

Children and Young People Committee: Inquiry into Adoption Services in Wales

Purpose

This paper provides an update on adoption services in Wales and the Welsh Government's desire to establish a National Adoption Service, and to inform the Committee's Inquiry into adoption. We are exploring the remit and functions of a National Adoption Service, and working collaboratively with local government and the third sector to develop an all Wales model.

Introduction

1. The Welsh Government stands firmly by the principle underpinning the Children Act 1989 that where possible children are best cared for by their families or extended families. However, we recognise that in order to achieve better outcomes for children and young people, for some children, living away from home is the best answer.
2. In February 2011, Sustainable *Social Services Wales: A Framework for Action* was published. This made clear that some services could be more effectively delivered nationally and we wanted to pioneer this approach in exploring with stakeholders the remit and functions of a National Adoption Service. We want local authorities to act sooner to find permanency for those children for whom a return home is not in their interests and to enhance promotion of adoptions and increase the pool of adopters.
3. The Welsh Government recognises that good planning and commissioning of quality placements are essential to achieving better outcomes for our looked after children and young people. There are a range of quality placements that can do this, through identifying the needs of children and young people, whilst still ensuring their lives have the appropriate safeguards. Over three quarters of looked after children are in foster placements, for some this is a temporary arrangement, but for many children, particularly older children with a link to their birth parents, long term foster care, is the best permanent care option; Special Guardianship was introduced in 2005 as a way of giving foster carers, a relative or a family friend parental responsibility for a child without severing ties with their birth parents; teenagers in the system (37 % between the ages of 13 and 18) many of whom have higher needs requiring specialist care. For these young people a residential setting may be most suited as they are able to be cared for by professionals who have the skills and experiences to encourage them to reach their optimum potential.

Current position

4. Adoption is a complex process and requires considerable knowledge and understanding of children's needs and the many varied issues they face. Social workers involved in planning, organising, and preparing a child and their birth family for adoption undertake a considerable task often against a background of difficult and combative care proceedings which impose their own timescales and require complex reports and care plans to be produced.

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5. Historically the geographical split of local authorities provided a handful of very small agencies covering vast rural areas and only placing annually a handful of children and recruiting a small number of prospective adopters, such agencies have seen for themselves the merit of collaborating with each other to provide a more proficient and cost effective adoption service.

Children in Care

6. Children need a stable and loving family and sometimes birth parents are unable to care for their children themselves. As of the 31st March 2011, there were 5,419 Looked after Children in Wales, of these 3,635 children were subject to a Care Order, following local authorities satisfying the family court that it is in the best interest of these children to be taken into care. This category of children in care are unlikely to return to their birth family, therefore, getting the best possible care for them is one of the state's most important responsibilities.
7. Over the last 5 years, children aged 1-4 years made up the greatest proportion of adopted children. The number of children waiting 2-3 years before being adopted has risen by 46% from 65 in 2006 to 95 in 2011. In 2011, whilst there was a reduction in the average time between entry into care and adoption from 954 days (approximately 2 years 7 months) to 905 days (approximately 2 years 5 months), the Government recognises and is still concerned with delays in the adoption system and the potential lasting harm this can have on vulnerable children, robbing them of their best chance of the love and stability of a new family.
8. For Looked after Children adoption can be a positive option, particularly for younger children, but also for some older children. Adoption gives vulnerable children, including many with complex needs and history of ill-treatment, the greatest possible stability, in a permanent home with a permanent family.
9. The Welsh Government is not convinced that the current system always works in the child's best interest. As of 31st March 2011, over 2,000 children have been in care for 3 years or more; during the year to 31st March 2011 there were 252 adoptions, representing 4.7% of the total Looked after Children population – which is a statistic that does not provide an encouraging picture.

