

Information Sharing in Fostering for Adoption placements and in early linking and matching

1. Why do we make early permanence placements?

- Children have better lifelong outcomes the earlier they can live in their permanent family.
- With a shortage of adopters who can meet the needs of the children with a plan of adoption, we have to move quickly to avoid losing placements.
- We are referring here to Fostering for Adoption and other Early Permanence placements and also where we are exploring links pre Placement Order, ready to go to Matching Panel immediately we have legal authority to place.
- This change in practice requires a robust approach to information sharing to protect the confidential information of individuals, while ensuring adopters have the information needed to enable them to meet a child's needs, or for a decision they are not the right family to do this.

2. Legal basis and Guidance on information sharing in Foster to Adopt placements.

CoramBAAF Practice note 59 "The provision of information to Fostering for Adoption carers" and Cumbria legal department document "Foster to Adopt and Information Sharing" set out the legal framework for sharing information where we are placing children on a Fostering for Adoption basis.

Both are attached to this guidance, and extracts contained here. There have been some updates including GDPR 2018 since the Practice note was produced.

As the adopters are the foster carers for the specific child, they need to have all the information which would be shared with a foster carer to meet their current needs- as well as any additional information relating to future ability to meet the child's needs as adopters if this becomes the plan.

The legal advice is that this guidance should also be used as the basis for information sharing in early linking/matching.

3. What is early linking and matching?

Where a child has a plan of adoption, we strive to ensure they are settled in their adoptive family as soon as possible, so they can build the secure attachments they need to enable them to grow and develop physically and emotionally, by experiencing the therapeutic parenting and stable family life they need to recover from the loss and trauma in early life and/or in utero.

To this end, we start to look for a suitable adoptive family as soon as we know adoption is the likely plan for a child. When the plan of adoption is made by the Agency Decision Maker, the aim is that wherever possible, we would have a potential link with an adoptive family for the child by the time the court makes the Care Order and Placement Order.

In order to achieve this, we need to be able to share information about the child with potential adopters so we can determine if the link could meet the child's identified needs or whether alternatives need to be sought.

In these circumstances, the adopters who the information is being shared with are not the child's foster carers.

If the feasibility of the link is not established at this early stage, time is lost in finding a suitable family for the child, and adopters may be kept on hold where they could have offered a family to another child.

4. Guiding principles and legislation on information sharing

1. Coram make reference to the 3.134 of the 2010 Guidance which has now been replaced by the 2015 guidance :

3.179 An effective placement plan will ensure that the carer receives essential information about the child, including his/her health, educational and emotional and behavioural needs, how these may affect the child day to day and appropriate strategies for responding to them. In particular, it is important to identify any behaviours which have been of concern to a child's previous carer and which have contributed to the breakdown of a previous placement.

3.183 The 2010 Regulations set out the information which must be provided in the placement plan [regulation 9 and Schedule 2]. The carer will need to know about the child's family, his/her race, religion and culture, the language spoken at home and any disabilities or other special needs. The carer will generally need to know the circumstances leading to the child becoming looked after, and the child's previous experiences both before and during the care episode. In particular, the carer needs to know what the long term plan is for the child and its timeframe, what the objectives are for the specific placement being offered and how these fit within the care plan. The carer should be given a copy of the care plan when it is completed and be clear about his/her role in implementing it. Within the context of the care plan the carer needs a realistic estimate of how long the placement is expected to last.

3.188 The responsible authority is required to set out a range of specific information in the placement plan [regulation 9 and Schedule 2 paragraphs (1) to (8)]. This concerns the child's health and education, contact arrangements, visits by the responsible authority and any arrangements for visits by an independent visitor. The child's carer needs to know what their role will be in safeguarding and promoting the child's welfare across each of the seven dimensions of the child's developmental needs (see Figure 1 and Annex 3). They need to know the content of the child's health plan and PEP and understand their role in implementing these. It is important to ensure they have adequate information about allergies, current medication and the treatment of any health conditions. It is also easy for details such as dates of appointments with specialists to get lost when a child changes placements. Information about additional educational support provided through statements of special educational needs and the PEP should also be included. The child's carers need to be fully informed about any existing arrangements for specialist services such as psychotherapeutic support or extra tuition, and be clear both about their responsibilities in ensuring that these are maintained and their role in helping the child to follow any agreed programmes.

3.189 The child's carers should be aware of the child's religion and culture and the manner in which these are reflected in their daily life, including any help the child will need to maintain these links [Schedule 2 paragraph 3(2)]....

