An Action Plan for Adoption: tackling delay

A complete LGiU policy briefing is included in this document.

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Summary

The DfE has published An Action Plan for Adoption, setting out proposals for tackling delay in the adoption system and accelerating the process so that more children benefit from adoption, and do so more rapidly.

Overview

The DfE has published An Action Plan for Adoption, setting out proposals for tackling delay in the adoption system. It is intended to accelerate the adoption process so that more children benefit from adoption, and do so more rapidly. Its aim is not only to speed up the process for children, but also to improve the service for prospective adopters, and to strengthen accountability for the timeliness of adoption services. This is the latest (but not the last) in a series of recent initiatives on adoption.

Alongside the Action Plan is a report (Redesigning adoption) from the Expert Working Group established by the Government (with membership from local government and the voluntary sector) to review the operation of adoption in England. The Working Group report helpfully provides a simplified summary of both the well-publicised criticisms of the system and the counter-views to that critique, emphasising that these paraphrase some highly complex and contentious arguments. It provides a lot of information, and summarises the Group’s collective view in a way which forms a useful platform for consideration of the Action Plan, which draws on its work and proposals:

‘[It] is proud and supportive of the role and performance of adoption at its best, but we recognise that the criticisms are genuine, evidence based and must be tackled. So the focus of the group has been on how to address the concerns in a meaningful way without losing the undeniable strengths of the existing system – how to achieve change without detriment.’

The Action Plan has a number of illustrative case studies, and an Annex of actions and milestones; it will be followed in the summer by a further publication on improving services for all
children in care (‘the summer publication’), which will cover each of the permanent care options, including further consideration of some of the issues identified over adoption.

Briefing in full

The Action Plan initially outlines the reasons why such a plan is needed, including some statistics:

• There are currently over 65,000 children in England whom local authorities (LAs) are looking after
• Over 60% of looked after children have been taken into care as a result of neglect or abuse
• A study in 2004 by the Office for National Statistics found that 42% of looked after children between the ages of five and 10 had a mental disorder of some kind – five times as many as for other children
• Around a quarter of looked after children are under the age of five, and over half are aged between five and 16
• Many looked after children – around 10,000 last year – are looked after by local authorities for short periods and then return home to live with their families
• Three quarters of looked after children are in foster placements
• 6,000 looked after children are in children’s homes
• 3,050 children found new homes through adoption last year – the lowest number since 2001; over the same period a smaller but growing number of children have found a permanent home through a special guardianship order
• With the number of looked after children under the age of five currently standing at 15,680 and growing quickly, the Government strongly believes that adoption is the best permanent option for more children than currently benefit from it.

For children who go on to be adopted, the average time between entering care and moving in with their adoptive family is one year and nine months. The time varies widely for different groups of children, partly because it is harder to find parents for children with complex needs, but also between different LA areas (last year, five LAs placed every child within 12 months of the decision that adoption was the best plan for them, whilst four placed fewer than half in that time). The report acknowledges that the individual circumstances of these children is complex, but some of the variation is due to unnecessary delay in local adoption and family justice systems. The recent Family Justice Review (FJR) confirmed that obtaining a full care order from courts takes an average of 55 weeks; this Action Plan complements the reforms introduced following the FJR, which include legislating for a time limit of six months within which all but exceptional cases must be completed.

Statutory guidance makes clear that, once the LA decides that adoption is the best option, the search for an adoptive family can and must begin straightaway, but the Plan cites a recent investigation by Professor Elaine Farmer suggesting that family finding in most LAs tends only to begin after the court has considered and made a placement order; the same investigation showed that LAs often ‘strove to find a notional ‘ideal’ family for children’, rather than identifying the best available family as quickly as possible, and were sometimes unwilling to widen the search for suitable families outside of their local area. It is acknowledged that there are not sufficient
prospective adopters willing or able to adopt children with complex needs, that more prospective adopters need to be recruited, and that they need to be encouraged and helped to adopt children with complex needs (including disabled children, sibling groups, children with severe emotional and behavioural difficulties and older children).

