



Comisiynydd Plant Cymru Children's Commissioner for Wales

Ymateb i Ymgynghoriad / Consultation Response

Date / Dyddiad: 17 November 2015

Subject / Pwnc: Follow-up Inquiry into Adoption Services in Wales

Background information about the Children's Commissioner for Wales

The Children's Commissioner for Wales is an independent children's rights institution established in 2001. The Commissioner's principal aim, under the Care Standards Act 2000, is to safeguard and promote the rights and welfare of children. In exercising their functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC), as stipulated in regulation 22 of the Children's Commissioner for Wales Regulations 2001. The Commissioner's remit covers all areas of the devolved powers of the National Assembly for Wales insofar as they affect children's rights and welfare.

The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. It is the most widely ratified international human rights instrument and gives children and young people a wide range of civil, political, economic, social and cultural rights which State Parties to the Convention are expected to implement. In 2004, the Welsh Assembly Government adopted the UNCRC as the basis of all policy making for children and young people and in 2011, Welsh Government passed the Rights of Children and Young Persons (Wales) Measure, which places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.

This response is not confidential.

Overview Question

What are your views in the Welsh Government's progress in respect of the 16 recommendations and the 25 'detailed actions' set out on pages 5-11 of the [Committee's report](#).

Overall the establishment of the National Adoption Service (NAS) and the regional adoption collaboratives has been a positive step; the initial set up of arrangements and services has taken place swiftly, to ensure effective services are being implemented across Wales. There has been positive progress in relation to a large number of the recommendations, particularly in relation to the earlier stages of the adoptive process, such as the recruitment and assessment of adopters. In my view focus and investment is also needed to ensure that post adoption support and services have a similar improvement in outputs and outcomes. This should improve the overall adoption journey and experience for children and their families, as set out in my responses to the five questions below.

Question 1

What are your views on the recruitment, assessment and preparation of adopter parents?

Recruitment, assessment and preparation now sits with the Regional Collaboratives, all of which are now operational. It is positive to note from the NAS annual report that initial enquiries have increased by 27% since 2011-12 and that several of the regional collaboratives and voluntary agencies are responding to these enquiries within the targeted five working days¹. It will be important for this target to be met by all of the relevant agencies in future, to ensure that prospective adopters do not lose interest or faith in the system at this early stage. The decision to adopt is a complex decision for the family and once a decision has been made to make an initial enquiry, the process needs to be supportive of these people whether or not then they decide to proceed with their application. Prospective adopters will feel "*discouraged*" by a poor response to their enquiries, as noted by Selwyn & Meaking in their interviews with adopters in Wales.²

The "Too old at 4?" national campaign³ coinciding with National Adoption Week 2015, to increase awareness of the need for adoptive parents for older children, achieved national news and social media coverage which is a significant positive step. I would hope that more national campaigns and awareness raising will be considered in future to reach as wide an audience as possible.

I note that the average waiting time to be approved as an adopter in Wales is 9.4 months, which is above the Welsh Government target of 8 months. In some areas it takes as long as 13+ months so this should be looked at in more detail, to consider why the process is taking longer in these areas.

The Fostering Network has a Sons and Daughters campaign including resources and events, to recognise the impact of and their contribution to the success of foster placements with their

¹ <http://www.adoptcymru.com/en/news-and-events/annualreport>

² <http://gov.wales/docs/dhss/publications/150603adoptionreporten.pdf> page 13-14

³ <http://www.adoptcymru.com/en/news-and-events/national-adoption-week>

family⁴. Adopters report that little preparatory work is offered for their birth children or existing adopted children⁵ which places an additional pressure on them during what can be a difficult time. This might be an area where support could be offered, which would improve the experiences and perceptions of support of the family as a whole.

How could this be improved?

Timely response to the enquiries of all prospective adoptive parents and the provision of support and information during the process.

The NAS annual report states their aim to develop a system to address the length of time approvals are taking; the Committee may wish to adopt this as a recommendation.

Question 2

What is your experience of and view of the matching process and support for the transition?

Adopters report that they are happier about the support received before the adoption order is made than post adoption order.⁶ Many adopters report feeling “*abandoned*” or “*unsupported*” once the child has moved into their home, in part due to turnover of staff.⁷

The transition experience for children and infants is very varied and should be based on the needs of the individual child rather than rigid rules or customs of practice.⁸

How could this be improved?

