Q&A on charging for intercountry adoption services

Fees and charging

Q1. Why are you charging for a service that is a statutory duty and an obligation under international conventions?

- There is no statutory duty or an obligation under international conventions to provide intercountry adoption services at no cost. The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption specifically allows reasonable charges to be levied.

Q2. Why are you introducing fees?

- The processing of intercountry adoption applications is not a direct children’s service.
- Because the prospective adopters are receiving a direct and personal benefit from the service, it is reasonable to charge for this service, which is otherwise paid for by the taxpayer.

Q3. How much is the fee?

- £1775 per application, which will be means tested. The fee is VAT exempt.

Q4. Will the Department be making a profit on the fees charged?

- No profit will be made. Section 91A(5) of the Adoption and Children Act (inserted by section 13 of the Children and Adoption Act 2006) states that the income from fees cannot exceed the total cost for providing the service.

Q5. What will the fee cover?

- The fee will cover the processing carried out by the casework team, including:
  - Case management – checking applications, correcting errors, dispatching to Notaries, FCO, and Embassy overseas.
  - Postage and certain courier expenses.
  - Forwarding matching information and providing advice to Entry Clearance Officers.
  - Provision of case-specific information about intercountry adoption processes.
  - Case-specific communications between Central Authorities.

Q6. Are notary and legalisation costs included in that?

- No, these costs are already separate to the cost of the processing by the casework team and will continue to fall to the prospective adopters.

Q7. Have you consulted on this?
• Yes. There was a limited consultation with key stakeholders for 6 weeks which included 2 stakeholder workshops. The consultation ended on 15 January 2010. All responses were carefully considered.

• The issue was debated extensively in Parliament during the passage of the Bill leading to the Children and Adoption Act 2006, which received Royal Assent on 21 June 2006.

Q8. Why is the fee the same for both Hague and non-Hague adoptions? There are not as many stages involved in a non-Hague adoption so the fee should be reduced.

• The fee is calculated on an ‘average’ process time. Whether a country is Hague or non-Hague does not transfer into time taken to process. The fee is an average overall accepting that some cases will take less time and some will take more.

Q9. How will the income benefit the Government?

• At a time of significant financial pressure, the income generated will help continue the work of the casework team and reduce pressures elsewhere.

Q10. We already pay the adoption agencies, so why do we have to pay again?

• The intercountry adoption service provided by the case work team is for separate and additional activities. This is a cost to the taxpayer and it is reasonable to pass this cost on to PAs.

Q11. Is the cost based on a full cost recovery of the case work team, are full paying individuals going to subsidise others?

• Full cost recovery relates only to the maximum that can be charged to any individual. It is not full cost recovery across the whole service, so those who receive a degree of waiver on the fee will be subsidised by the Department, not by other prospective adopters.

Q12. The service being received requires simple processing/rubber stamping that does not warrant a charge.

• This is not just a simple processing service. The State of origin relies on DfE providing a certificate of eligibility confirming that the adopters have gone through a proper process to assure their suitability to adopt a child. The Secretary of State endorses the process, certifying that the applicant has been assessed by a UK adoption agency as suitable to adopt, and that all due processes are completed when the matching information is received.

Q13. How many weeks will the process take?

• Applications will normally be sent to country within 12-14 weeks, excluding any excess time with external parties such as the notary, embassies and or
Q14. Will Intercountry adopters be able to demand a faster/better service now that they are paying for their applications to be processed? How much will it cost to administer the fee?

- The service level of the casework team has been improved significantly, although DfE will continue to seek further efficiencies.
- The casework team processes applications as quickly as possible, and normally expects to send applications to the State of origin well within 12 -14 weeks.
- DfE does not expect the administration of the fee to add significantly to the costs of the team, and it has not been included in the processing times. For this reason, the means test has been kept simple.

Q15. Who can I call to check the progress of my application? Now that I am paying, I will want to know where my application has got to.

- As now, the DfE will keep you and your UK adoption agency informed of progress with your application in writing, at each of the main stages of processing.
- The casework team will contact you (or your agency where appropriate) if there are problems at any stage with our application.
- Prospective adopters and their adoption agency can continue to contact the casework team as at present, for example if there is a change in circumstances.

