**Title:** Adoption Scorecard Performance 2013 - 2016

**Report of the Strategic Director, Service Development and Integration**

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**Accountable Director:** Ann Graham, Director of Operations, Children’s Care and Support

**Accountable Strategic Director:** Anne Bristow, Deputy Chief Executive and Strategic Director for Service Development and Integration

**Summary:**

This report and appendices summarise the performance in relation to the Adoption Scorecard between 2013-2016 (3-year rolling performance).

It highlights the reasons for delay in placing children for adoption and summarises the needs of each of the 66 children who are on this Scorecard. In addition, it highlights the actions being taken to address delay, the impact on performance of the children due to go onto the Scorecard, and the needs of the children we are currently family finding for.

**Recommendation(s)**

The Children's Services Select Committee (CSSC) is recommended to:

(i) Note the performance that will be reported in the Barking and Dagenham Adoption Scorecard for 2013 – 2016.

(ii) Note this report, which will form part of the evidence for the Committee’s deep dive scrutiny on adoption timeliness and will assist with any recommendations arising.

**Reason(s)**

The CSSC is undertaking an in-depth review, a ‘deep dive’, into the timeliness of adoption for children. This report addresses some of the questions that have arisen during the review and is part of the evidence that will inform the final report, it’s conclusions and recommendations.

1. **Introduction and Background**

1.1 The CSSC opted to undertake a deep dive scrutiny of the timeliness of adoption performance following the 2013 - 2015 LBBD Adoption Scorecard not meeting government recommended timescales. CSSC have been provided with
comprehensive information from a variety of sources regarding all aspects of adoption to set out the issues that impact adoption timeliness. The information included a holistic view of the services provided to children, adoptive families and birth families as part of the adoption process; and of the legal and national context. Key themes that emerged from the cohort of children adopted over the last 3 years where discussed. Please see Appendix 1, the ‘Option Report on the Adoption Scorecard Performance’, provided to the CSSC at that start of the municipal year, to help members decide which topic to undertake a review on. It provides further background reading on Adoption, the Adoption Scorecard and the timeliness of adoption.

1.2 This report summarises the performance issues within the 2013 – 2016 Adoption Scorecard which is imminently due to be published by the Department for Education (DfE). It should be noted that performance has further deteriorated from the 2012 – 2015 Scorecard. The reasons for the decline in performance and the complexities of this work are highlighted in the report and appendices.

1.3 Recommendations for the future direction of the Adoption Service and how the Council can assist with adoption performance will be summarised by the CSSC at the end of the scrutiny review process.

2. Performance Overview of Adoption Scorecard

2.1 A1 - Average time between a child entering care and moving in with its adoptive family, for children who have been adopted (days)

Our rolling three-year average for 2012-15 as published in the adoption scorecard is 658 days, 171 days above the Department for Education (DfE) performance threshold of 487 days and 40 days above the London three-year average of 618 days. Barking and Dagenham’s performance is in line with our statistical neighbours with a three-year average of 655 days.

In 2013 -16 our three-year rolling average has increased to 721 – which is 295 above the DfE threshold of 426 days. Comparator information for 2013-2016 will be published within the next month.

2.2 A2 - Average time (in days) between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family

Our rolling three-year average for 2012-15 as published in the adoption scorecard is 236 days, 115 days above the DfE performance threshold of 121 days, and 31 days above the London three-year average of 205 days. Barking and Dagenham’s performance is better than our statistical neighbours that have a three-year average of 250 days.

In 2013 -16 our three-year rolling average has increased to 309 days – which is 188 above the DfE threshold of 121 days. Comparator information for 2013-2016 will be published within the next month.

The deterioration in performance for 2013 – 2016 is not unexpected and was raised in earlier reports including to the Council’s Corporate Performance Group on 18th May
2016. The DfE raised concern about Barking and Dagenham’s performance for 2012–2015 and invited the former Director of Children’s Services and senior managers to a meeting on 12 June 2016 to discuss the reasons for the performance. Following the meeting, the Secretary of State, Edward Timpson, wrote to Anne Bristow, Director of Children’s Services, acknowledging the commitment of the Council to adoption as an outcome for children. The anticipated deterioration in performance was also noted. Please see Appendix 2, Letter from Secretary of State, Edward Timpson, 8 September 2016.

2.3 **What are the key factors which have contributed to the 2013–2016 under performance?**

- Lengthy delays in care proceedings due to the Courts requesting further assessments of family members and difficulties in obtaining dates for cases to be heard at Court due to the demand for hearings.

- A delay from the submission of social workers reports and other legal paperwork to our Legal Department and the lodging of the application.

