

Children and Young People Committee

AD25

Inquiry into Adoption

Written response to The Children and Young People Committee Inquiry into Adoption Submitted by BAAF Cymru

Context

The Organisation

BAAF is a UK wide association and registered charity with a distinct national footprint across Wales. BAAF Cymru is also registered as a voluntary adoption and voluntary adoption support agency.

We have been educating, advising and campaigning to improve the lives of children and young people in care and on the edge of care since 1980, identifying permanent families for children unable to live with their birth families whilst working to secure placement stability and optimise outcomes.

Members include local authorities, voluntary adoption agencies, independent fostering providers, local Health Boards, law firms and other organisations/individuals working with our priority groups of children and young people. A Helpline is also available and accessible to all including non members and members of the public.

Our priority objectives in Wales are underpinned by a policy and legislative mandate set out by Welsh Government and include the following:

1. High quality training, consultancy and information to improve delivery of fostering and adoption services
2. Accessible and responsive advice and information to members of the public affected by adoption and fostering
3. Enhanced public understanding about adoption and fostering by effective collaboration with partner agencies and the media
4. Provision of specialist advice to Welsh Government
5. Delivery of services informed by the voice of the child

In providing this written evidence BAAF Cymru has sought to represent views from a number of different perspectives based on our experience and work within the field of adoption.

Scene Setting

Adoption must be seen in the broader context of planning for permanence and as part of an integrated system of services for children in care. Children in care need permanence plans that are implemented with appropriate urgency and are based on a full understanding and assessment of the child's need for a family life. A good permanence plan will hold the child's future development in mind at all times and will give consideration to the full range of possible permanence options (including Special Guardianship, permanent fostering, kinship care arrangements) and their suitability to meet the child's needs within the context of their individual requirements and family circumstances and the life long impact and implications of the permanence plan pursued.

It is also important to stress that adoption is a service for children. Whilst this may sound obvious, it can be tempting to regard the 'customer' in the adoption process as the prospective adopter. That is to misunderstand adoption in the most fundamental way. The placement of a child in a loving family is what drives the adoption system. It is our responsibility to ensure that the system that delivers this is effective and efficient with the resources it needs to secure that objective. Prospective adopters deserve nothing less than a first class service that is efficient, welcoming, fair and responsive but we must never lose our focus on the child.

Whilst the Inquiry is keen to examine the experiences and voice of those directly affected by the adoption process, birth families parents appear to have been omitted. The Adoption and Children Act 2002 (Welfare Checklist 1.4) states that courts and adoption agencies must have regard to the wishes and feelings of any of the child's relatives. We know that the decision made by birth parent(s) to consent to the placement of a birth child for adoption is a life changing one for all those involved. In the same vein contested adoption proceedings resulting in the 'loss' of a child through adoption are likely to be a traumatic event for the birth parent(s). The finality of the consequences of severing the legal relationship between the child and his or her birth parent(s) is reflected in the thresholds that the placing adoption agency must satisfy and evidence in court. It is important that services are available to birth families pre and post adoption both in assisting them to manage their feelings of grief, anger and loss but also in respect of the child where the plan is adoption. Birth families can provide a rich seam of background information that is fundamental to identifying an appropriate match with prospective adopters. It is also important to have relevant information to share with the adopted person in later years. Alienating the birth family has negative consequences for the child and adoptive family, both in the short and longer term.

There is concern that services for birth parents can be inconsistent across Wales. The lack of adequate adoption support services for birth parents is recognised in Inspections as one of the greatest areas of unmet need. This can result in unsuccessful management of loss, particularly the birth mother, an unacceptable

'contact gap' after the child is placed for adoption (whether agency mediated or direct contact) and an inability to track and meet the needs of birth fathers.

This has been the basis for the development of collaborative arrangements such as the North Wales Adoption service. Adoption support services need to be both timely and appropriate. An adequate service would be proactively available for birth parent(s) throughout their 'adoption experience'. If such services are limited to the period of care and adoption proceedings they will be of limited value and will not be accepted.

