

## **Adoption Update**

### **Purpose of report**

For discussion and direction.

### **Summary**

The Government has made addressing the fall in numbers of adoptions and the delays in the system a priority. Local government plays a key role in the adoption process, alongside the court system. This paper sets out the current situation and key issues in order that members can discuss the implications and provide direction to officers.

### **Recommendation**

Members are asked to discuss the implications and agree how they wish to proceed.

### **Action**

LGA officers to action.

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## **Adoption Update**

### **Background**

1. The Government has made addressing the fall in numbers of adoptions and the delays in the system a priority, with the Prime Minister, Secretary of State Michael Gove and Children's Minister Tim Loughton all backing a drive for improvement.
2. The numbers of adoptions rose between 1999 and 2004, remained fairly static until 2006 and then began to fall. Figures published on 28 September 2011 show that 3,050 looked after children were adopted during the year ending 31 March 2011, a decrease of 5 per cent from 2010 and a decrease of 8 per cent since 2007. Only 60 of those adopted in the year to 31 March were aged under one year old. There has also been a decrease in the number of looked after children placed for adoption. This figure has fallen from 2,720 in 2007, to 2,500 in 2010 with a further fall to 2,450 in 2011. These figures may not reflect any changes to the number of adoption orders applied for this year, as decisions on the applications can take over a year to be made in the courts.
3. The adoption process takes a long time, with the average time between a child being taken into care and being adopted of 2 years and 7 months. Delays have been attributed to both local authorities and the court system (see sections below). These delays probably account for the small numbers of babies under the age of one year old being adopted.

### **Local authority performance**

4. On the 31 October the Government published league tables of local authority performance against 15 indicators for children in care, including in relation to the number of children adopted. There are significant variations in the levels of adoption between local areas. Figures for the year to 31 March 2011 show that the proportion of looked after children adopted varied from 2 per cent to 27 per cent.
5. How meaningful the measures in the league tables are have been questioned, for example they do not take into account that adoption is not possible or appropriate for some looked after children, such as those who are still subject to care proceedings or are accommodated at the request of their parents. Some children may not want to be adopted and there are other forms of stable and beneficial placements such as long term foster care. The Department for Education (DfE) is further considering the data and how it is presented.

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6. Reasons that have been suggested for variation in adoption rates include local policies and practice; the stability and experience of adoption teams; misinterpretation of legislation; and attitudes towards foster care and adoption versus supporting birth parents (see section on thresholds below). However, there appears to be no robust, conclusive evidence that explains the variation.
7. The Minister has stated that he wishes to shine a light on good local authority practice, but also that "...local authorities should be in no doubt that we expect to see improvements in the coming months. We simply will not tolerate continued failure when that failure means a child's future is put at risk". It is unclear as yet what action the Government might take if it continues to view a local authority's performance as poor; we understand this is currently under consideration. A National Adoption Agency was proposed by Martin Narey to address this variation in performance, although this was rejected by the Secretary of State in his speech at the National Children and Adult Services Conference on 20 October.
8. The Children's Improvement Board has identified adoption as one of its priorities for policy implementation through the sector-led improvement programme for children's services.

**Other Government activity**

9. Martin Narey, former Chief Executive of Barnado's and previous head of the prison service was appointed the Government's adoption adviser following a report for the Times newspaper in July this year, exploring the fall in adoption rates and making a series of recommendations, which are referred to in this paper. Narey was appointed as the Government's adoption adviser shortly thereafter and is investigating how the adoption process could be improved and sped up.
10. The DfE has funded the charities Coram and Barnado's for a two year programme to work with a number of authorities, providing an analysis of their adoption service and an improvement plan for the local authority to implement. It is expected that this programme will result in wider learning for the sector next year.
11. Following the Foster Carer's Charter, the Government has also published an Adopters' Charter, which sets out what prospective adopters can expect. It wants all local authorities to adopt its principles.
12. In partnership with the British Association of Adoption and Fostering, the Government has backed a campaign to get more people to come forward to foster or adopt a child.

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13. A Green Paper on both the adoption and fostering systems is currently being considered, with publication potentially in the first half of 2012.