3.190 Arrangements for contact between children, birth parents, siblings who are looked after and other relatives and friends must be clarified and discussed with carers

Coram Practice note 59 states that "Caution, therefore, should be exercised where the decision is made to withhold information from Fostering for Adoption carers. Information should only be withheld where it is personal to the parents, and can have no impact on the future health or development of the child.

The DPA 2018 and the GDPR 2018 protect individuals with regard to the processing of their personal data. This legislation needs to be complied with when processing data relating to not only the children for whom we are seeking adoption but also their parents and other family members.

See detailed guidance attached.

5. Potential issues

1. Personal information about the parents (their health, criminal record, etc) is confidential, however, Schedule 2 of the Data Protection Act 2018 provides an exemption from the requirement for confidentiality if disclosure is: *necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings), is necessary for the purpose of obtaining legal advice, or, is otherwise necessary for the purposes of establishing, exercising or defending legal rights.* Therefore parental consent is not a requirement for information sharing, but to be considered in the circumstances. Without consent the question would be whether the DPA exemption applies.
2. Coram's practice note reiterates the need to carers to abide by confidentiality and for there to be a confidentiality clause in their fostering agreement.
3. This form of agreement will be needed in early linking situations too.

6. What to share

In order for Fostering for Adoption placements and early linking to work as intended and the benefits of early permanence to prevail there will need to be necessary disclosure to placements, there is an importance of this being as full and frank as possible whilst only keeping disclosure to what is deemed as necessary. This includes the child's first name. The 2015 guidance includes the following topics to be disclosed to foster carers about the child:

- a. health needs, including allergies and medication
- b. educational needs including PEP
- c. emotional needs
- d. behavioural needs including any behaviours which have been of concern to a child's previous carer and which have contributed to the breakdown of a previous placement
- e. developmental needs
- f. family, his/her race, religion and culture, language
- g. any disabilities or other special needs
- h. general circumstances leading to the child becoming looked after,

- i. the long term plan for the child and timeframe
- j. Contact

Each case will need to be considered individually and the reason for sharing the information needs to be clearly articulated in the record of information shared verbally and in written form.

The information shared may include the Placement Plan, Child Permanence Report, Initial Health Assessment, Adoption Medical report, Carer's report, summary of pre-birth assessment, summary of child and family assessment. Some elements of these may need to be redacted. It is likely to be necessary for potential adopters to see relevant reports to court relating to the child's needs and care -and the court will need to be asked for permission to share these.

7. General advice

In applying the advice on information sharing in Fostering for Adoption to early linking, the test is whether the information being shared is relevant and necessary for the local authority and the adopters to make a decision on whether the link should be pursued.

We would expect that information is shared incrementally at the stages of exploring a link, making a match, and placing a child. Therefore, we will usually start by verbally sharing non-identifying anonymised information, progressing eventually to written information which is not anonymised. We recognise that potential adopters do need to have written information pre match in order to have the opportunity to fully absorb the information and ask questions.

In early linking, the child's CPR and more detailed medical information and other specialist assessments will be available. It will be possible to seek the court's permission to share assessments commissioned specifically for the court proceedings.

In the first instance, family members and foster carers referred to in the CPR should be asked for their agreement to share the information about them which is necessary and relevant for the child's potential carers. Without their agreement, care needs to be taken to ensure any information shared about them is necessary and the reason for sharing it can be explained. This will require the CPR and other documents to be redacted before being shared. For example, while it will be important to know why parents could not meet the child's needs- it will not be necessary to share every detail of every action. This may mean replacing some detailed sections with a summary. The same principle will apply to parents' medical information and viability assessments of other family members. Care will also need to be taken to ensure that chronology information is edited/redacted to reflect this.

Particular care will need to be taken in relation to information about siblings. The basic information required will be ages, care arrangements, contact plans, health and development (including genetic conditions and medical diagnoses), general geographical location. This information will be relevant to life story work and the adopters will need to have sufficient information to meet the child's needs including any feelings of loss relating to separation from siblings. Consideration will also need to be given to the siblings circumstances and the information they have or will be given about the child.

It is important to keep a record of what is shared, and when- with signatures of the person sharing, and the person receiving, the information. This will be accompanied by a confidentiality agreement, and agreement about the adopters returning the information if a link/match does not proceed.

8. Accessing advice in individual circumstances

Where there is particular uncertainty about whether to share, the child's SW can consult with a member of the legal department.

In any case, it will be good practice for the SW for the child and the SW for the adopter (if in house) to look at the information together to agree what needs to be shared. In the case of redacting, a second person looking can often spot something missed by the first person.