Timely and appropriate services for birth parents are likely to benefit all those involved:

- birth parents themselves
- subsequent children born to the birth parents
- the children placed – an acknowledgement by the birth parent(s) of the situation can provide an important message for the child and thereby stabilise placements. Adoption agencies should be planning in respect of this cohort of older children adopted from care for their future possible search and reunion needs. If there is no resolution at the time of adoption or during the period following the adoption and before the child attains adulthood it may have a negative impact on the birth parent(s) and on the birth child who as an adult wishes to seek out or establish a relationship with a birth parent
- adoptive parents by promoting arrangements that will engender future placement stability for the child

Prospective parents

How effectively are prospective parents supported throughout the adoption process, particularly through the assessment and approval process?

The primary objective and outcome of preparation and assessment is to identify and predict the capacity of adults to become effective adoptive parents to the specific child or children placed. Identifying and predicting parenting is extremely challenging - most people only know what parenting is like when they actually experience it. In adoption there are specific issues about approving adopters that depends on the accurate prediction of what is a future event. The preparation, assessment and approval process are often generic when the child's needs and circumstances are very specific. Adoption assessments are a complex professional task that requires a confident and competent workforce to provide an evidenced piece of work founded in relationship based practice.

One of the key challenges facing some Adoption Agencies in Wales is the ability to resource a system that can process assessments in a timely way and provide preparation courses that are delivered in sequence to individual assessments. This

is leading to inconsistencies into how effectively prospective adoptive parents are supported throughout the process.

In reality whilst prospective adoptive parents do generally find preparation training very helpful some report that these are completed too long before the assessment begins and are done in a vacuum. Undertaking the preparation classes psychologically builds up expectations that an assessment will follow imminently and they are one step nearer to approval and ultimate placement of their adoptive child. Lack of resourcing or insufficient numbers to make training cost effective for the agency can result in preparation classes only being offered sporadically throughout the year. This has been recognised as a potential contributor to delays in the assessment and approval process and some Adoption agencies have now entered into joint partnership arrangements to offer more preparation classes throughout the year (examples of this working in practice can be found in Caerphilly, RCT Newport and Bridgend). It has also been recognised recently that a review of the actual present assessment framework (PAR) should be explored to consider whether the actual model is compounding delays in the timely completion of assessments. BAAF alongside other partner agencies is currently exploring this and will produce a number of recommendations that will require consideration by Welsh Government and Welsh Adoption agencies. These proposals could involve a staged process that is negotiated with the prospective adopter at the start of their adoption journey identifying key components which require completion within a defined timeframe. Good practice experience indicates that this process should take approximately six months which allows sufficient time for most prospective adopters to come to terms with the nature and consequences of making a life long commitment to child.

What action is needed to encourage prospective parents to pursue adoption as a route?

- In addressing the current shortage of adopters, the challenge is to recruit a greater number of adopters generally and more adopters specifically skilled, able and interested in caring for children who wait the longest. For example large sibling groups, disabled children or those with medical uncertainty, older children and children from black and ethnic minority groups. However a targeted recruitment strategy must be supported by a robust and responsive early response to enquiries from prospective adopters. This is presently inconsistent across Wales with similar issues around inadequate resourcing of such services by experienced practitioners able to manage enquires sensitively and responsively
- A potential solution to this would be a national cohesive centrally funded recruitment strategy to provide consistency across Wales. This would require support from a National Adoption helpline which managed initial enquires and was serviced by an experienced workforce who could respond effectively, sensitively and efficiently to the scope and range of calls being made. A national enquiry service can also be used to collate data, analyse trends and plot variations in interest from different regions