The following three chapters focus on finding children loving homes without delay; valuing prospective adopters; and system improvement.

Chapter 1: Finding children loving homes without delay

This chapter outlines a range of issues (often citing relevant research) associated with placing children with families, including professional development, support and management of social workers and wider implementation of existing good practice. Key points include:

- The importance of early attachments or secure relationships with one or two main carers to the future physical, emotional and intellectual development of children, and the potential benefits of adoption before 12 months of age
- The importance of early intervention by social workers where they identify abuse or neglect, and the tendency to overestimate the capacity of families to improve, and to prioritise keeping families together even where it may compromise children’s development
- Once children are in care, delay in moving them into stable, long-term placements continues to be harmful to them, whatever their age
- As children grow older in care, waiting to be matched to an adoptive family, it gets less likely that they will be adopted at all. A child’s age is one of the strongest predictors of whether or not they will be adopted; the chances of adoption reduce by almost 20% for every year of delay
- It is suggested that speeding up adoption will lead to an increase in adoption breakdown, but little data and evidence exists; the DfE has commissioned the University of Bristol to do further research into the rate and reasons for breakdown
- There has been significant progress on social work reform in recent years, and the Government will consider what more needs to be done to equip the children in care workforce to deliver its vision; it is asking universities to increase as a matter of urgency the content in the generic degree for social workers on child development, attachment theory and other relevant research from neuroscience, and adoption (the FJR identified a similar issue in respect of family judges)
- The Government is to implement (from the summer) the FJR recommendation to remove the role of adoption panels in cases where a family court agrees to make a placement order; where the court is not involved, the function of the adoption panel will remain in place. The Working Group is being asked to review further the role of adoption panels in the approval of prospective adopters and of adoption matches in time for the summer publication
- Work with the Children’s Improvement Board will gather and disseminate best practice in establishing case management systems that help ensure swifter, high-quality decision making
The Government will bring forward primary legislation at the next available opportunity to address delays in adoption arising from attempts to match children and approved adopters on the basis of ethnicity, marital status or age (though it is recognised that these may well be appropriate factors) when there are otherwise suitable adopters available and able to provide a loving and caring home; the overriding principle in finding a match will remain what is in the child’s best interests throughout their lives.

The Government will consult on regulatory changes to require LAs to refer to the national Adoption Register all children for whom they don’t identify a potential family within three months of the decision that adoption is the best plan for them; to require information about children to be kept up to date; and to require adoption agencies to refer to the Adoption Register all prospective adopters who are not being matched to a child within three months of being approved (provided the adopters agree).

The effectiveness of LAs’ commissioning arrangements for adoption will be reviewed, with consideration of whether further action should be taken to increase the role of voluntary adoption agencies.

The Government will consult on changes to legislation to make it easier for LAs to approve prospective adopters as foster carers for children who may be adopted (so-called ‘concurrent planning’); this is already established in some areas, but is not widespread, and Directors of Children’s Services are being asked to convene local discussions of this kind of practice, including any barriers, and share the outcome.

Chapter 2: Valuing prospective adopters

This chapter outlines the scale of the shortage of prospective adopters and the issues and difficulties experienced by some:

- There are currently around 2,000 children on the Adoption Register (which accounts for about 12% of matches each year) but only 325 approved adopters; there are about 80 sibling groups of three on the Register, but only three adopters willing to consider adopting up to three children.
- While many prospective adopters are satisfied with their experience of the system, many (around a third in one recent self-selecting survey) are not; some receive a slow (or no) response to initial enquiries, some do not feel valued, and many find that the assessment takes far longer than the eight months set out in statutory guidance.

