

Report for: Children and Young People's Scrutiny Panel

Item number:

Title: Current Developments in Adoption and Permanency



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Ward(s) affected: NA

**Report for Key/
Non Key Decision:** NA

1. Describe the issue under consideration

- (i) Current developments in adoption, fostering and special guardianship, including recruitment of in-house foster carers and other performance issues;
- (ii) Planned reforms under the Education & Adoption Bill going through Parliament and their implications for Haringey, including regionalisation of adoption;
- (iii) How the voice of the child is taken into account.

2. Cabinet Member Introduction

This is a comprehensive paper which sets out very well the challenges that Haringey (and other local authorities) face in finding good placements, whether permanent or foster care, for looked after children. Haringey is now placing children for adoption much more speedily than in the past but this activity is set in the context of changing legislation, government guidelines and legal precedent and there is a constant need to learn lessons and implement new approaches while retaining the focus on the child and their future. I think this paper is a very helpful contribution to consideration of the whole issue of planning for permanency for looked after children and commend it to the Scrutiny Panel.

3. Recommendations
NA

4. Reasons for decision
NA

5. Alternative options considered

NA

6. Background information

6.1 Current Developments in Adoption and Permanency

The Re: B-S judgement by Chief Justice Munby continues to impact on the continuing reduction in placement orders and adoption plans. Increasingly Special Guardianship Orders are being made on much younger children than was originally envisaged. This is a national issue and there is a clear tension between the judiciary's interpretation of the law and the government's aim to increase adoptions. A consequence of the change in practice is that there are nationally more adopters than children requiring adoption. However there remains a shortage of adopters to parent the older children, those with more challenging needs, sibling groups and children from BME backgrounds.

- 6.1.2 The North London Fostering and Adoption Consortium recruitment group is responsible for the adopter recruitment strategy. Recruitment is targeted to these harder to place groups of children, and this includes blogs, facebook, media advertising, targeted recruitment in Muslim communities. Information sessions take place every fortnight and are advertised on the Consortium website.
- 6.1.3 The North London consortium has commenced working with First4Adoption in a recruitment and communication strategy to attract the right kind of adopters to come forward for the children who are waiting – in particular children with additional and complex needs. Haringey is taking the lead on behalf of the Consortium and Lesley Kettles, Adoption and Fostering Service Manager is the lead officer.
- 6.1.4 Haringey family finders also take part in Adoption Activity days and Adoption Exchange days both in London and in the regions.
- 6.1.5 Adoption Orders applications are also taking longer to go through the court process, principally due to birth parents being granted permission to oppose the adoption orders. During the adoption proceedings the test of “nothing else will do” is being applied and if parents can demonstrate a significant change in circumstances, or propose a family member the courts are obliged to take these factors into account. It is clear that even after a child is placed with adopters if parents can evidence a significant change in circumstances the child can in principle be removed from the adopters care.
- 6.1.6 One area of development is that the Government had provided additional Adoption Support Funds This is a significant positive development in adoption services. Applications can be made to the fund for therapeutic services for individual children and families, and applications to fund a specific therapeutic service for a group of named children will also be considered. Applications for support could only be made in respect of children adopted from care but there has been a recent change whereby applications can be made for children placed for adoption but not yet adopted.

- 6.1.7 Haringey Adoption Service has made 10 applications to the fund for specific children and is taking part in a group application in conjunction with partner members of the North London Consortium for Fostering and Adoption for a Therapeutic Re-parenting and Life Story service delivered by a third sector organisation Adoption Plus. The capacity to fund specialist therapeutic packages of support has increased the menu of adoption support services and increased adopter satisfaction and is seen as a positive development.
- 6.1.8 The government has made funding available to reclaim the cost of an inter agency placement under specific criteria. The criteria are: sibling group, child aged over 5 years, child with a disability/special needs or child from a BME background. The purpose of providing the funding is to increase the speed of the child's journey to adoption and to remove the disincentive of funding an inter agency placement for the local authority. Haringey has made use of this funding for one child from a BME background.
- 6.1.9 In August 2015 the Coram Adoption charity undertook an adoption diagnostic. The diagnostic team reported back in November. The review identified a mixed picture of some significant recent improvements in numbers of children adopted but also identified areas for development.

