Title: Impact of the “Children and Families Bill” on the Adoption Service

Report of the Corporate Director of Children's Services

Open Report Report For Information

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Summary:
This Report seeks to highlight to members how the Adoption Service is responding to meeting the challenges faced by the numerous reforms that have already been made to adoption practice, in general, and that of those introduced should all the provisions in the Children and Families Bill, specifically, receive Royal Assent. Neither the latter nor former, can be seen in isolation of each other, as they are closely linked. These have meant that the Adoption Service underwent an internal review throughout 2012, which is still ongoing; and will be subject of diagnostic review by an external provider (funded by the Adoption Reform Grant), in December 2013.

The Children and Families Bill therefore will have significant implications in this local authority for Children Services, which are likely to necessitate changes in practice, resources and funding.

The Bill’s passage through Parliament has met with strong opposition from many organisations, particularly from the adoption sector, where it is believed that consultation has not been as robust as could have been expected, particularly in relation to policy changes that do not appear to have fully considered received wisdom and good practice or research. The second reading of the Bill took place on the 2nd July, and it reaches the Committee Stage, in the House of Lords, on the 9th October; where it is likely to be met by further opposition.

Recommendations
(i) That members note the points raised in the Report.
(ii) That members seek a review of the implementation of the Bill in one year’s time.

Reason
To ensure that our most vulnerable children receive the optimum possible support during an extremely difficult period of their lives.
1. Introduction and Background

The National Context

1.1 The current context for adoption reform has been ministerially led, principally by the former minister responsible for children's social care, Tim Loughton, with backing from the Prime Minister. Simultaneously, there has been a significant escalation in media interest in adoption. However, the media viewpoint can be unhelpful to the debate, as its focus centres on the negative experiences of prospective adopters rather than on the needs of the child.

1.2 The overall objective of the Children and Families Bill reforms are to reduce the time children have to wait for an adoptive placement and to see more children placed in stable, loving homes with less delay and disruption. The government has introduced a programme of system-wide policy development. The speed and quantity of the announcements is extremely challenging; with new developments happening almost on a monthly basis, as shown below:

- February 2012: Government response to the FJR
- March: An Action Plan for Adoption: Tackling Delay
- May: Publication of Adoption scorecards
- July: Early permanence proposals and consultation on new Ofsted framework
- July: Adoption Agencies (Panel and Consequential Amendment) Regulation 2012
- September: Consultation on regulatory change.
- Nov: pre-legislative scrutiny on draft clauses on ethnicity in placement, and “fostering to adopt”.
- December: announcement on matching and adoption support to give adopters a more active role in family finding and support services, post placement/order.
- January 2013: Adoption Map published
- April: National Gateway for Adoption launched

1.3 This has not allowed much time for national or local consultation, planning or the finer detail of putting policy into practice. The pace of announcements against the pace of change is posing some very real challenges for adoption agencies nationwide.

1.4 The final report of the Family Justice Review (FJR) was published in November 2011 and cited the ‘problem of delay’ as the principal error in the system. The FJR wholeheartedly adopted the principle that the ‘child’s timescales’ should be of primary importance in care proceedings. Its main proposals as they related to the case management in proceedings were:

- The time limit for the completion of care proceedings should be set at six months (in all but exceptional cases). This will be monitored by the Family Justice Board;
- Judges are to set firm timetables for cases;
- The court’s responsibility for the child’s timescales is to be reflected in primary legislation;
• The Public Law Outline (PLO) to be remodelled to reflect the above;
• Adoption decisions by the local authority adoption agency to be removed. This was subsequently adopted in The Adoption Agencies (Panel and Consequential Amendments) Regulations 2012, which removed the requirement that local authority Adoption Panels should consider the suitability of children for adoption, if the case is in the court arena.

1.5 In February 2013, the government published The Children and Families Bill, bringing together some of the ideas previously expressed in its current radical reform programme for adoption. In brief, the Bill seeks to reform legislation in the following ways, and key areas for our services are:

• Additional reforms on adoption. Thus, reforms outlined in earlier briefings, will be implemented. For example: removing the requirement to give due consideration to ethnicity; promoting, “fostering for adoption”, making it easier for children to be placed with their adoptive families at an early stage; giving the Government the power to outsource the recruitment etc of potential adopters; and, changes to adoption support including the introduction of personal budgets.
• The family justice system is being simplified, with the introduction of a 26 week time limit to conclude care proceedings in court.
• Children in care – help children to do well in school.
• “Joined up” thinking for children with special educational needs, in order that education, health and social care service work together when exercising functions in relation to SEN and to keep SEN provision under review.
• The Children’s Commissioner.