Prospective Adopters

10. There has been a reduction in the numbers of approved adopters in the last 18 months. Adoption Agencies and the Adoption Register have identified the urgent need to recruit, assess and approve potential adopters, a process which can take between 6-8 months to complete. The lack of potential adopters obviously has a huge impact on the availability of suitable matches to meet the varied needs of children waiting to be adopted. BAAF estimate that 1 in 4 children available for adoption will not be placed primarily due to the lack of an adoptive parent resource.
11. Many prospective adopters are satisfied with the service they receive, but there are those who are not. While some prospective adopters receive welcoming reassurance and support during their initial enquiries into becoming an adoptive parent, others find that adoption agencies respond slowly to initial inquiries. Evidence suggests that prospective adopters in different parts of the country find that they are rejected or make slow progress in the assessment process because they do not meet the particular, immediate needs of the agency to which they have applied, demonstrating an overall lack of co-ordination of supply and demand. Some prospective adopters feel that the length of time the

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assessment process takes drags on far too long and a lot longer than the 8 months set out in statutory guidance. The evidence submitted to your enquiry and gathered by Welsh Government officials suggests that prospective adopters feel that the assessment process focuses on ticking boxes and the writing of long reports, rather than their capacity to parent a child. If we are to increase the number of prospective adopters, especially those who are able to meet the diverse needs of our looked after children, particularly older children, sibling groups, and children with disabilities, adoption agencies must examine the current system. Evidence also suggests that post adoption services are patchy throughout Wales; this may be due to the geographical location of the agencies or current financial restraints.

12. Some evidence suggests the matching process currently used by agencies is ineffectual, when looking at the barriers to matching, the primary problems identified by a number of sources result from the attitudes of the child's social worker, who keep looking for the 'ideal family'¹; lack of communication between the child's social worker and the prospective adopters' social worker has also resulted in social workers 'blocking' potential matches².

Consultation Responses to the Social Services (Wales) Bill: Section & Title: 6.1 – Adoption

13. The majority of all respondents supported the broad policy proposals for a National Adoption Service. Responses suggested that a National Adoption Service would:
 - highlight and alleviate inconsistencies in adoption services across Wales; and
 - enable a consistent and standardised service, addressing the issues of children and adopters having access to a varying service, which is currently dependent on the resources and skills of particular local authorities.Others suggested this was an opportunity to review adoption provisions in Wales, making sure that existing good practices and achievements are not diluted or overlooked.
14. Children and young people including looked after children, young carers and disabled children were also consulted as part of a commissioned piece of work. Children and young people unanimously supported proposals and looked after children were particularly positive about the concept of developing a National Adoption Service.
15. I do recognise, however, that both the Welsh Local Government Association and the Association of Directors of Social Services have proposed alternative means of delivering greater efficiency for example through use of regional collaborations underpinning the national arrangement and we shall consider carefully the merits of their proposal.

Family Justice

16. The length of time the courts take over decisions to award local authorities with a care order (whether an interim or full care order) was identified through the Family Justice Review as an area of concern. This process is the responsibility of the whole family justice system – which includes local court staff, judges, lawyers, local authorities, health professionals and other expert advisors, including those from the Children and Family Court Advisory and Support Service Cymru (CAFCASS Cymru). But at the moment, as the recent Family Justice Review confirmed, this is a process that takes far too long – an

¹ Farmer, E.; Dance, C.; Beecham, J.; Bonin, E. and Ouwejan, D. (2010) *An investigation of family finding and matching in adoption – briefing paper*.

² BAAF Maximising the use of the Adoption Register Pilot January 2011 to January 2012

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average of 55 weeks.