Coram Recommendations:

- Haringey to consider sufficiency planning for adoption placements
- Haringey to conduct a case file audit on children where there may have been delay in permanency planning:
 - a) children with the ten longest journeys from entering care
 - b) infants who waited over 14 months and
 - c) children who entered care in 2012/13 and remain in care.
- Haringey to develop robust systems to closely track children's journeys, implement performance surgeries and ensure permanency planning meetings are occurring with key staff.
- Coram to facilitate a process mapping workshop with key staff to identify blockages and opportunities for efficiencies.

Action Taken:

- All case audits were completed. Avoidable delay was not identified as a prominent feature.
 - Adoption process mapping workshop arranged for 16th March.
 - Haringey to become an early partner of the Coram child's journey mapping process.
- 6.1.10 The positive messages in the diagnostic are that children are placed for adoption more speedily than the national average; low rate of disruption of adoption placements and pro active stance to rescinding Placement Orders when it become evident adoption is not a viable care plan. Managers and staff have already met with staff from Coram to work on improving outcomes for children with a plan for adoption.

6.2 Current Developments in Special Guardianship.

- 6.2.1 As a result of the reduction in the number of Placement Orders being made in court the government undertook a review of Special Guardianship. As a result of this review the Government made amendments to the Special Guardianship regulations on 2nd February 2016. The Special Guardianship (Amendment) Regulations 2016 come into force on 29 February 2016.
- 6.2.2 These amendments are designed to strengthen the existing regulations requiring that the local authority report to the court on prospective special guardians on the following: the capacity of the guardian to care for the child now and until the child is 18; an assessment of the relationship between the child and the prospective guardian; the ability of the guardian to overcome the impact of any abuse or neglect in early life; the effect on the child into adulthood of being cared for under a special guardianship order; and the ability of the guardian to manage any risk to the child of any pre-existing relationship between the guardian and the child's birth parents.
- 6.2.3 It is currently unclear whether these amendments will have any impact on the continuing decline in Placement Orders being made. The new additional amendments do no more than enshrine current good assessment practice. The view within Haringey's Adoption Service is that these amendments will do little to reverse the decline of adoption orders unless the government introduces new adoption legislation.
- 6.2.4 Unlike Adoption Orders Special Guardianship Orders do not legally sever the link with birth parents who retain parental responsibility. Special Guardianship works well for many children. But there are instances when birth parents attempt to disrupt the guardianship arrangements. As a result there are a growing number of orders made with a Supervision Order attached which requires the local authority to allocate a Social Worker.
- 6.2.5 Haringey also continue to offer post placement support using the model of post adoption support.
- 6.2.6 The support menu to special guardians has been developed in conjunction with the North London Consortium. Preparation training, support groups and training programmes have all been developed. In addition special guardians can access the child and family consultation sessions delivered by the Post Adoption Centre as part of the consortium contract.

6.3 Fostering Recruitment

- 6.3.1 In 2013 LB Haringey commissioned iMPower management consultancy to undertake a review of the Fostering Service as it was felt there was a lack of rigorous and consistent management oversight of fostering recruitment and to inform a strategy of how to increase the number of local authority foster carers. The iMPower study made a recommendation to outsource the Foster Carer recruitment and assessment function. This was accepted by the Council and the recruitment and assessment function was put out to tender. Only one agency NRS made a bid for the tender which was accepted.

6.3.2 The contract with NRS has come to an end and an interim contract with NRS will continue for six months whilst the Department considers various options. The NRS contract has not provided the anticipated benefits in terms of business efficiencies or an increase in task focused fostering households. As is identified in the chart below.

Year	Recruitment Target	Recruited	De registered	Net Loss/Gain
2011/12	20	18 Task Focused (TF) 23 Connected Persons (CP) Total 41	15	+26
2012/13	20	8 TC 15CP Total 23	27	-4
2013/14	20	23 TF 23CP Total 46	27	+19
2014/15	40	22 TF + 4 recruited in house 13 CP Total 39	13	+26
2015/16 to end Jan	32	16	5	+11

6.3.3 NRS took over the recruitment function in early 2014. Haringey Fostering Managers have reported early problems with the quality of NRS assessments which are supposed to have been quality assured by NRS managers. Haringey managers are having to QA reports to ensure an assessment is good enough to be presented for an approval recommendation by Haringey Fostering Panel. This is not business efficient as Form f reports sent to the fostering service are supposed to be of a standard which can be presented to the fostering panel. There has been a recent improvement in the quality of assessments but Fostering Managers continue to quality assure all assessments.