1.6 Central government have provided additional funding to meet these challenges in the form of an Adoption Grant (see financial implications). It is not clear how long this funding will be available for.

The Local Context

1.7 Before considering the impact legislative changes may have on the service, it is important to have an understanding of the evolution of the team in recent times. In late 2009, there was a change in the time cases transferred to the Adoption Team from the Care Management Teams (CMT). Rather than cases transferring following a child moving to their adoptive placement, this began to happen following the granting of the Placement Order. The belief was that there had been numerous delays in the family finding process, because CMT social workers, understandably, had difficulty prioritising meetings with prospective adopters, when compared with their work in the court arena or when dealing with child protection matters. It was felt that by taking cases at this earlier stage, adoption social workers, would have sole responsibility for family finding and thus, hopefully reduce some of the delays. This was a radical model for an Adoption Team, and not one employed by many adoption agencies throughout the country.

1.8 This arrangement became operational at the start of the new financial year in 2010 and began to impact on adoption team caseloads during 2011. In May 2012, there was an influx, as CMTs accelerated the rates at which they moved cases through the social care system to support speedier adoption. This has led to higher caseloads in the adoption team, as we work to seek more adoptive placements.
1.9 The Team currently holds an exceptional 55 cases for children who are waiting for an adoptive placement.

1.10 The impact of this is that case management of looked after children (LAC) tasks tends to take precedence over everything, because, for example, statutory visits, reviews etc. must be carried out within time scales. Contact arrangements, which are often fraught, need to be dealt with immediately, but often involve complex negotiations with various parties, who may be angry and inflexible. CIC reviews must be held and paperwork completed for them. These things inevitably are more urgent than assessments and family finding, which is taking “a back seat”. This is not intentional, but rather is because often the nature of this work is reactive, responding to the demands of birth families, unhappy or angry at plans for the adoption of their child. This increased work load prevents workers from spending time on family finding, thereby defeating the very purpose of the new transfer policy.

1.11 The dip in performance with regards to us placing children within one year of the ‘Adoption Decision’ as the care plan (NI61) this year has coincided with the significant increase in the number of cases transferring to our team following the granting of a Placement Order. There was also a noticeable drop in recruitment activity in 2012, with the trend continuing in 2013, which is a concern as our pool of in-house adopters has been greatly reduced.

1.12 The full impact of this will not felt until 2013/14, as there has been a significant increase in the cost of interagency fees, which we have historically been able to keep to a minimum, break even or occasionally make a profit on, by selling our adopters to other agencies. The less in-house adopters we recruit, the more expensive it will be to purchase adopters from the voluntary sector or other local authorities. It is our view, that the low disruption rates we experience, approximately 3%, is also because we have historically been able to place our children with our adopters, who we have prepared to adopt a child. Our experience is that inter-agency placements often require a high level of support and have a higher breakdown rate in comparison with those we place with in-house adopters.

2. Proposal and Issues

2.1 The Children and Families’ Bill adds to the challenge that the Adoption Team is currently facing.

Delivering improvements has required a systemic approach involving closer collaboration of not just the adoption service, but also the fostering and care management teams, legal services, and the Independent Reviewing Service (IRS). We are also looking at the wider arena to continue fostering partnerships with the courts and Children and Family Court Advisory and Support Service (CAFCASS).

One step that has been taken is the setting up of “The Permanency Planning Group” (PPG). Starting from September 2012, this meets on a monthly basis, and comprises of the management team for Children's Social Care and Complex Needs, CPRS and legal representatives.
Cases are referred from a variety of sources: new cases of children entering care; CIC Reviews, Referral Meetings. The main purpose of the Group will be to ensure that:

- Children are tracked at the point of entry into care. And,
- All avenues are explored in terms of rehabilitation with birth parents or alternative family members, kinship or foster carers.

Having engaged in a full discussion with the Team Manager involved with the case, the PPG will be able to provide a recommendation in terms of progressing the care plan for either rehabilitation to family, adoption, special guardianship order (SGO) or long term fostering more promptly.

2.2 The Adoption Team does many things well, and it is important that we recognize this and that it was acknowledged in our recent “good with outstanding features” Ofsted inspection (Report available from Joanne Tarbutt) We are keen to develop innovative service provision responsive to our children’s needs, for example our nationally recognised sibling group project. We are convinced that the new structure, with the additions in staffing, will help in this regard.