National Adoption Service

17. The Welsh Government's aim is to transform adoption services, to prevent unnecessary delay and duplication which has such a negative impact on the outcomes for our looked after children. We want to identify aspects of the adoption process that are best performed at a national level, whilst recognising that there are functions that should remain the responsibility of individual local authorities – achieving change without detriment.
18. Under the umbrella of a National Adoption Service, Wales will see the development of a national model that will see adoption agencies in Wales working together to advance adoption services. New powers in the Social Services (Wales) Bill will enable Welsh Ministers to require all local authorities (adoption agencies) to come together to form a single National Adoption Service for the purpose of discharging certain adoption functions. Our current thinking is that the National Adoption Service would be responsible for:
 - Providing National leadership and overview of adoption services (linking to Standards, performance and improvement);
 - A framework for adoption approvals (including panels);
 - Establishing a resource hub, to provide a gateway for potential adopters, providing - information on training programs, information on assessment process and advice line; and
 - Promoting adoption, if in best interest of the child, recruiting prospective adopters and the development of a specialist and highly skilled workforce.
19. The Welsh Government believes that a National Adoption Service will reap greater benefits enabling the concentration of such specialised skilled persons which will enhance the efficiency and quality of the assessment process, provide equity in the arrangements for adoption and encourage the pooling of prospective adopters and more efficient and effective delivery through greater collaboration and co-operation across boundaries to harness the specialist nature of the adoption service.
20. The establishment of a National Adoption Service should help to release capacity, enabling local authority child care services to concentrate more on placement arrangements for the child. This may include work around the preparation and maintenance of the adoption plan; and to focus on the thorough detailed work required by the courts for child reports and assessments, when applying for a placement/adoption order. In addition, they will be able to focus on the preventative family support side of the business; this could be about creating more opportunities for children to be placed within their own family networks and/or offering a broader range of respite care services which support children and young people remaining with birth families. Such arrangements not only result, in many circumstances, to improved outcomes for children but are also financially cost effective.
21. The 'Social Return on Investment' report (2011)³, concluded that for every successful adoption from care, where through adoption a child receives the support needed to resolve problems from their past, there could be a social return of over £1million per placement.
22. The establishment of a National Adoption Service will provide a gateway for potential adopters, this could include providing information on training programs, assessment

³ PACT Domestic Adoption and Fostering: SROI Evaluation. Evaluation carried out by Baker Tilly and Cass Business School (April 2011)

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processes and a general advice line. The intention is to provide, prospective adopters with consistent advice, ensuring that resources are available to progress applications and removing the impact of a person's postcode as a factor that may be responsible for limiting the choice of options for children.

23. The National model will need to examine the pooling of budgets across Wales, to eliminate the competitive market between local authorities when dealing with adoption placements. This should in turn significantly reduce delays in the process for both the children and prospective adopter. The legal framework for pooled budgets is well established and we have made considerable investment in building an understanding of how this approach can be managed in reality.

Key Dependencies

24. Whilst the adoption agency panel and 'Decision Maker' considers a child's suitability for adoption, it is for the courts to make a ruling on whether adoption is in the best interest of the child and whether to award a Placement Order/Adoption Order, a non-devolved process and under the remit of the Ministry of Justice (*Figure 1 refers*).
25. In February 2012, I advised members through a Ministerial Statement of the publication of the Welsh Government/UK Government joint response to the Family Justice Review which covers both devolved and non-devolved matters. The Review sets out plans for major reforms to the family justice system aimed at tackling delays, simplifying the system and strengthening parenting.
26. The creation of a Family Justice Board for England and Wales will provide greater leadership and co-ordination across delivery agencies nationally and locally, when preparing for any system changes to follow. To ensure proper and due consideration of issues in Wales the Family Justice Board includes representation from the Association of Directors of Social Services (ADSS) and CAFCASS Cymru, as well as a senior Welsh Government official. These representatives, will advise on the specific Welsh context and key devolved aspects of the family justice system, ensuring that the rights and voices of children are at the heart of the process in Wales. In addition I have established a Family Justice Network in Wales to bring together key players within the family justice system at an all-Wales level, providing a local community of understanding and common purpose to improve services and outcomes for children and families in Wales. The Family Justice Network will ensure adequate support to the Welsh representatives on the Family Justice Board in order that Welsh issues are considered within the national context.
27. Social workers cannot and should not work in isolation when making difficult decisions about adoption. They need a regulatory framework that provides the checks and safeguards that allow them to work confidently, but which avoids duplication and unnecessary delay. With this in mind the Welsh Government recently accepted the Family Justice Review's recommendation that one of the functions of adoption panels will be removed. The regulatory framework requires local authorities to establish adoption panels, whose role is to advise on certain decisions made by adoption agencies. One of the roles of adoption panels is to advise local authorities on the decision as to whether adoption is the best option for a particular child. However, in most cases the local authority can only act on that decision and place a child for adoption if a family court agrees to make a placement order. In these cases, the Family Justice Review argued it was unnecessary for the adoption panel to duplicate the court's role in providing independent scrutiny of the evidence in each individual case. The Government will implement the recommendation that this role of adoption panels be removed through changes to regulations that will come into force on 1st September 2012. Where the court is not involved, this function of the

