be paid depending on individual child/carers circumstances.
- 1.5 The awarding of a permanence allowance and the making of single payments arise in specific circumstances. Many adoptions and other permanent placements will proceed without such payments.

## **2. When May An Allowance Be Paid?**

- 2.1 The decision as to whether a permanence allowance is to be awarded must be considered prior to any adoption/court order being made. The only exception being 2.3 below. A permanence allowance can only be paid once an Order has been made.
- 2.2 The child's circumstances should meet one or more of the criteria detailed below before an allowance can be considered. Where the criteria are met, a financial assessment of the prospective carers(s) must be carried out, to determine eligibility:
  - A child has established a strong and important relationship with the carers and/or where there is a permanency plan which indicates that the child will remain in placement for the rest of their childhood. This includes children already placed with foster carers and they seek to either adopt or seek a court order in relation to parental responsibilities.
  - It is desirable that a child is placed with the same adopters as a sibling or an other child with whom they have shared a home.
  - At the time of placement a child has significant additional support needs which require additional current or future expenditure.
- 2.3 An allowance or single payment can be considered post Order to take account of a specific change in circumstances for example, when significant additional support needs emerge during a child's development.

## **3. How Is The Financial Assessment Carried Out?**

Whether carers would qualify for an allowance or single payment depends on their individual family circumstances such as whether they are working or have children. A threshold will be applied in line with Family Tax Credit or any successor benefit. Carers who would not meet the criteria for notional or actual benefits would not qualify for an allowance.

#### **4. How Is The Decision To Pay An Allowance Made?**

4.1 The question of payment of an allowance must be addressed in reports to the Adoption and Fostering Panel. It should be considered at the stage where a child is referred to the Adoption and Fostering Panel as in need of Permanence, and at the stage where a proposal to match a child with particular carer.

The Adoption and Fostering Panel should make a recommendation based on the criteria detailed in 2.2, as to whether the child is eligible to be considered for an allowance.

4.2 The Agency Decision Maker will consider the recommendation of the Adoption and Fostering Panel and the financial assessment of the carers.

4.3 Prospective adopters can appeal the decision using the Appeals process.

4.4 Specific allowances that relate to parental responsibilities need not be referred to Adoption and Fostering Panel and the Agency Decision Maker will consider recommendations made by the Children's Service Manager but in all other ways the process of both allowances is similar.

4.5 A standard rate of allowance will be paid. In exceptional circumstances, single payments may be considered based on the child's needs and family circumstances.

The following will be considered in relation to the child's needs:

- Additional expenditure related to any special needs which are not already provided for through disability living allowance or attendance allowance and would include adaptations to the home when other funding is not available.

The following may be considered in relation to family circumstances:

- Legal costs

4.6 The Comhairle may contribute towards the legal costs for carers to secure an Adoption Order or a Section 11 Order (Residence Order). The child must meet the criteria in 2.2 and other funding, such as Legal Aid is unavailable.

4.7 For carers who do not qualify for an allowance, but face additional legal costs associated with applying for an Order in the Western Isles, a single payment can be made up to the value of the additional cost.

#### **5. Information for Carers about Allowances**

5.1 The Agency Decision Maker will notify carers in writing of the decision as to whether any allowance or single payment can be made.

5.2 Once the Agency Decision Maker has agreed to payment of an allowance the following information will be provided to the carers in writing:

- The amount of allowance to be paid
- The date on which the first payment will be made
- The method by which the allowance will be paid
- The arrangements and procedures for review, variation and termination of the allowance
- The responsibilities of the carers with regard to their agreement to notify the Comhairle of any changes in their circumstances or those of the child

## **6. Requirements of Carers Before Any Allowance Is Paid**

6.1 The Comhairle will require carers to agree, before any allowance can be awarded and paid to inform the Comhairle immediately in the event of any the following occurring:

- The child ceases to live with them on a permanent basis
- Any change of address
- Any change in their financial circumstances or in the child's needs or resources

6.2 The Comhairle reserves the right to cease payment of an allowance and to require repayment of the allowance or single payment where carers have failed to fully disclose their financial circumstances or changes to these.

## **7. Reviews of Allowances**

7.1 The Comhairle is required to periodically review the allowance. A financial declaration will be requested from the carers prior to the review.

7.2 Reviews will take place:

- Annually
- At any other time further to a material change in the financial circumstances of the carer or child

## **8. Termination of Adoption Allowance**

The circumstances under which the Comhairle will terminate the payment of an allowance are as follows:

- When a child leaves home or placement as a permanent arrangement
- When a child leave full time secondary education
- When a child reaches the age of 18 unless he or she is in full time education
- Any predetermined payment for the allowance agreed between the Comhairle and carers has expired

## **9. The Rate of Adoption Allowance**

9.1 The rate of this allowance, irrespective of the age of the child will be 50% of the 16 years to 18 years age related fostering allowance the Comhairle pays to its foster carers, less the amount of any child benefit. This will be over a 52 week period.

9.2 The Child Benefit deduction will be made regardless of whether it is actually received and based on the amount awarded for a first child.

## APPENDIX ONE – FINANCIAL ASSESSMENT

Details of Applicants			
<b>Name of First Applicant</b>		<b>Name of Second Applicant</b>	
<b>Home Address</b>		<b>Ages of your children</b>	
<b>Employer Address of First Applicant</b>		<b>Employer Address of Second Applicant</b>	
<b>Are family in receipt of Tax Credit?</b>	<b>Yes/No</b>	<b>If no, does family meet the criteria for Tax Credit ?</b>	<b>Yes/No</b>
Additional Support Needs of Child Placed			
<b>Name of Child</b>		<b>Date of Birth</b>	
<b>Please provide details of the additional support needs of the child and associated additional costs for caring for the child not covered by state benefits:</b>			
Financial Income and /or Resources of Child			
<b>Name of Child</b>		<b>Date of Birth</b>	
<b>Please provide the above details giving income as a weekly rate. Please include any Benefits payable in respect of the child.</b>			
Declaration			
<b>I/we certify that the information given in this statement is correct to the best of my/our knowledge and I/we authorise Comhairle nan Eilean Siar to verify the information if this is considered necessary.</b>			
<b>Signature of First Applicant</b>		<b>Date</b>	
<b>Signature of Second Applicant</b>		<b>Date</b>	
<b>Signature of Social Worker</b>		<b>Date</b>	
<b>Signature of Social Work Manager</b>		<b>Date</b>	