It then sets out a vision for a new approach to prospective adopters – drawn from the report of the Working Group, with the Government’s response. Key points include:

- A new, two-stage training and assessment process. For the majority of prospective adopters the first stage (pre-qualification) will be completed within two months and the second (full assessment) within four. There will be a fast-track process for people who have adopted before, or who are already approved foster-carers who wish to adopt a child in their care. The Government accepts these proposals and will consult on the necessary changes to regulations, statutory guidance and National Minimum Standards with a view to implementation as early as possible next year.
• A new national gateway, complementing adoption agencies through a central point of contact, with a telephone helpline and website, providing advice and information on adoption and how to become an adopter. This is accepted in principle, and a final proposal will be developed in time for the summer publication after consideration of whether its remit should be extended.

• An ‘adoption passport’ providing a transparent guarantee of the minimum support that adoptive families will receive; the Working Group proposes a number of possible extensions to existing adoption support (eg. priority access to Child and Adolescent Mental Health Services; entitlement to a parenting skills programme; and reforms to the tax and benefits system). The Government agrees in principle with the need to clarify and improve the consistency of adoption support, and has asked the Working Group to give further thought to how the ‘adoption passport’ could be implemented for consideration in advance of the summer publication.

• A number of proposals aimed at improving marketing and public awareness of adoption, and increasing the recruitment of prospective adopters, will be worked up further and considered by Martin Narey (Ministerial Adviser on Adoption), who will report in time for the summer publication.

Chapter 3: System improvement

This chapter sets out proposals for ‘sharpening’ the accountability of the various parts of the adoption system – especially local authorities. It suggests that ‘The task at hand is at least as much about consistent implementation as it is about new policy thinking’, and argues that accountability mechanisms have previously had too little impact on quality and timeliness in the adoption system, quoting John Goldup (Ofsted’s Deputy Chief Inspector) acknowledging that Ofsted’s judgements under the outgoing inspection framework tended to be too generous to adoption agencies.

Key points include:

• A new inspection framework for adoption services, with greater emphasis on timeliness, both for children and prospective adopters.

• Publication of more data about the duration of court proceedings, and forthcoming legislation to require care proceedings to be completed within six months in all but exceptional cases.

• Publication of more information about the adoption and children in care systems in new performance tables in December 2011.

• Publication of new ‘adoption scorecards’ for each LA, which will be updated annually as new data becomes available. The scorecards will highlight three key indicators (based on three year averages) for how swiftly LAs place children in need of adoption, and how swiftly they and adoption agencies deal with prospective adopters: the average time from entering care to moving in with an adoptive family; the proportion of children who wait longer for adoption than they should; and the average time it takes to match a child to an adoptive family once the court has formally decided that adoption is the best option.

• Performance thresholds for the first and third indicator, raised incrementally over the next four years to bring them into line with timescales in statutory guidance – eg. the...
The recent high profile of adoption – involving the Prime Minister as well as the Secretary of State (who was himself adopted as a baby), a campaign by a major national newspaper, and reasoned responses from local government organisations – has generated a momentum which, hopefully, will ensure that current attempts to improve the system will prove more effective and durable than equally well-meaning previous attempts. And Ofsted has produced Right on time: Exploring delays in adoption (2 April 2012) which finds that the common reason for delay in adoptions was the length of time taken for care proceedings to be concluded before an adoption plan could be confirmed.

Whilst there is a great deal of common ground shared by all concerned, there are some issues provoking genuine concern – and Ministers need to heed sincere warnings about the hazards of unintended consequences. The greatest dangers are that a too-narrow focus on speed of placement skews the essential balance with quality of placement, and, more generally, that a necessarily complex situation is approached with inappropriate simplicity. Whilst the Government has acknowledged these dangers, it appears that it has not yet struck a balance that meets the concerns of committed and experienced professionals.

The shortage of prospective adopters is a long-standing, major obstacle to improving adoption outcomes, and securing the spread of existing best practice throughout the system has the potential to bring major improvements – but is notoriously difficult to achieve. The Action Plan includes welcome proposals on both, with a range of consultations to follow and further developments promised in the broader publication on the care system in the summer. Significant progress is clearly being made in the right direction but, as usual, the final verdict will depend on the detail of final proposals.

External links
An Action Plan for Adoption: tackling delay

Related briefing
Children and the care system, performance tables and adoption

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