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adoption panel will remain in place.

28. The Review also makes recommendations for the professional development of social workers, placing more emphasis on child development and training to improve the content of assessments that meet the requirements of the courts when making decisions about children. The Review suggests that new legislation should set a time limit on care proceedings - this should be no more than six months for all but the most complex and difficult cases. It also recommends changing the renewal requirements for interim care orders so that people do not have to keep going back to court when care proceedings are on-going⁴. Judges would be responsible for timetabling and case management, in line with the proposed legislation to set time limits for care proceedings. The Review recommends that, in future, courts should not scrutinise the detail of the child's care plan as set out by the local authority. It should only look at the essential issues which are where the child should live at the end of care proceedings and what level of contact there should be with family members if the child does not return home. There are several recommendations on improving training for judges and ensuring judicial continuity in children's cases. The Review also recommends replacing the current three tiers of court with a single family court.
29. In addition to the removal of this specific panel function and in light of further changes to the adoption service in Wales through the establishment of a national adoption service, the Welsh Government is considering the removal of the regulation that limits the establishment of joint adoption panel's by any two but no more than three local authorities.

Legal Framework

30. The National Adoption Service will not operate as an "adoption agency" as referred to in the Adoption and Children Act 2002 and in the Adoption Agencies (Wales) Regulations 2005 made under section 9 of the Adoption and Children Act 2002. The new body will, however, be inspected under the Care Standards Act 2000. Arrangements for the inspection of the National Adoption Service will be set out in regulations.

Closing remarks

31. The aim and objective of the National Adoption Service is to achieve excellence for adoption through securing high quality, forever family placements for looked after children for whom adoption is in their best interests. The new service will need to become a single reference point for all children with an adoption plan, through the establishment and maintenance of a single register.
32. Ownership of these reforms can only be delivered through a local government and voluntary sector that values and maximises the benefits through delivery of quality services and effective partnership working to amplify collective action.
33. The Welsh Government believes this programme for change is best achieved through strong partnership and collaborative working with local authorities, independent and the voluntary sector. An Adoption Expert Advisory Group has been established to oversee the development of a National Adoption Service that will drive performance improvements across Wales in relation to specific adoption services in Wales.
34. The Group brings together representatives from within the adoption system in Wales to provide a community of understanding and common purpose in overseeing, coordinating

⁴ Family Justice Review Final Report – November 2011

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and delivering improvement of services and outcomes for children and young people in Wales for whom adoption is in their best interest and to offer a service that encourages and welcomes a broad range of prospective adopters; it needs to prepare them thoroughly for the many challenges and joys involved in giving a loving home to a child; and to maximise the numbers that go on to adopt successfully.