- Initial responses must however be backed by local capacity to deliver training and commence the assessment process. We have already heard that there are inconsistencies in both the delivery of these services and in models of practice. It would therefore seem sensible to consider whether regional services could collaborate to deliver a more cohesive service (in line with Sustainable Social Services) that is needs led rather than resource driven. This collaborative service model has already been developed between some Adoption agencies in Wales :for example South East Wales: A single Adoption service hosted by Blaenau Gwent delivers an adoption service to three local authorities and has established a single adoption panel.
- Access to adoption support post placement can encourage or deter prospective parents from pursuing adoption. The process that leads to the placement of a child with an adoptive parent is the beginning of the adoption story. Access to an available appropriately resourced range of adoption support services including financial support, health, education and CAMHS is of critical importance particularly for children who have particular needs. Lack of such resources (which should, if needed, continue up until the child reaches eighteen) can also deter foster carers from applying to adopt a child where remaining with that carer in a permanent arrangement is deemed the most appropriate outcome for that child

Adoptive parents & families

With regard to support, adopters have reported the following as helpful in securing successful placements:

- **Being provided at the outset with full information** about the child and his/her background – Disruption meetings have highlighted concerns about insufficient information being made available at time of placement. Such information could have assisted with understanding how to manage behaviour and proactively seek help before situations escalate to a crisis point
- The **support of the foster carers** in helping the child make the transition from foster to adoptive care, by working collaboratively with the LA where the plan is adoption, by reassuring and supporting the child and the prospective adopters. The way the transition is managed by the foster carers and professionals can determine the outcome of the adoptive placement and can influence the attitudes of the adopters in the short and long term to future contact with the foster family
- **Foster carers need to be well trained and supported in preparing children to move on** and how to manage their own feelings of loss. Foster Carers can oppose the adoption plan if they have reservations about the

choice of adoptive parents or where they had hoped that the child would remain with them on a permanent basis to adopt the child. This is critical that foster carers understand their roles and responsibilities in this process and are able to give permission to the child to move on to their new adoptive family. Both timely and undue delay in pursuing permanence plans for a child can place the foster carers and their families under undue pressure. It is also worth noting that foster carers do have a right to lodge an adoption application in respect of a child who has been placed with them on a fostering basis for more than 12 months

- **Matching** Prospective adoptive parents need to be actively involved in the matching process and be honest about the issues and needs they cannot accommodate. Pre and post approval training in issues of neglect, attachment, managing difficult behaviour is critical to enhance knowledge and understanding of the needs of the children they will be parenting. BAAF has recently piloted a model of Placement Activity Days which allows prospective parents to meet children identified as needing adoptive families in a safe 'controlled' environment. Research from America has indicated that these days can assist positive matching between child and their new family. Present processes within consortia need to be considered vis-à-vis potential linking and matching. It is in everyone's interests to have a proactive system of early identification of potential matches. However, within a context of protracted care planning and care proceedings a potential unintended consequence arises when prospective adopters (possibly 2 or 3 sets) are taken out of the pool in anticipation of the outcome. This then lessens the 'pool' of resources available for other children and takes those adopters who do not proceed to matching for that specific child 'out of the pool' for other children
- **Experienced Competent and Qualified Workforce** Able to draw on research based evidence to inform decisions at each stage of the process for all involved in adoption journey. Some adoptive families have highlighted continuity of worker for both themselves and their child is important to securing successful outcomes. Ensuring the continuity of practitioners is also an important factor in safeguarding the child and the placement

What improvements could be made to the support given to adoptive parents?

- Consideration given to the possibility of continuity of worker from assessment through to post approval. Research study by Julie Selwyn and Hilary Saunders 'Adopting Large Sibling groups Aug 2010' have cited this as a stabilising factor post placement. However this needs to be seen in the context of developing regional services to undertake assessments. If an assessor is unable to continue as case worker there must be appropriate handover of all information to inform both the strengths and identified needs of the family
- Better preparation and wider availability of post approval and post placement training on child development and parenting skills. Post placement provision

can be specifically developed to meet the identified need of the placement and can therefore be applied in practice