Q16. What will the complaints process be if we are not happy with the service?

- The Department’s complaints process is set out on its website. Complaints should be sent to the casework team leader in the first instance:

  ICA Team Leader
  ICA Casework Team
  Area D Ground Floor
  Mowden Hall
  Staindrop Road
  Darlington
  Co Durham
  DL3 9BG

Q17. What if my money goes astray?

- Payment will be by debit or credit card only: details of the process will be set out on the DfE’s intercountry adoption website shortly. The DfE will not accept cash or cheques to minimise the risk of payments going astray.

Q18. I applied for intercountry adoption before charging applied. Will you slow
down my application to prioritise those who are paying?

- No. All applications will normally be processed within the same timeframe, ie send to country normally within 12 weeks (less any excess time with 3rd parties). Matching stages are always prioritised and that will continue.

- The casework team is appropriately staffed for the number of applications anticipated and already received.

Q19. How many applications do you expect to receive and how much money will charging raise?

- The number of applications has been falling for a number of years. We anticipate 150-180 new applications annually.

- The amount of money raised will depend on the number of applications, and on how many are eligible for the full or partial means test.

Means Test

Q20. What is the means test?

- The means test is being introduced so families on low incomes are not dissuaded from applying.

- The means test has three thresholds, based on the combined income of the prospective adopters named in the application:
  - Up to £25k – No fee;
  - £25k – up to £45k – 50% of fee
  - £45k and above – 100% of fee

- Prospective Adopters who believe that they are eligible for a reduction of or exemption from fees should ask the casework team for the means test to be applied.

Q21. If I want to apply for a means test what evidence of income will be required?

- A P60 for each prospective adopter named on the application. Exceptionally, if you do not have a P60, the casework team may be able to accept an alternative income declaration from your adoption agency

Q22. What if my circumstances change and I become eligible for a reduction in fees while my application is being processed?

- As payment is made in advance the fees will be calculated based on your income on the date that the application is accepted.
Q23. Are the thresholds fair?

- A post code analysis of prospective adopters shows their income to be generally above average for their area. DfE expects around one third of prospective adopters to be eligible for a full or partial means tested contribution.

Q24. Won’t processing the means test delay applications?

- DfE is working up a process for applying the means test just ahead of your application being made. Details will appear on the website shortly.

Q25. Why are the Devolved Administrations being treated differently?

- We only process applications from Devolved Administrations in relation to non-Hague cases. Applications from Scotland, Northern Ireland and the Isle of Man do not have to be processed in the same way as applications from England and Wales. England and Wales are covered by the Foreign Element Regulations and caseworkers check that the applications comply. For the other Devolved Administrations the relevant Central Authority checks that the applications comply with their own legislation.

- The Secretary of State is planning to charge for Welsh non-convention cases subject to working out the practicalities.

Q26. British Overseas Territories are exempt from the charge, why?

- Section 83 of the Adoption and Children Act 2002 does not apply to those habitually resident in the British Overseas Territories (unless they are also habitually resident in the UK). They do not fall within the definition of “the British Islands” and so there is no power to charge.

Q27. Are applicants from England subsidising applicants from the Devolved Administrations?

- No. We only receive a few cases a year from the Devolved Administrations or British Overseas Territories and their applications require far less processing.

General

Q28. Isn’t charging yet another barrier being placed in the way of potential adopters who are trying to provide a better life for children in care?

- The Secretary of State remains committed to the welfare of children globally, and the introduction of this charge does not detract from that. This charge will be relatively small in comparison to the amount paid by prospective adopters to their agency and the State of origin. There is also a means test and an exemption for close relatives.
Q29. The additional financial burden may run the risk of prospective adopters seeking to circumvent procedures, thereby putting some children at risk?

- The vast majority of intercountry adopters are determined to adopt through proper channels and in an ethical manner.

- Anyone who does not comply with the law on intercountry adoption commit an offence, which is punishable by up to 12 months imprisonment and an unlimited fine.