However, there are gaps in how we develop service provision, for example, there are limitations in planning and robust, tracking and monitoring of permanence plans for children; which is an area that we have to improve on if we are to reduce the 717 days (provisional 3 year rolling average) it is taking to for a child to move into their adoptive placement.

2.3 The Adoption Service had an inspection in March 2012 and seven recommendations were made. The recommendations and progress to date are outlined below.

**Ensure the service user is provided with written information about the service they are to receive, what it is designed to achieve, what is involved and how it will be monitored to ensure it is delivering the intended outcome (NMS 15.3)**

The literature sent to prospective adopters was updated in line with this recommendation, but has required further updating since the introduction of the new guidelines on the 2 stage assessment process. Further work will be undertaken with the Marketing Officer to ensure that this literature is presented in the most attractive format to ensure that interest is maintained at the early stage of the process.

**Ensure the agency seeks feedback from service users on the success of service provision, and records this centrally and on the case record of the service user. This is with reference to those service users receiving any form of post adoption support (NMS 15.6 and 16.6)**

Service user feedback forms have been introduced into all areas of the adoption process – Preparation Groups, experience at Panel, receipt of post adoption services.

**Ensure the wishes, feelings and views of children are taken into account in monitoring and developing the service (NMS 1.6)**
Children’s views should be captured on the CPR and further work is being undertaken with Care Management Teams about how to meaningfully engage children in discussions about adoption and how to capture their views. Individual and group sessions are arranged by the Training Officer, who has a vast range of experience and resources for direct work with children.

Additionally, child-friendly feedback forms are used with all children who attend the Sibling Group Project, which have been created by the Play Therapist who undertakes this work.

**Ensure there is a sufficient number of suitably qualified, competent and experienced persons working for the purposes of the adoption service. This is with specific reference to the post adoption work (Breach of Regulation 10, The Local Authority Adoption Service (England) Regulations 2003)**

A restructure has taken place within the team to meet the needs of the service and there has been an internal shift of resources to create the Training Officer, SGO SW and a full time (previously part time) SW post. Additionally, resources have been used from the Adoption Grant this year to expand the Family Finding resource.

**Ensure the adoption panel provides a quality assurance feedback to the agency on all the aspects of this standard (NMS 17.2)**

This has been actioned.

**Ensure the decision maker takes account of all the information available (NMS 17.11)**

This has been actioned.

**Ensure the statutory guidance is followed when recording the agency decision. (Adoption Guidance Chapter 1.62)**

This has been actioned.

3. **Options Appraisal**

The Adoption Team are restructuring to address the new requirements.

Not to do so is not a realistic option.

Whilst the Adoption Grant is available, any gaps within the service could be resourced and this is currently being put in place. However, the challenge is to find suitably experienced staff in adoption work. In addition, it is early days with regards to how the new legislation will impact on the amount of children being placed for adoption and the speed with which the Adoption Team will need to respond. The structure and staffing needs to meet demand will be under constant review and proposals for sustained resourcing of the team may be presented in the future to members.
4. Consultation

Should the Adoption Grant come to an end there would be a need to consult with councillors and the general public about how the Council should manage the inevitable.

5. Financial Implications

An adoption grant has been awarded by the Government in two parts: in total, LBBD is to receive £900,000. Part A is a £600,000 non-ring-fenced grant that local authorities can use to drive forward adoption reform, targeting funding at the entire adoption process and the specialist support children need for system wide reform to improve adoption. Part B is a ring-fenced grant that local authorities are required to spend on adoption services with a clear focus on increasing adopter recruitment; this is £300,000.

At the moment this has been sufficient for us to improve the service structure, but we do not know how long this funding will last.

In addition, we are concerned that as the child population in the Borough continues to increase, and levels of need become more complex, to maintain current standards will require increased cost.

A benchmarking report for our Adoption Services (from 2012) is available from Joanne Tarbutt.

Whilst the data shows that LBBD are paying higher than average allowances, further analysis of the information shows that where foster carers have adopted children (who are either older sibling groups or children with a high level of disabilities), their fostering allowance has been matched and in one case significantly enhanced. It would have been unlikely that these children would have been adopted, but their foster carers are willing to commit to long term care until they reach adulthood. This means that the average allowance is significantly enhanced as the rest of the allowances are generally means tested. Any single child under the age of five with no special needs does not qualify for an adoption allowance under our current policy, as they are not considered ‘hard to place’.