**Thresholds**

14. There are differing views regarding the extent to which birth parents should be supported in improving their parenting and the point at which children should be taken into care and then placed for adoption.
15. Narey and Ministers have stated that children are being left in neglectful and abusive situations for too long before being taken into care and that unnecessary delays are then caused by councils failing to initially pursue adoption. It is suggested that social workers can place too high a priority on the rights of the parent/s, sometimes to the detriment of the best interests of the child and that the system can be too optimistic about the capacity for neglectful parents to improve. Narey also argues that there are strongly held views at practitioner, manager and political level about the negative consequences of taking a child into care, as opposed to keeping them within the parental home.
16. However, professionals such as Directors of Children's Services and social workers have presented an alternative view: that some families can and do improve with professional support and that social workers are not 'anti-adoption' but weigh such important decisions carefully, including the alternatives to adoption, such as Special Guardianship by family or friends. The Association of Directors of Children's Services has also sought to distinguish between improving adoption rates within the current framework of legislation, guidance and practice and the wider debate about whether more children should be taken into care and adopted as the best means to improve their life chances.
17. As has been noted in the past, social workers can be criticised for either stepping in too early and breaking up families or for leaving children too long in unacceptable situations. There is a balance to be struck between reducing delay in the system, whilst also allowing for quality decision making by professionals on what is in the best interests of a particular child. The Munro review of the child protection system called for much greater freedom for social work professionals to be able to use their judgment. The Social Work Reform Board is playing a key role in improving the education, training and development of social workers.

**The court system**

18. As described above, councils have been criticised for delays in taking children into care and in pursuing adoption. However, significant delays occur in the court system.

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19. The Family Justice Review was commissioned by the Ministry of Justice and DfE. The final report published in November identified that the system, which deals with care and adoption proceedings amongst other public and private law, is under huge strain. An average case in the county court takes 60 weeks and many take much longer. It acknowledges that these delays contribute to the length of time that it takes for a child to be adopted. The report also highlights that with 20,000 children waiting for a decision in the courts, delay is likely to rise further.
20. Numbers of cases have risen in recent years, as have referrals to children's social care, but this is not the sole reason for delays. The way the system operates also has an impact and the report makes a number of recommendations designed to address this. The LGA welcomed both the interim and final reports, which focus on the needs of children in the family justice system and make recommendations to reduce delays and their associated harm.
21. The Government's response to the review is expected by January. The extent to which it decides to implement the recommendations will be pivotal to whether delays in both care and adoption proceedings can be significantly reduced.

**Ethnicity**

22. Concern has been raised in many quarters about ethnicity matching holding up adoptions for BME children and white prospective adoptive parents being turned away purely on the basis of their ethnicity. The Narey report states that white children in care are three times more likely to be adopted than black children. Black children also take on average more than 50 per cent longer to be placed for adoption than children from other ethnic groups.
23. The law 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. There are differing views on the importance of ethnicity matching to the success of an adoption. Narey argued in his report that the cultural and ethnicity elements of legislation are too rigidly interpreted by social workers.
24. Statutory guidance was re-issued by the Government in February 2011 with a strong message from Ministers that it is not enough to deny a child a loving home with adoptive parents only on the basis that they don't share the same ethnicity. The impact of this change on practice is not yet known. LGA could consider initiating research about the effect of this or the extent to which this remains an issue.

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**Other issues**

25. Other issues raised by the Narey report include the provision of post-adoption support and the importance of local authorities not reducing provision; the role of voluntary adoption agencies and the potential for social impact bond approach to enable councils to fund the fees; and social worker preparedness and training.

**Conclusions and next steps**

26. Adoption is a complex and emotive issue, with factors contributing to the fall in numbers and to delays that are both within and without local government's control.
27. It is now a priority for central Government and as with other aspects of child protection has implications for local government's reputation and ability to drive improvement in the sector.
28. Options that members may wish to consider might include research into some of the issues raised; lobbying Government to implement the recommendations of the Family Justice Review final report when published; working with councils through sector-led improvement arrangements; an event or summit to explore some of the issues and share best practice.

**Financial Implications**

29. The LGA's work on this issue falls within the budgeted resource for the Children and Young People programme.