6.3.4 The original contract was poorly constructed without clear recruitment targets or of the types of fostering households required. There has not been effective oversight or review of the contract until this year.

6.3.5 There has also been a lack of effective co ordination in terms of marketing and recruitment allied to the lack of a coherent communications strategy.

6.3.6 There has also been a negative impact on the North London Adoption and Fostering Consortium. The other member LA's have recruitment and marketing officers who lead on their own home LA recruitment campaigns but they also

contribute to consortium campaigns which LB Haringey has been unable to contribute. This has caused a degree of tension between partner authorities which puts future co operation at risk as this role was not a part of the NRS contract. As a result a working party has been set up chaired by the new Head of Service for Children in Care and Placements. Membership includes the Fostering and Adoption Service Manager, the Commissioning Manager and a member of the Placements Team. This group is exploring three options:

- 1] a full review of the current contract with the recruitment provider
- 2] whether the contract should be put out to tender
- 3] whether there is a business case to consider returning the recruitment and training function to the Fostering and Adoption Service.

This group will report back in the near future. In the meantime the NRS contract will be extended for a further six months.

6.4 Planned Reforms under the Education and Adoption Bill *and* implications for LB Haringey, including Regionalisation of Adoption

- 6.4.1 The Bill intends to make provision about joint arrangements for carrying out local authority functions in England.
- 6.4.2 Clause 13 of the Bill would give the Secretary of State a new power to direct one or more local authorities to make arrangements for any or all of their specified adoption functions to be carried out on their behalf by one of the local authorities named or by another adoption agency. The Secretary of State can either name which adoption agency should carry out these functions, or instruct the local authorities to determine who should carry out the functions. This means that if the Bill is passed by Parliament the government will have the power to remove the adoption function from a local authority it considers failing to have sufficient children adopted and to pass these duties to another agency.
- 6.4.3 The Department for Education (DfE) has also published a paper entitled Regionalising Adoption in June 2015. The rationale behind regionalisation is that regional adoption agencies will help speed up matching of children to prospective adoptive families, improve adopter recruitment, especially for children who are harder to place, improve adoption support and reduce costs. The government believes the current system, whilst delivering significant improvements, is inefficient and fragmented. This reduces the scope for broader strategic planning, as well as specialisation, innovation and investment. Large numbers of small agencies renders the system unable to make the best use of the national supply of potential adopters, more vulnerable to the peaks and troughs in the flow of children and less cost effective.
- 6.4.4. The Adoption Leadership Board was established in 2014 and Regional Adoption Boards were set up in 2015 across England. The London Adoption Board submitted a bid to the DfE to “scope and define” a London wide regional adoption agency. The bid was successful and a project manager has been appointed. The London Adoption Board is made up of representatives from London Local Authorities, the Consortium of Voluntary Adoption Agencies (CVAA), and consults key stakeholders in education and health to promote a regional approach to adoption and to drive forward the improvement of adoption

services throughout London.

6.4.5 The Board has adopted the following principles:

- Provide an overarching partnership to ensure that the adoption agenda within London is prioritised;
- Develop a strategic approach to adoption across London to benefit the maximum number of children in achieving the best outcomes through adoption;
- Ensure that children for whom adoption is the best way of achieving permanence are adopted without unnecessary delay;
- Ensure there are enough prospective adopters to provide homes for all the children approved to be adopted;
- Ensure that adoptions do not breakdown through the right adoption support being readily available to all people who need it, when they need it;
- Share information to ensure open and transparent ways of working fully utilising the ALB business intelligence suite to strategically plan and target resources;
- Oversee a 100% response rate on the 'Quarterly Adoption Data Returns' requested by the ALB;
- Match adopter recruitment levels to the needs of children;
- Disseminate good practice, learning and research to all London stakeholders;
- Aspire to lead nationally on good practice;
- Work collaboratively with other regional adoption boards to promote good practice and share learning;
- Challenge barriers to adoption services and find solutions; and
- Look for opportunities to maximise the most effective adoption services and understand the market offer for London.