There is also an expectation within the new legislation that allowances are more readily available to adopters to encourage more people to apply to adopt and that finance should not be the issue that prevents more families coming forward. Recruitment of adopters willing to take older children, children from different ethnic groups, disabled children and sibling groups remain as challenge as most people come to adoption due to infertility and long for the ‘perfect baby’. To encourage a wider cohort of families to consider adoption, financial support, alongside enhanced post adoption support, will be the only way to increase recruitment, which inevitably has resource implications.

6. Legal Implications

The purpose of the Family Justice Review implementing a 26 week time limit for care proceedings to conclude is to ensure that permanency plans for children are expedited in a timely way and for adoption to be a desired outcome for more
children. The new timescale will prevent drift of children in care, which often meant
that children had become harder to place for adoption due to being older

7. Other Implications

The impact on Health is already evident with an increased demand in requests for
Adoption Medicals to meet the increasing numbers of children whose care plan is
adoption. The Adoption Service and Health have been working collaboratively to
maximise capacity with the medical slots available, but in the long term there may
be issues about how Health will meet the demand if numbers continue to rise. In
addition to the increase in volume, there are issues regarding the speed with which
medicals need to be undertaken to fit with the new 26 week framework. There are
also changes in legislation regarding the time reduction of assessment of adopters
to four months, when previously these were undertaken in approximately eight
months. Health have to provide written comments on each adopter’s medical to
ensure that they are fit enough to care for a child. It is therefore important that the
services continue to work in an integrated way to ensure our duties are met.

7.1 Risk Management

In order to ensure our adoption processes are secure for children and that we meet
the new requirement risk is being managed through:

Divisional and Directorate Risk management Processes, this led to an internal
review of plans undertaken by the Corporate Director in August 2013. The review
recommended an external review to ensure we are fit for future purpose.

In addition, this Report is being brought to the Children’s Select Committee to
ensure councillors have scrutinised the risks involved and actions taken to
ameliorate them.

7.2 Contractual Issues

LBBD are part of the North East London Adoption Group (NELAG) which is our
local adoption consortium. We have a formal contract with Waltham Forest,
Newham, Hackney, Tower Hamlets, Redbridge and Havering. A part time
coordinator is jointed funded between the authorities. We share adopters and
children within NELAG to explore potential matches and have also taken part in
joint recruitment events. LBBD and Tower Hamlets are also taking part in the
London-wide Adoption Activity Day in October 2013.

7.3 Staffing Issues

The Team will be strengthened with the recruitment of three members of staff on a
fixed term basis funded from the Adoption Reform Grant

Under the re-structure, the team will consist of:

1x Team Manager (permanent)
1 x Deputy Team Manager (fixed term contract, funding from the Adoption Reform
Grant)
1 x Marketing and Recruitment Officer
This post will be a 12-month fixed term contract for a recruitment and marketing specialist, funded through a successful, “invest to save” bid and will be shared with the Fostering Service. 2 x permanent SW (1 FTE, 1 P/T); 2 x SW (fixed term contract) as a Family Finding Team

4 x SW (3 FTE, 1 P/T) as a Recruitment and Assessment Team

1 x Co-ordinator P/T; 1 x Play Therapist/SW Consultant (FTE from September, post part funded by Adoption Grant); 1 Training Officer (shared with Family Finding Team); 2 x SW as a Post Adoption and Permanency Team

1x Special Guardianship Order support role.

7.4 Customer Impact

The expectation is that these changes will consolidate support for our prospective adopters. Our services have always been recognised as good, and to recruit the numbers of adopters needed we must not let the increased demand impact on this.

There should be considerable impact for children since the more efficiently we are able to stabilise arrangements for them the better their life chances. We are very aware that the need to work swiftly must not compromise the quality of our work.

7.5 Safeguarding Children

Children that are being adopted are our most vulnerable children; we need to ensure they are well protected. The latest OFSTED report recognised our work in this area to be outstanding. We would wish to maintain this despite increased demands.

7.6 Health Issues

The JSNA recognises the need to prioritise health issues for looked after and adopted children.

7.7 Crime and Disorder Issues

We know that living with stable, caring families reduces the risk of anti-social and criminal behaviours for young people. Stable adoptive families will help vulnerable young people avoid criminal activity.

7.8 Property / Asset Issues
N/A

Background Papers Used in the Preparation of the Report:

Children and Families Bill
Local Authority Adoption Agency OFSTED Report 2012
CIPFA Benchmarking Report 2012.

List of appendices:
None