

Establishing a National Adoption Service for Wales **Initial outline paper**

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Purpose

This paper sets out a potential structure for the reform of adoption services in Wales, leading to a 'National Adoption Service' for Wales, as set out in '*Sustainable Social Services: A Framework for Action*'. We are committed to achieving a consistent national approach to adoption, with a strong focus on the recruitment and preparation of adopters and on adoption support. We believe that the adoption system in Wales is not broken, but will benefit from some aggregation of functions to a national and regional level. This approach reflects the complexity of the system which requires a complex set of solutions at different levels, to support sustainable change and improvement.

It is our professional opinion that this model proposes a safe and sustainable structure and mitigates the risks attached to one national agency, where safety issues and complexities would be likely to occur. We feel that these reforms set Wales at the forefront of the agenda, recognising how complex adoption services are, and maintaining a rights based approach in line with the UNCRC. Indeed we would go as far as to say we would caution against any radical reforms to 'nationalise' the whole service which undermine the role and function of the local authority and risk unaccountable delivery, and a loss of the voice of the child.

We welcome the Deputy Minister's view that Social Services remain an integral function within local government. As part of the delivery of social care local government has responsibility for adoption services, and whilst we are concerned at some suggestions in England that adoption services could be privately outsourced, we welcome the continued support from Welsh Government that adoption functions remain a core part of the social care role of local authorities. We also recognise the unique expertise the voluntary sector brings to adoption and adoption support in Wales and will work collaboratively with them to scope out the detail of any proposed implementation of adoption reform .

The proposed structure of a Welsh national adoption service is aligned to 10 principles for adoption services devised by BAAF (December 2011), and takes into account the key policy drivers in Wales of:

1. Improving the experience for adopters and children

2. Increasing the voice of the child
3. Maximising collaborative advantage
4. Efficient and sustainable use of resources

We propose that in order to deliver improvement and maintain safety, a new structure for adoption services would at the outset be structured on a three tiered model, aggregating a number of services to a national and regional level, and retaining a number of functions at a local level in accordance with wider care planning and social care legislation. In order to achieve such reform necessary resource allocation and legislative change is required, and further discussions with WG officials on both of these aspects will need to be a priority to ensure timely, yet sustainable change.

The status of paper is as a first stage document and will need considerable further work with partners, once agreement for the principles is provided by the Deputy Minister.

Case for Change

Much media attention has been recently given to the need to reform the adoption process, to increase speed and better reflect the needs of the child. Any reforms in Wales must reflect evidence, practice and be driven by the need to deliver improved outcomes for both prospective adopters and children in the care system. Fundamentally we must demonstrate that these are the principles underpinning reform and ensure that in Wales we are not open to the charge of producing oversimplified solutions to an extremely complex issue. We must take note of the debate in England and reflect that there is no 'quick fix' or 'fast track' solution, both criticisms that have been levied at English proposals following the publication of the Narey report (2011), and which risk averting the focus from sustainable change.

Since 2007 there has been an increase in the number of Looked after children by 16.7% with the inevitable consequence of more children requiring adoptive families across Wales and it is critical that Adoption Services and the Courts are able to meet this increased demand for placements and support services. This is the key driver for reform to ensure a responsive, and sustainable service is in operation in Wales, recognising the value of service delivery at a national, local and regional level, determined by the needs of those using the service.

In developing proposals for reform we must not be driven by 'data' alone, as this can often provide a misleading picture, and can easily be misinterpreted. Recent league tables published in England were heavily criticised by professional bodies for over simplifying the very real complexities within the assessment, matching and placement processes. It is crucial that any new proposals maintain the primacy of rigour in ensuring the assessment, matching process and placement are carried out appropriately and effectively

leading to the right decision for the child, and should therefore not be subject to arbitrary statutory timescales. We are clear that there are changes required at each stage of the adoption process to remove unnecessary delay -from decisions made to place children for adoption, if that is the plan, to recruitment and approval of potential adoptive families and matching and placement of vulnerable children with their 'forever' family - but not at the expense of depth and quality of analysis, assessment and professional judgement that could increase the risk of adoption breakdown.