Routine evaluation to be done with all service users to identify the positives and negatives of their experiences, to enable any changes in service delivery to be shaped by their expert views.

⁴ <https://www.fostering.net/policy-and-campaigns/campaigns/sons-daughters#.VkXRjWdOdol>

⁵ <http://gov.wales/docs/dhss/publications/150603adoptionreporten.pdf> page 15

⁶ <http://www.adoptcymru.com/en/news-and-events/annualreport>

⁷ <http://gov.wales/docs/dhss/publications/150603adoptionreporten.pdf> page 35

⁸ ‘The children were fine’: acknowledging complex feelings in the move from foster care into adoption; Sophie Boswell and Lynne Cudmore. *Adoption & Fostering*, March 2014; vol. 38, 1: pp. 5-21.

Question 3

Do you think there is sufficient information and support for children and young people including access to quality life-story work?

Life-story work is one of the main concerns for me. The NAS annual report stated that under 25% of children had life journey materials before their second adoption review⁹. This figure of course does not reflect the quality of those materials, merely the quantity. High quality life story work is essential for children, adopters and the birth family to contribute to the child's understanding of their family history and background and to make sense of the decisions that have been made on their behalf. The President of the Family Division, Sir James Munby, in a lecture in 2015¹⁰, noted that children are not routinely participating in court proceedings of which they are the subject and often the information available to them to understand the decisions and final judgments is not easily accessible so it is crucial that children are aided to understand the process and decisions in an age appropriate and supported manner.

How could this be improved?

It is encouraging to note that this is recognised by NAS to be a major concern which requires positive action, and that they recognise that life journey materials are very important to a child's long term well-being. Additional work and/or resources may need to be targeted in this area, and services procured if this cannot be delivered, as this is such a key area for each child and their family.

Question 4

What post-adoption support for children, young people and families (including from social services, education, health and mental health services) is available and what more could be done in this area?

It should not be forgotten that adopted children are likely to have experienced abuse and/or neglect and will have been 'looked after' prior to their adoption. After Adoption describe adopted children as being "*among society's most vulnerable members*"¹¹. There are some positive initiatives in place which recognise this link, such as priority school places for adopted children as is the case for looked after children. However there appears to be less recognition of the lasting impact that these early childhood experiences can have in relation to the child's longer term welfare. Selwyn & Meaking (2015) note that "*With a legacy of abuse and neglect, and a propensity for other risk factors known to compromise development, a substantial number of adopted young people do present with complex needs that endure through childhood, adolescence and beyond.*"¹²

Adopters report problems in accessing therapy and CAMHS services for their children¹³, as there is no priority access for an adopted child as there would be for a looked after child. During the

⁹ <http://www.adoptcymru.com/en/news-and-events/annualreport>

¹⁰ <http://www.swansea.ac.uk/media/Sir%20James%20Munby%20Annual%20lecture%202015.pdf>

¹¹ http://www.afteradoption.org.uk/sites/default/files/attachments/position_statement_on_adoption_support.pdf

¹² <http://gov.wales/docs/dhss/publications/150603adoptionreporten.pdf>

¹³ <http://www.adoptcymru.com/en/news-and-events/annualreport>

Selwyn & Meaking study, one adopter said *“you have to become an advocate, more than a parent and fight for everything. You have to fight for post adoption support, fight for CAMHS”*.¹⁴

Adopters also report difficulty in accessing support and funding in education, including statements of additional learning needs. Children themselves also report that their teachers don't know how to respond to them and doesn't understand what they have been through in the past. My office has also received calls to the Advice and Support Service regarding difficulty in accessing support services post adoption, including cases where the adoption has sadly broken down and the children have returned to local authority care.

Adoption breakdown can be a consequence of escalating physical violence and emotional difficulties, increasingly evident as the child goes through puberty and beyond.¹⁵ It is therefore important that families are able to access support years after the adoption order is made¹⁶. This includes support for the child and support for the adoptive parents to be able to deal with the circumstances themselves and to offer the most appropriate support to the child alongside any professional intervention.

