

Adoption

9 March 2012

The Prime Minister has announced legislative proposals aimed at speeding up the adoption system to be included in a Bill in the next Parliamentary session. This is in advance of the publication of the Government's Adoption Action Plan, which is anticipated next week and will contain wider changes than those outlined in the announcement.

This brief provides background to the proposals and highlights the issues for councils raised by the Prime Minister's speech.

BACKGROUND

The Government has made addressing the fall in numbers of adoptions and the delays in the system a priority. Adoption rates fell 8 per cent between 2007 and 2011, but overall permanence orders, which include special guardianship with friends and family, have increased by 27 per cent over 5 years. The average time between a child being taken into care and being adopted is 2 years and 7 months. The system is complex and not completely within councils' control: there are significant delays in the court system, as highlighted by the Family Justice Review. An average case in the county court takes 60 weeks and many take much longer. The LGA has called for the Review's recommendations to be implemented; for a reduction in red tape; and has warned against the introduction of targets.

LGA Key Messages

- Achieving the best outcomes for children is the most important thing for councils. Adoption is right for some children, but for others long term stability might best be found with friends and family through special guardianship.
- Councils and social work professionals will continue to work on finding children secure, stable and loving homes. We agree that delays should be minimised. However, this should not compromise quality decision making by qualified professionals on what is in the best interests of a particular child.
- Five times as many children are approved for adoption as there are prospective adoptive homes and this fundamental shortage needs to be addressed. We also need willing people to come forward to help councils find stable homes for siblings, older children and those with health issues or disabilities.
- Councils are committed to continually improving services for our most vulnerable children and four in five local authority adoption services have recently been rated good or outstanding by Ofsted. The LGA and its partners are developing an £8million programme that will encourage children's services professionals to share information on what works. Helping councils to improve adoption processes will be a key part of this.

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SPECIFIC PROPOSALS ANNOUNCED

Ethnicity and Matching

The law currently states that due consideration should be given to a child's cultural and ethnic background, but also that the impact of delay on a child should also be taken into account. Changes to guidance have been made in previous years to emphasise that avoiding delay, not ethnicity, should be the key consideration when matching children and families. However, the Government considers that changes to legislation are necessary to make this clearer.

LGA View:

- There is no simple one-size-fits-all approach to adoption and social workers must be able to make the best decision for the individual child. They will consider a child's religious persuasion, racial origin and cultural backgrounds when trying to find their ideal home. However, these factors should not delay placing a child with a loving family if they are otherwise suitable.

Linking fostering and adoption

"Concurrent planning" is used to describe prospective adopters fostering a child under a temporary arrangement whilst the court makes a decision about adoption. This aims to increase stability for children in the system, allowing them to create bonds with carers more quickly and avoid moving between multiple placements. The Government proposes to make concurrent planning easier.

LGA View:

- Concurrent planning is already being used by a number of authorities to increase stability for children waiting to be adopted. Making it easier for councils to do this and reducing bureaucracy for foster carers to adopt is positive.
- There is a risk that some children will be fostered by families that want to adopt them, with the courts subsequently deciding that adoption is not the right option. Councils will work with prospective adopters to ensure that they are fully aware of this and supported throughout. It should be recognised that not all people wanting to adopt may wish to take this approach.

Use of the National Adoption Register

The Government will legislate so that councils will be required to place children on the National Adoption Register if they have not been found a family locally within 3 months in order that they can be matched with families in other authorities. This timescale is currently set out in statutory guidance.

LGA View:

- This proposal is to be welcomed. It will increase the likelihood of the right family being found more quickly and in some cases may result in a better match than could be found locally. It will not prevent councils from continuing the local search. However, any additional administrative or financial burdens as a result must be funded.