The role of the Courts must also be considered in constructing proposals for change, and recognised as outside of local authority control. However we are aware from MOJ stats published in January 2012 that courts in Wales are taking on average 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 timeframe We therefore would recommend to Ministers that this review of adoption reform in Wales moves quickly to respond to and implement the recommendations of the Family Justice Review

Existing Picture

Local Authorities in Wales have the statutory duty to deliver services that safeguard and promote the well being of children looked after and to secure permanency for them by the most appropriate route. Adoption is one route by which permanency can be achieved for children looked after and the statutory responsibility for developing and managing their individual care plans rests with Local Authorities. Any analysis of cases where adoption is the agreed plan for children looked after concludes that the adoption system needs to start from the fact that currently more than 80% of all adoption work is conducted by local authorities and more than 80% of prospective adopters recruited are done so by local authorities.

(A) Legislation

The existence and restrictions of current legislation, and the use of the terms in the legislation, particularly in relation to 'Agency' must be considered as a precursor to reform

The Adoption and Children Act 2002 and associated statutory regulations placed a statutory duty upon every local authority in Wales to become a Registered Adoption Agency and are prescriptive in how these services must be delivered. In addition to local authorities being a registered adoption

agency, voluntary organisations in Wales can be registered as an Adoption Agency. These regulations may need to be assessed against agreed proposals to determine any necessary changes.

National Minimum Standards (2007) are in place in England and Wales and set out a range of standards adoption agencies must meet when providing a service pertaining to a child's welfare, needs of prospective adopters and expectations regarding the matching process.

The Adoption Agencies (Wales) Regulations 2005 set out the establishment of a panel, its function and membership. They also set out the agency's responsibility in terms of matching and placing a child and may require significant amendment, to enable an aggregation of functions to a regional or national level.

The Adoption Support Services (Local Authorities) Wales Regulations 2005 and accompanying statutory guidance (2006) sets out the Local Authorities' duties to assess the needs of all those affected by adoption (including birth parents and siblings, children, adult adoptees and adoptive parents) for adoption support services. This includes the requirements of other statutory bodies such as Health and Education to be included in any assessment for adoption support

(B) Performance

At the outset it is important to understand where we are in Wales in terms of local authorities' performance on adoption.

- There has been an increase of 16.7% in all Looked After Children since 2007 with the greatest increase of over 10% in 2009. 5416 children were LAC at 31st March 2011.
- 252 children were legally adopted during 2010/11 and represents 3.8% of all LAC; a further 183 children were placed for adoption at the year end.
- Another 85 children had their permanence secured legally through a Special Guardianship Order.
- Over 85% of those children adopted had been subject to Placement Orders, whereby the plan for adoption had been challenged in court by his/her parents. Only 29 children were adopted with consent.
- The numbers of placement breakdowns is very small in Wales. Less than 5 children's placements were disrupted prior to the adoption order being made last year and fewer than 5 children had breakdowns after the adoption order, requiring them to be brought back into the LAC system.
- After the making of a Placement Order (note; no agency can place a child for adoption without a placement order or the consent of the birth parents) it takes on average 3 months 3

weeks for the child to move in to their new family. It then takes an average of over 10 months for an adoption order to be granted.

Structures

In recognition of the specialist nature of adoption services and in order to deliver adoption services within the resources available, different management and delivery arrangements have developed in Wales.

Regional collaboratives operate across South East Wales, Mid & West and North Wales, and it is crucial that the best practice and progress derived from these collaborations informs continued service development and aggregation of appropriate functions.

These include:

- North Wales: A single adoption service
- West Wales: A single adoption service delivers an adoption service to three local authorities operating a joint panel.
- 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, in accordance with regulations.
- South Wales: ten local authorities deliver a collaborative arrangement in the exchange of placements

It is critical that the difference in an Adoption Agency and Adoption Consortium are acknowledged and there are different configurations of Adoption Consortia across Wales. For example The South Wales Adoption Agencies Consortium (SWAAC), established in 2002 which facilitates a linking function between nine Local Authorities for children awaiting families and adopters approved by those member agencies and two associate voluntary adoption agencies.

Changes proposed

The delivery of a National Adoption Service for Wales service is a priority action set out in *'Sustainable Social Services: A Framework for Action'*, and was endorsed in the local government response, submitted by the WLGA and ADSS Cymru in December 2011.