- Provision of learning and development opportunities for IRO's who review adoptive placements - Specific experience in adoption work is variable amongst IRO's and they need to be able to pick up on the signs of a placement experiencing difficulties at an earlier stage. Their role is critical and pivotal as they have an overview of the agency's overall functioning as well as the individual child's circumstances. They also have an important monitoring and quality assurance role (further duties allied to 2008 legislation) in respect of the local authority's duty of care to the child and the care planning process. This applies both to children in adoptive placements and those children for whom there is an adoption plan but no placement as yet identified. This is a very important group of children whose needs need to be kept in mind – the number and nature of changes to an adoption plan for a child within an adoption agency provides an interesting picture of the level of unmet need. It is acknowledged that some prospective adoptive parents delay in lodging the application to adopt a child in placement because of their concerns about the lack of the provision and a shared understanding between them and the adoption agency in relation to adoption support services
- Full implementation of the Adoption Support Services Regs (2005)
- Not all LAs have dedicated ASSA posts and there is no consistency in where this role lies within LA's. The strategic aspect of the role has in general not been implemented, including the framework for working with Health and Education. The initial proposal that this function should be fulfilled by a combination of an experienced adoption practitioner and a resource mandate has been generally difficult in practice to achieve
- Consideration to be given to collaborative or regionally based adoption support services where appropriate ie support groups for adoptive parents
- A confident and competent workforce who have access to appropriate workforce development opportunities through training and ongoing learning

Adopted Children

Do the current arrangements for adoption adequately reflect the rights of the child ?

Adoption and Children Act 2002 (Welfare Checklist) places a duty on Local Authorities to ascertain children's wishes and feelings. Article 12 UNCRC states every child has a right to say what they think in all matters affecting them and have their views taken seriously. This is now enshrined in Rights of Children and Young Persons (Wales) measure 2011. Adoption must be a service for children and must be duly processed with the child's timeframe in mind. However the child's right to

family life can be comprised through delays in care proceedings, delays in family finding and inconsistencies in post adoption support services.

We also need to see improvements in the provision of direct services for children both in respect of resources but also a workforce that is trained to listen to children's wishes and feelings and work directly with them (and their primary care givers) in order that they can work through the myriad of feelings and emotions they will continue to experience in respect of their own personal history.

At times it is a difficult equation for practitioners to balance the 'wishes and feelings' of the child and the paramountcy of the child's welfare. This often involves a judgement of the 'situation of least detriment' rather than a clearly defined decision. It is also of concern to practitioners, panels and others that at times there is an apparent lack of direct work with the child in order to inform and elicit those wishes and feelings.

How effective is the support given to adopted children post adoption?

- More follow up research requires investment into the experiences of adopted persons
- Children want to experience 'normal' family life and do not want to be regarded as different from their peers. Support services need to be incorporated into other services for children. The adoption support Services Regs apply not just to Children's Services but to Health and Education. All relevant organisations should be responsive to the life long needs of children who have been adopted and it should not depend on where the adoptive family lives as to the quality of service. Multi Agency training should be provided for all those agencies with a responsibility to provide services for adopted children (research evidence Transition to Adulthood for Adopted Young People' by Dinithi Wijedasa-Hadley Centre - showed adopted young people are more likely to be bullied, engage in risky behaviour & have more mental health issues than comparison group)

What action is needed to ensure that delays in the adoption process can be kept to a minimum?

- **Legal Proceedings and the Judicial process:** Court delays damage children MOJ stats published on 13th January 2012 are demonstrating on average it takes 55 weeks for court proceedings to be finalised. A process that is timely in terms of children's timescales must include judicial continuity and be normally completed within a 6 month timescale. In this context it is imperative that the Welsh Government moves quickly to respond to and implement the recommendations of the Family Justice Review. (ref Scott and McKeigue (2003)) 'Children in Limbo: research on impact of delay on children where court cases have taken over two years to resolve.

- **Human Rights:** The impact of the Human Rights legislation has also had an impact (and rightly so). It is of concern though that the Article 8 'rights to a family life' is often limited to the birth parent(s) and not always applied to the child's rights to a family life. Again this is viewed as an unintended consequence.
- **Professional practitioner confidence:** One of the objectives of the Public Law Outline was to re-establish the social work practitioner as the 'expert' in respect of the child. This has not happened in practice within the court arena. This area of work (and again rightly so), demands a high level of evidential and professional confidence in meeting the required thresholds. Concerns have been expressed about the need to enshrine confidence in the decision making process and enable practitioners to exercise their professional judgement – ("an unrealistic hope that assessment would somehow deliver certainty if only it went on long enough" Beckett & Mc Keigue (2003)).