- Prospective adopters already pay the adoption agencies and states of origin. The fee is means tested so those on low incomes are not dissuaded from applying.

Q30. It is a grave disservice to some children if the opportunity for family life with members of their extended family were denied them for financial reasons.

- Close relatives, ie grandparents, aunts and uncles, will be exempt. We are also introducing a means test which will have due regard for the financial circumstances of potential adopters when imposing a fee.

Q31. Why are the Government imposing these costs on international adopters and not domestic?

- The function undertaken by the Central Authority is not carried out for domestic adopters

- Government is asking prospective adopters, who are already paying fees to other providers to pay towards the public cost of the administration of their case, as the service being offered is a direct benefit to them. The process needs to be as efficient and as effective as possible without being a burden to the taxpayer.

- Other countries who do comparable work already charge their PAs for the service that has until now been given free of charge in the UK.

Q32. Why are children who are not indigenous to the UK being singled out in this way?

- This is by no means a way of signalling that those children not resident in England are less important.

- Once the child is resident in the UK he or she will access the whole range of children’s services, all funded by the taxpayer, including adoption support, nursery provision etc. It is therefore reasonable to charge intercountry adopters a means tested fee.

- Means testing will take into account those who can’t afford to pay.
Q33. This doesn’t sit with the Government’s commitment to address poverty issues worldwide?

- Government remains committed to global poverty issues. This is not a service that has a direct impact on the child but a personal service for the PA.

Q34. The costs will mean that prospective adopters can only adopt once?

- The means tested fee is reasonable and therefore should not dissuade people from applying again.

Q35. Aren’t intercountry adopters effectively subsidising domestic adopters, who don’t have to pay any fees at all? Isn’t this just the latest example of intercountry adopters getting a second rate service?

- Local Authorities need to find families for looked after children and they encourage people to come forward to be assessed to adopt. This includes not charging fees for their assessment and approval procedures.

- Intercountry adopters do not subsidise domestic adopters. Adoption agencies are only able to charge reasonable expenses to cover costs incurred in the assessment and approval process and are not for profit.

- The Central Authority functions for which the new charge is being introduced is not carried out for domestic adopters.

Q36. Won’t charging fees just mean more bureaucrats and more inefficiency?

- No. The current service will be maintained, but prospective intercountry adopters will be required to make a contribution to the cost of running the casework team.

- DfE continues to seek ways of improving the efficiency of the casework team service. No extra staff are being employed to manage the fee process.

Q37. Aren’t you just trying to discourage potential intercountry adopters from applying at all?

- No. There have been a number of improvements to the intercountry adoption system in this country:
  - Local authorities have a duty to provide an intercountry adoption service.
  - The same standards apply to domestic and intercountry adoption assessment and approval processes, and the same adoption support systems are available to both domestic and intercountry adopters.

- Children are entitled to grow up as part of a loving family which can meet their
needs during childhood and beyond.

- Although there are children in the UK who are looking for adoptive parents, there are also children in other countries for whom intercountry adoption may be their only opportunity to belong to a permanent family.

- The Government has a duty to ensure that the welfare of children is properly safeguarded where intercountry adoption takes place.

- The number of intercountry adoptions globally and in England has been falling for a number of years.

Q38. What happens if an incomplete application is submitted before the charging commences?

- If the case is incomplete and not processable it will be returned. If it is resubmitted after the charge commences then it will charged. Submitting incomplete applications (for example before the adoption panel recommendation has been made) ahead of the date charging is implemented will not avoid the fee.

Q39. Can I get a refund if I change my mind?

- Yes. The amount to be refunded will depend on how much activity there has been on your case. If you drop out before the case has been sent for notarisation, we will refund 75% of the fee you paid; and 50% if you withdraw after your case has been sent to country, but before it is matched in the country of origin. There will be no refund if you withdraw after a match has been made but you decline the match.

Q40. Can I get a refund if DfE suspends adoptions from the country to which I have applied?

- You will be able either to change country at no extra cost, or obtain a full refund of the amount you paid if you decide to withdraw.