- A delay between Legal Department lodging an application at court and obtaining first hearing dates.

- Work undertaken prior to a court hearing in line with good practice, that is, pre-proceedings work expected of social workers, being marginalised by the Court. The Court then requests further assessments to be done - this is also costly as well as adding delay.

- Delays when transferring cases between social care teams that undertake adoption work and delays with Independent Reviewing Officers raising permanency planning (including for adoption) at the relevant review for children in care.

- High numbers of children in ‘difficult to place’ categories which means family finding takes much longer. Difficult to place children include older children, disabled children, BME children and children in sibling groups.

- Children’s Guardians and courts being over involved with decisions e.g. which adoptive family the child should be placed with rather than ratifying the care plan for adoption and allowing the local authority to progress placement.

- The Adoption Team prioritising family finding in a timely way.

- More parental legal challenges to placement orders (the court order that allows social workers to begin looking for a new family for a child) resulting in delays placing children with adopters. This is an increasing but relatively new practice.
2.4 **What are we doing to improve performance?**

The Adoption Team has in place an Adoption Action Plan that sets out the actions required for improvement. Please see appendix 3. The Action Plan was reviewed by the DfE in June 2016 and was positively received. The points below are some of the actions in place for improvement:

- **Introduction of the Adoption Improvement Group in 2016 on a bi-monthly basis to track performance of all children who are being considered for adoption and who have Placement Orders to ensure that actions to find adoptive families are robust.** The Adoption Action Plan is also reviewed at this meeting. This Group is chaired by the Director of Operations for Children’s Care and Support and is attended by the Group Managers for Care Management, Adoption, Child Protection and Review Service and Legal.

- **All children that we are actively family finding for are discussed at fortnightly Adoption Team Meetings to ensure activity is taking place to find families for children outside of the Borough and to identify possible in-house families, including currently in assessment.**

- **Attendance at specific events aimed at finding families for harder to place children e.g. Walsall in December 2016 and Adoption Activity Days. The latter are ‘play days’ for children with prospective adopters in attendance. Prospective adopters have an opportunity to meet children in person rather than just see a picture or DVD.**

- **Attendance at all East London Consortium family finding events. Working in this way enables Barking and Dagenham to draw from a wider pool of prospective adopters.**

- **Working with the relevant children's social care teams for early notification of children who may be considered for adoption.**

- **All adopters in assessment are approached for consideration of approval for Fostering to Adopt. This means a child can be placed with prospective adopters while a court hearing is planned or taking place, therefore reducing timeliness.**

2.5 **Challenges to being successful**

There remain several factors that can lead to delays with adoption. These include:

- **Large sibling groups and older children who are more difficult to place for adoption.**

- **Increase in the numbers of disabled children, older children and children from BME who are often more difficult to place.**
• The adopters available nationwide do not match the children available for adoption. Not all, by many prospective adopters are couples who ideally still want a very young single child with no special needs.

• The increase in appeals to court decisions by parents leading to delayed placements of children as the court will not allow placement with adopters (even if identified/matched) if there is an outstanding appeal.

• The Court’s reluctance to agree adoption plans and the national increase of parental appeals have impacted on the number of adopters willing to consider Fostering to Adopt arrangements in the event that the child will return to extended family. Fostering to Adopt arrangements significantly improve scorecard performance.

• Future recruitment of adopters who are willing to consider harder to place children. This is a challenge for all local authorities, but requires dedicated resources which the team do not have. We are the only local authority in the East London Consortium that does not have a dedicated recruitment resource. It should be noted that it is not a straight-line equation between resources and number of adopters recruited.

• However, in-house recruitment is going to be a priority for 2017 onwards as the interagency fee reimbursement from the DfE stopped in October 2016. This means that any external adopter we purchase from another local authority or voluntary adoption agency will cost £27,000 per child.

• Nationally, as the focus on budgets remains high this could impact on scorecard performance. There is, potentially, a tension between spend on families for children and the timeliness of adoption. For example, a local authority might wait for a match to take place once an in-house family is approved if this is likely within a few months leading to delay on the adoption scorecard, rather than purchase an external family who may be available immediately and reduce delay.

2.6 Analysis of cohort for 2013-16 performance

Of the 66 children in the current Scorecard cohort, 48 fall into harder to place categories:

• BME - 5
• Special needs - 7
• Siblings - 26
• Multiple categories – 10

Given the significant number of children who fall into harder to place categories, achieving adoption for them has been a successful outcome albeit that it has taken much longer than the government prescribed timescales. The reality is that family finding takes much longer for such children and careful consideration has to be given
to the robustness of adopters to cope and sustain more challenging placements to prevent placement breakdown.