The relationship and joint working arrangements between adoption and child care social workers within the local authority is critical as are the dovetailing arrangements between the adoption service (particularly if sited within a shared Service) and the permanence functions and specific duty towards the individual child retained by the local authority.

- **Use of Expert witnesses:** Family Justice review recommends primary legislation to reinforce commissioning an expert's report must take due consideration of impact of delay on welfare of the child.
- **Multiple changes of foster placements pre adoption:** More consideration and detailed planning of appropriate matching with foster family at outset. Plans for siblings to be placed together or separately can impact on delays in assessment as well as significant issues of reunification and contact arrangements once that separation has occurred.
- **Shortage of adoptive families particularly for children with specific needs:** Adoption must be available for every child for whom it is the right plan. Delays in implementing plans for adoption damages children's development but local authorities can become trapped in a cyclical dilemma between available resources and identified need. This is a varying picture across Wales however with data varying from 3.7 months to 9 months on average between making of a placement order and a child moving to an adoptive family. Some of the children who wait the longest for a family have specific needs such as defined medical needs or are part of a large sibling group. It is also worth noting here for context that the number of LAC since 2007 has increased by 16.7%. We need to be mindful of the huge emotional and financial cost of keeping a child in care with no sense of belonging to a

'forever family'. It is important that all agencies in Wales understand the true financial cost of keeping a child in care and future planning of their services should be done with an awareness of the potential for a long term social return on their investment. This statement is underpinned by research undertaken in 2009 at The Hadley Centre which compared the financial costs of adoption in comparison to a child remaining indefinitely in foster care.

- **Introductions:** Introductions to a new family need to be done sensitively and be well planned supported and monitored by an experienced practitioner. If this critical period is not managed appropriately the potential of disruption is high. It is also important to consider the input of psychological support services at this stage onwards for adoptive parents to be able to make sense of a child's presenting behaviour at an early stage.

What action is needed to increase the number of successful outcomes once children are considered for adoption?

- Listening to the child's wishes and feelings and those of their birth family members
- High quality assessment of child's needs by well trained practitioners within a reasonable timescale
- Investment in working with birth parents in respect of the significant loss they have experienced and greater inclusion in plans for their child
- Support to adoptive parents in providing timely information to birth parents from the outset of the adoptive placement to assist in the development of a positive relationship that can have potential life long consequences for all involved
- Continuity of worker/s to get to know the child/sibling group/birth family. Repeated change of worker for the child due to staff turnover within child-care teams or case responsibility moving between teams means that often there is no one worker with an in depth knowledge of the child. Within any proposed structural changes on how adoption services can be delivered in the future, expertise and knowledge of the case worker needs to be considered
- High quality, rigorous assessments and preparation of prospective adopters within a transparent process framework and defined timescales. Practice shows that disruptions can often be traced back to inadequate assessments and unrealistic expectations of the adoptive parents. The reality of trying to bond with and parent a child/ren born to someone else, even without taking the specific needs and challenges of the child into consideration often differs from what adopters had hoped to feel and experience. This needs to be taken into account alongside the reality that most prospective adopters have experienced loss through infertility and come to adoption after trying,

sometimes for many years, unsuccessfully to have a child of their own with the hope that they will be matched with a child as young as possible