It is clear that there is appetite for reform that will strengthen existing adoption services and provide greater consistency across Wales, resulting in services being delivered that enable some of the most vulnerable children in our communities being able to live with a permanent family. Adoption is only one means of securing permanency for children and is a complex process which can only be successful if it remains part of the management and delivery of children's social care services.

The placement of a child in a secure, stable and loving family is what drives the adoption system, and central to our proposals is the need to ensure that permanence plans are implemented with appropriate urgency and are based on a full understanding and assessment of the child's needs for family life .. It is a local authorities' responsibility to ensure that the system that delivers this is effective and efficient to secure that objective.

It is proposed that a tiered model of Adoption Services is developed to meet the needs of the most vulnerable children and this will only be achieved by Government, Local Authorities and the Voluntary Sector working together to share knowledge, experience and resources. It is essential that the different elements that make up an effective and efficient adoption service are appropriately aligned at a local, regional and national level. To this end, we have conducted a functionality review of all regulated functions and services associated with the adoption process. The functions have been assessed against a set of ten principles in adoption recently devised by BAAF to determine where they 'best fit' in a restructured service model.

It is proposed that "Local" functions aligned to wider social care legislation are managed and delivered by local authorities and "Regional" functions are managed on a collaborative configuration with consideration to aligning them to the Local Health Board footprint. It is suggested that further discussions will be required between National and Local Government on how the National Adoption Service could be resourced, commissioned and what appropriate governance structures may look like.

The ten principles by which the regulated functions and associated services have been assessed are set out briefly below to contextualise the proposed functionality of the suggested new model.

1. Adoption and Permanence - 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 consider the full range of permanence options and are implemented with appropriate urgency. For example research indicates that Special Guardianship or permanent fostering arrangements provide children ,for whom adoption is not appropriate, with that sense of belonging within a family .

2. Availability of adoption - Adoption must be available for every child for whom it is the right plan. There is strong evidence that Adoption as a means of securing permanency for children is not consistently used across local authorities in Wales. Delay in implementing plans for adoption damages children's development.

3. A belief in the positive life changing impact of adoption - Adoption is a life changing event for all involved. It should offer a positive, stable and nurturing family life for a child and a rewarding and fulfilling experience for an adoptive parent who is enable by effective adoption support to parent their child/ren.

4. 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 is also important evidence of poor and damaging outcomes for children where there have been shortcuts and poorly informed practice. Evidence and analysis should underpin each stage of the adoption process.

5. The value of 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.

6. Legal Proceedings and the Judicial Process – Delays in Court are damaging children and the variation across Wales in the length of time a case takes to conclude in Court is not acceptable.

7. Adopters need to be valued - For adoption to work well, we must have a well managed welcoming and inclusive first response to enquiries from prospective adopters followed by a safe and comprehensive assessment process. There is no reason why preparation and assessment cannot be conducted within 6 months, but practice experience suggests that most adopters need about 6 months to come to terms with the nature and consequences of this life-long commitment to a child. It is also important to note that a responsive inclusive service should extend well beyond the preparation and assessment stage to post approval and post placement of the child.

8. Matching - Matching matters because the child chosen through adoption will become part of the adoptive family forever. Prospective adopter(s) need to be actively involved in the matching process and be honest about the issues and needs they can and cannot accommodate. This is a life changing

decision for all involved but is also just another step on the lifelong journey of adoption.

9. Adoption Support - 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 must be provided ,consistently across Wales,whenever it is assessed as a needed within an appropriate timeframe.

10. Workforce - Adoption is complex and its impact upon children and adults in profound. It is essential that those charged with managing and delivering adoption services have the necessary skill, experience and support.

These proposals have been developed jointly by the WLGA, ADSS and the Voluntary Sector and have been influenced and underpinned by professional experience from across both the statutory and voluntary sectors.

In developing the proposed model consideration was given to the different aspects of adoption services and each was aligned to one of the tiers of service. In some cases functions may sit across two tiers.