Proposals to prepare annual newsletters for example, to maintain contact with families, are welcome. Regional collaboratives should be able to demonstrate that these types of communications are actually reaching all families and I would suggest that they should also record whether such publications lead to additional contacts or enquiries, to monitor the effectiveness of the communications.

There is currently little information around the factors which may prevent birth parents accessing post adoption services, but in my view it should be recognised that birth parents may find it difficult to engage with services initially due to their own feelings of grief and loss. However these parents should not lose their right to access support services in the longer term on this basis. Many parents, particularly young people, will go on to have more children in the future and are likely to need some assistance to 'break the cycle' and to ensure better welfare outcomes for everyone.

Additionally there are increasing numbers of family court cases involving parents with learning difficulties and young parents who are themselves care leavers or even looked after. Research is ongoing in Wales around the care outcomes and experiences of the children of looked after children¹⁷ but it should be recognised that these groups of parents will themselves have their own vulnerabilities and are likely to require additional support in order to access support services and to contribute to letterbox contact and life story work to ensure that this is done regularly and is meaningful for the child.

Local Authorities use different teams to provide post adoption contact and support; some align this with the adoption team and some with the Child and Family team. Whichever option is preferred, the workers providing such services need to have the relevant expertise and experience to relate to both the child and family members, to ensure a meaningful and

¹⁴ <http://gov.wales/docs/dhss/publications/150603adoptionreporten.pdf> page 92

¹⁵ <http://gov.wales/docs/dhss/publications/150603adoptionreporten.pdf>

¹⁶ <http://www.adoptionuk.org/sites/default/files/articles/CardiffUniversityAdoptionSupportServicesMay2014final.pdf>

¹⁷ <http://sites.cardiff.ac.uk/cascade/research/research-projects/>

supportive intervention. Now that services are provided on a regional basis I would expect regions to match up

How could this be improved?

Adoption UK currently have 350 adoptive family members in Wales. These family members receive regular newsletters, access to a dedicated helpline and invitations to support groups. This needs to be built upon by regional collaboratives to ensure consistent access to services and support for families across Wales.

More work will need to be done to engage with birth parents and families, to find out what would work for them and what they look for in terms of support and access to services.

Adoption UK note that adoption support services should be available to “*everyone affected by adoption*” and that this should be set out in legislation.¹⁸

¹⁸ http://www.afteradoption.org.uk/sites/default/files/attachments/position_statement_on_adoption_support.pdf

Question 5

Are there any other issues you wish to draw to the Committee's attention?

The closure of BAAF Cymru has been an additional factor in the set up and running of adoption related services in Wales. It is positive to note that the services and experienced staff have been retained but this is inevitably going to create additional responsibilities and financial implications for NAS. This would not have been factored in to the last annual report of NAS as the situation developed after their report was published.

Although the law and threshold tests for adoption remains unchanged, the case of Re B-S is reported by practitioners to be having a detrimental impact on the numbers of ADM "should be placed" decisions and of placement orders being sought and successfully obtained in recent years, and the most recent official figures also illustrate this¹⁹. Although the number of adoption orders granted has increased during this time, it is unclear whether this trend will continue in light of falling numbers of placement decisions and orders. Whilst it is an inherently delicate balancing exercise and it is right that the threshold for making an adoption remains high due to the permanent legal changes that an adoption creates and the impact on families and their rights, I am clear that adoption remains a positive option for a minority of looked after children. A recently published report about looked after children and young people's experiences of education notes at paragraph 5.19 that the children and young people they spoke to "*displayed an awareness of the stigmas that come with their status as 'looked after'. This status was understood increasingly as they grew in age, to be seen by others (peers and adults alike) as a problem, troubled, different, and unlikely to achieve much*".²⁰ On this basis there may also need to be greater links between the regional collaboratives, local authority children's services departments and the courts, to ensure that in care planning and taking permanency decisions for children, those involved take all factors into account including the child's experiences throughout their minority and beyond, to ensure the best possible well-being outcomes in each case.

Submitted by:



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17 November 2015

¹⁹

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/456193/ALB_Business_Intelligence_Quarter_4_2014_to_2015.pdf

²⁰ <http://gov.wales/docs/caecd/research/2015/151111-understanding-educational-experiences-opinions-looked-after-children-en.pdf>