- Strategic recruitment planning at a National and Regional level. It is important that identified priorities in adopter recruitment are clearly identified and where an applicant's profile does not match these priorities, the responsibility to signpost them to another agency must be implemented. A National Enquiry Service could be well placed to do this in respect of carrying that national overview of regional need
- Monitoring of the adoptive placement-IRO's supported in respect of training requirements in order to fulfil their critical role in reviewing and monitoring care plans and adoptive placements
- Life journey work can sometimes be viewed as an additional service instead of an integral part of the work with a child which needs to be undertaken by workers experienced and trained specifically for this work. The quality of the life journey work and /or material varies as does who undertakes this work. Adoptive families and foster carers must also be included and engaged with any such work undertaken both pre and post placement
- The value of evidence, research and analysis. Adoption is rooted in a rich evidence base informed by some empirical studies and much good practice. There are also important examples of poor and damaging outcomes for children where there has been poorly informed practice. Evidence and analysis should inform each stage of the assessment process and workforce development programmes to strengthen expertise and professional judgement should be integral to all professionals working in the field of adoption. If probably resourced this could reduce necessity of expert witness at care proceedings stage, increased confidence in the assessment process for prospective adoptive parents, and matching approval and placement stage
- Adoption Support Services. As the complexity of need for children requiring adoptive families becomes greater, so the need for expert, dedicated services to families becomes a necessity for positive outcomes. For large sibling groups consideration should be given to financial assistance in order for the adoptive parents to stay at home for as it takes the family unit to settle. Additional support in the home early in the morning and after school would also be an excellent short term investment for long term placement stability
- Independent Scrutiny and Quality Assurance Any system of decision making in adoption should be underpinned by independent scrutiny of crucial decisions that includes a depth and breadth of relevant adoption experience
- National Adoption Register National Register of adopters for children in Wales to increase pool choice and availability across Wales
- Disruption - collection of statistics and analysis to learn lessons and inform future practice (ref recently announced DfE commission of Hadley Research)

How effective has Welsh Government been at monitoring adoptions & tracking the progress for the child and parents?

- To date there has been PI monitoring within LA's and publication of key data stats on an annual basis. This is however qualitative data which can plot trends over comparable timeframes but does not measure quality. There are also inconsistencies in reporting mechanisms on interpretation of that data and there can be limited understanding of its use and value at Local Authority Level. For example whilst disruption stats are not collated nationally there are huge variations in how a disruption is interpreted. As stated above we could learn significant lessons from this and need to consider the value of commissioning similar research in Wales
- It is important that distinction is made between PI's (Inputs and Outputs) and Outcome measurements (ie how do we measure success?) with a potential shift away from PI's towards outcome measurements. The proposal to create a National Outcomes framework (as announced in Sustainable Social Services) should assist with this

Specific Examples of Good Practice

Statutory Sector

Collaboration of Adoption Agencies has already taken place across Wales in recognition of a need to deliver adoption services within resources available.

These include:

- North Wales Adoption service hosted by Wrexham serving six Local authorities.
- West Wales single adoption service serving three Local Authorities
- South East Wales Single adoption Service hosted by Blaenau Gwent serving three local Authorities and has established a single adoption panel
- Some Local Authorities now collaborating on joint training programmes pre approval to reduce delay for applicants
- Provision of support groups for birth parents, Adoptive Families
- Since 2002 South Wales Adoption Agencies Consortium (SWAAC) has worked collaboratively with nine Local authorities and two Voluntary Adoption Agencies to facilitate a linking function between children awaiting placements and adopters approved by member agencies. Also undertakes development work on behalf of consortium

- ADSS and WLGA are also working in partnership with BAAF and other third sector partners to consider a broad scope of reform of adoption services in Wales , underpinned by the priority action set out in Sustainable Social Services for the delivery of a National Adoption Service

Voluntary Sector

St David's: Good track record of recruiting families able and willing to consider children with specific needs; Low Disruption rates; Good packages of post adoption support

Barnado's Cymru: Smaller adoption agency in Wales but effective recruitment of adopters particularly for children with disabilities

Adoption UK: Provide support for Adoptive parents through helpline, support groups, campaigning on their behalf for increased adoption support services. Also initiated work with schools to educate professionals on issues affecting children in school who have been adopted

After Adoption: Support Services to Birth Parents - effectively work with young people and Adult Adoptees

Strategic Adoption Partnership Forum (aforementioned agencies, BAAF and Children In Wales) have developed a forum to consider how we can work collaboratively in respect of service delivery of Adoption services in Wales

Wendy Keidan
Director
BAAF Cymru
16.2.12