National Adoption Service

Rationale:

- Improved outcomes for children
- Improved service
- Cost Effectiveness
- Maximising expertise
- Clear public point of contact for all those affected by adoption

This service will need:

- Resources
- Clear governance structures to deliver a unified service in collaboration with regions
- Collaborative tendering process for delivery
- Effective commissioning and procurement strategy

National Functions

Information Service

- Helpline- Any individual affected by adoption (signpost)

- First point of contact for prospective adopters
- Greater information on permanency and support available.
- Advisory Function
- Consistency of advice and information for all aspects of adoption (CM)
- Citizen and user friendly
- Legal and professional advice and information on inter country adoption

Public Awareness

- National Campaign awareness strategy
- National Marketing Recruitment strategy reflecting local needs
- Marketing and Communication (Cost effective procurement)

Linking Children with prospective adopters

- National Adoption Register
- Targeted recruitment activity for children with particular needs

Data Collections

- Tracking outcomes for individual children
- Tracking outcomes of prospective adopters from inquiry to placement
- Development of Data to Inform service delivery (SID)

Independent Review Mechanism

- Hosted and Managed by National Service

Miscellaneous

- Policies and Procedures to increase consistency
- Workforce Development
- Learning and Knowledge Management/Dissemination
- Research

Regional Functions

This term would require legislative and regulatory change, to enable regional agencies to be established as this function is currently the preserve of an individual local authority.

However if regional structures are permitted under new legislation, guidance would need to set out appropriate governance structures.

Risk and logistical difficulties (geography & culture) have been identified should these functions be delivered at a national level that includes:

- Increasing delays for the most vulnerable children
- Lack of consideration of cultural and community needs

- Service unable to be responsive to local need

Our professional opinion is therefore that for the following functions a regional aggregation is most appropriate and aligned to government objectives to increase collaboration.

Benefits identified by aggregating services up to a regional level include:

- Safety of child
- Economies of scale (assessment, training, recruitment)
- Better use of resources
- Increasing placement choice
- Will lead to a more robust sustainable services (high cost low volume)
- Workforce benefits- shared expertise and knowledge
- Earlier and more informed planning
- Recognising benefits of local delivery whilst maximising regional resourcing
- Supports consistency
- Identify gaps in service, knowledge, practice,

Management and Delivery of regulated adoption service at regional level

Recruitment & Assessment

- First stage Counselling for prospective adopters
- Prospective adopters (targeted recruitment/assessment for all)
- Workforce development
- Training of prospective and post approved adopters
- Management of adoption panel to recommend approval

Linking individual children with potential prospective adoptive families

- Knowledge of children
- Knowledge of prospective adopters/ approved adopters
- Knowledge of research/ outcomes
- Matching meetings
- Management of Adoption Panel (see comments above)

Post adoption support service

- Assessment of post adoption service support- linking with local accountabilities
- Management of post adoption contact arrangements
- Collaboration with multi disciplinary colleagues- Health, education
- Facilitate support groups for adoptive families, birth families and children who have been adopted

Intermediary

- Birth record counselling
- Searching & (and or) Reunion

Inter Country Adoption

- Assessment and training of inter country adopters
- Support for families who adopt from abroad

Engagement with stakeholders

- Judiciary
- Statutory agencies
- Voluntary bodies
- Public
- Children and young people

Misc

- Regional accountability adaption of policies and procedures

Local Functions

Children

- Care Planning decision making and judicial process
- Matching Individual Children to named prospective adopter
- Direct Work (pre and post Placement)
- Delivery of assessed post adoption support services (align also to Health / Education)including direct contact arrangements

Prospective Adopters

- Matching with individual children
- Decision making on placement
- Introduction and post placement statutory duties
- Judicial processes / Adoption Order
- Delivery of assessed post Adoption Support Services

Birth Parents

- Care Planning / judicial process

- Direct work with birth parents during and through care planning judicial process
- Delivery of some assessed post adoption support services including assistance in managing direct contact arrangements (counselling though this could be a regional function)

Other family members including siblings

- Direct work pre and post placement
- Delivery of some assessed post adoption support services

Record Keeping

- Local authorities responsible for keeping adoption records in line with statutory duties

Conclusion

ADSS Cymru will lead on this work strand in partnership with WLGA and third sector colleagues .We will look to increase the pace of collaboration, but any proposed service model will be derived from a need to improve practice and outcomes rather than a purist structural approach at a regional or national level.

It is likely that changes will need to be phased in and we will look to develop an implementation plan which sets out the scope of the proposed change, timescale for delivery, risk analysis and cost benefit analysis. Detailed planning around this implementation plan including resourcing , proposals on commissioning and possible legislative changes required to formalise aspects of the proposed plan will need to take place with Welsh Government, following acceptance of this paper which outlines a suggested structure for reform.