6.4.6 The Board has agreed a Vision and Criteria relating to 3 key areas. These are:

- Engagement
- Use of Coram group of young people (The Adoptables) for children's views.
- Scope and define, and an options appraisal by the end of February, 2016.

6.4.7 The options being considered are

- No change/light touch opt in
- Sub regional model using existing consortia.
- Fully centralised pan London model with commissioning and contracting.

6.4.8 However, the DfE are considering 4 options. These are:

- One local authority taking the lead on behalf of other local authorities
- Consortia of local authorities
- Consortia of voluntary adoption agencies.
- One voluntary adoption agency taking the lead role.

6.4.9 The Board is also undertaking an analysis of potential cost efficiencies. Specialist providers have been commissioned to look at cost and quality. Financial information will be requested of the local authorities to inform this analysis.

6.4.10 April 2016 is the target date for a scoping of the preferred option. DfE decisions on the future operating model are not expected until sometime later in 2016. The implementation of regionalised adoption services is not likely to take place until 2017.

6.4.11 The scoping exercise has reduced in scale from what had been originally intended and there will now only be a finance steering group, of which the DCS from Barnet is the chair.

6.5 Implications for LB Haringey

6.5.1 The full implications for Haringey will not be known until the preferred option is determined. There are some conflicting messages coming from the London Adoption Board about whether there will be job losses or not. It is inevitable that the current staffing and management arrangements will change and that staff will be moved to new terms and conditions under whichever option is ultimately chosen. There is an intention to hold a London wide Adoption Panel which will have implications for present chairperson and panel members.

6.5.2 There will be benefits to Haringey, particularly in the area of adoption support. It is in the interests of children and their adopters that a consistent service is provided across London, irrespective of where adopters reside. Also the capacity to increase a range of therapeutic providers is positive due to economies of scale. Currently there is a waiting list of families having been assessed as requiring a therapeutic support service.

6.5.3 It is hoped that a London wide or sub regional agency will increase the range of adopters available and that, consequently, matching of children should be speedier.

6.6 How the voice of the child is taken into account

6.6.1 For looked after children and young people there is a legal obligation to take into account the wishes and feelings of the child. This can be expressed through:

- the child, carer or parent can make informal representations
- Viewpoint. This is a software platform which will enable children and young people to express their views in the child protection arena and in their care plans and statutory reviews.
- the Independent Reviewing Officer
- Aspire- the group representing looked after children and care leavers.
- Complaints and Representation Service
- access to an advocacy service provided by Barnardo's and funded by the local authority
- during care proceedings where the Child's Guardian also ensures the voice of the child is heard
- representations by members of the professional network around the child on behalf of children and young people.

7. Contribution to strategic outcomes

Priority 1: Outstanding for all

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

NA

Legal

NA

Equality

In accordance with the principles set out in the Children Act 1989, Haringey's services for Looked After children are premised upon the belief that in most circumstances children and young people are best looked after within their own families.

However, there will always be some children and young people for whom being in the care of Haringey Council will be in their best interests. These children and young people deserve the highest quality services to ensure both that they are not disadvantaged from their peers, and also that any disadvantages which they may have suffered prior to coming into care are redressed. Haringey Council, as a corporate parent, seeks to remove any and all barriers that may exist in order to enable looked after children and young people to achieve their full potential.

9. Use of Appendices

None

10. Local Government (Access to Information) Act 1985

- (a) *Re B-S (Adoption: Application of s 47(5))* [2013] EWCA Civ 1146 Judgment by Sir James Munby, President of the Family Justice Decision Sept. 2013
<https://www.judiciary.gov.uk/judgments/b-s-children-judgment/>
- (b) Special Guardianship (Amendment) Regulations 2016 to come into force 29 February 2016
<http://www.legislation.gov.uk/ukxi/2016/111/made>
- (c) Department for Education (DfE) paper published in June 2015 on Regionalising Adoption
<https://www.gov.uk/government/publications/regional-adoption-agencies->

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