Placement breakdown performance:

- No children have had a placement breakdown in the last 3 years post the adoption order being granted.
- Children have had a placement breakdown in the last 3 years prior to the adoption order being granted – both broke down during introductions.

2.7 Children due to go onto Scorecard for 2014-17

These are the children who are currently placed with adopters and will go onto the Scorecard once the adoption orders are granted. These are 10 children which include:

- 2 sibling groups of 2 (1 group was aged 8 and 10 at time of placement)
- 1 eight-year-old child who is visually impaired
- 1 young child who has Down Syndrome
- 1 child who has a query re developmental delay.

Once these children are added to the scorecard the performance will worsen:

- A1 – increase from 783 to 802 days
- A2 – increase from 357 to 371 days.

2.8 Children who are currently awaiting an adoptive family

There are currently 11 children in total waiting for an adoptive family:

- Sibling group of 2 with developmental delay – possible match in early 2017 once adopters have been given more detailed medical information.
- 1 child under 5 – likely to remain with foster carer under special guardianship
- 2 babies – with at least one birth parent with learning difficulties which a lot of adopters are concerned about in case there is a genetic link.
- 1 child aged under 1 whose foster carer is currently being assessed as an adopter.
- 1 baby who has some developmental delay. Further delay caused by a 4 month wait for a court date for appeal by a parent which was unsuccessful.
- 1 child aged under 1 year with a match with adoptive parents planned for early 2017.
- Toddlers – issues in the group include siblings, developmental delay, sickle cell anaemia and BME.
- In addition, 1 child is currently having introductions to the adoptive family.
2.9 What can the council do to promote adoption?

- Use of in-house newsletters and other media to promote adoption for harder to place children and the type of adopters we require for our children.

- Focus on promotion of adoption in Council buildings and events.

- Any internal campaign could include the promotion of adoption within extended family and friends’ networks that may be outside of LBBD as we require many families outside of our locality for safety reasons.

- Identify a dedicated resource from Marketing (or elsewhere) to specifically focus on recruitment of adopters for harder to place children.

- Members to be briefed on LBBD specific issues re adoption so they can promote to constituents where appropriate.

3. Financial Implications

Implications completed by: Daksha Chauhan, Group Accountant, Children’s Services

3.1 There are no direct financial implications arising from this report. A full analysis of financial implications arising from the recommendations from the scrutiny process will need to be fully worked up.

4. Legal Implications

Implications completed by: Lindsey Marks Principal Solicitor for Children’s Safeguarding

4.1 The adoption scorecards were introduced by the government to address delays in the adoption system and to allow Local Authorities and other Adoption Agencies to monitor and compare their performance.

The changes in the Family Courts mean that there is an expectation that all care proceedings will be concluded within 26 weeks. It is only in exceptional circumstances that the Courts will allow a case to last longer than 26 weeks.

The decision in the case of Re B-S has had an impact on Placement Order applications and the challenges to Placement Order applications by birth parents. In Re B-S the Court was clear that a Placement Order should only be made where adoption was the only option and “nothing else will do”. This decision has resulted in extended family members coming forward at a late date to be assessed as alternative carers for a child. This creates delay and impacts upon the adoption scorecards as the Courts faced with the decision in Re B-S feel there is no option other than to assess those extended family members.

The decision in Re B-S and the direction that at the end of the care proceedings all Courts have to advise the parents that they have a period of 21 days to appeal any order means that there are an increasing number of appeals by the birth parents.
Those appeals are often unsuccessful, but once an application has been made to appeal then, if the child has not already been placed with prospective adopters, the Local Authority is unable to place the child until the Court determines the appeal as unsuccessful.

5. Other Implications

5.1 Risk Management – Risk of Government scrutiny/intervention if Scorecard performance continues to be below expectations.

5.2 Customer Impact – Consideration to be given to the impact of not putting forward children for adoption who are considered harder to place due to their age, ethnicity, disability due to impact on scorecard performance.

5.3 Safeguarding Children – Research states that children who are adopted generally have better life chances than children who remain in the care system. Children who remain in care are considered to be vulnerable and more at risk of harm. Therefore, permanent arrangements, including adoption, is considered a better outcome for children and young people.

5.4 Health Issues – The emotional wellbeing of children placed in adoptive families is generally better than those who are looked after, according to research.

Background Papers Used in the Preparation of the Report:

None.

List of appendices:

Appendix 1 Option Report on Adoption Scorecard Performance, June 2016
Appendix 2 Letter from the Secretary of State, Edward Timpson, 8 September 2016.
Appendix 3 Adoption Action Plan