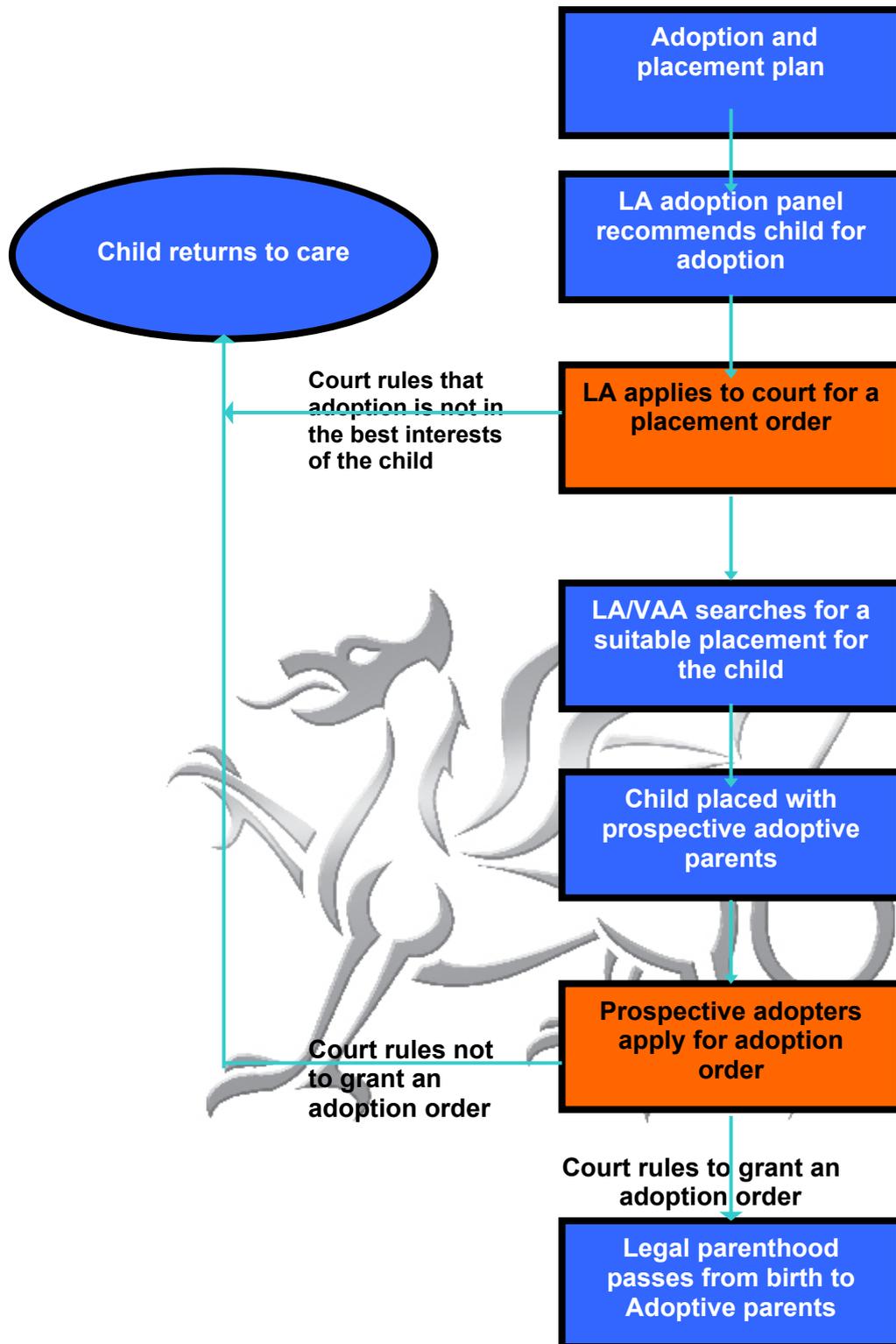
35. The remit of this Group is to consider proposals drawn up by local authorities and their partners when developing a framework for a national service model, operating under a two tier system (local and national) and one which addresses current concerns, without losing the undeniable strengths of the existing system – achieving change without detriment.

**Deputy Minister for Children and Social Services
June 2012**



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Figure 1: Procedures split between the Local Authority's and the Courts



Key

- Ministry of Justice (MoJ) Responsibility
- Local Authority (LA) Responsibility