

# Right on time

Exploring delays in adoption

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This report explores the effectiveness of arrangements to avoid delay in adoption outcomes for children in a sample of nine local authority areas and their partner agencies. The report draws on evidence from cases and from the views of adopters, children and young people and professionals, including local authority managers and social workers, and representatives from the Children and Family Court Advisory and Support Service (Cafcass), the courts and the voluntary sector.

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## Executive summary

Achieving timely outcomes for children who require adoption remains a significant challenge. On average, it takes two years and seven months before children are adopted after entering care. Most adopted children are aged between one and four when they join their new family, with the average age at adoption standing at three years and 10 months.<sup>1</sup>

This report explores how delays for children within the adoption process were avoided, and why delays occurred, in nine local authorities. Inspectors examined cases where adoption was, or had been, the plan for children. They spoke to social workers, local authority managers, adopters and representatives from the voluntary sector, the Children and Family Court Advisory and Support Service (Cafcass) and the courts.

Inspectors found that a substantial number of children had been known to children's social care services for a considerable length of time before entering care; delay in entering care proceedings jeopardised good outcomes for children. The children were older when they entered care, and their life experiences had resulted in some significant behavioural challenges for potential adopters.

The key factor causing delay in tracked cases was the length of time for care proceedings to be concluded before an adoption plan could be confirmed. A high number of cases had been subject to repeat or late assessments of parents or members of the wider family. The time taken to carry out these assessments often had a measurable and adverse impact upon the timely granting of a placement order. Inspectors saw examples of cases where considerable efforts had been made to undertake all necessary assessments as early as possible in the proceedings. However, these assessments were often sequential which meant that delay was inevitable.

In some areas, the reliance on independent experts appeared to reflect a general lack of trust on the part of the courts in the quality of local authority social work assessments as well as a lack of social work status in the court arena, especially relative to Cafcass guardians. In turn, social workers in some authorities suffered from a lack of confidence and experience in court work. Local authorities, Cafcass and the courts were working productively in several areas to tackle shared strategic and practice issues, including delay for children. In most areas, however, relationships were more fragile and the impact of any liaison was minimal.

Parallel planning, where a contingent permanence plan is pursued and activated should a plan for rehabilitation prove not to be feasible, appeared to be standard practice in nearly all local authorities visited. The quality of its application, however,

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<sup>1</sup> All statistics: Statistical First Release: Children looked after in England (including adoption and care leavers) year ending 31 March 2011, Department for Education, 2011; [www.education.gov.uk/rsgateway/DB/SFR/s001026/sfr21-2011.pdf](http://www.education.gov.uk/rsgateway/DB/SFR/s001026/sfr21-2011.pdf).

was variable. Best practice tended to be based on a strong relationship between the adoption team and children's social workers, supported by robust monitoring mechanisms. The court timetable generally ensured that timescales for parallel plans were met for those cases in care proceedings and inspectors saw examples of robust planning at the second statutory review, or earlier. In some cases, however, review recommendations about permanence were insufficiently clear about how the plan was to be progressed.

Family-finding specialists, responsible for identifying adopters who would meet children's specific needs, were generally involved at an early stage in most local authorities, with a clear definition of their roles and responsibilities and appropriate management oversight to ensure the timely progress of cases. In a small number of cases, however, their involvement was less focused, leading to an increased risk of delay. The National Adoption Register was accessed by all local authorities as part of its efforts to identify suitable adopters for children, although there was a mixed view of its effectiveness.<sup>2</sup>

Adoption panels consistently made effective efforts to meet as often as was necessary and inspectors found no evidence of panels contributing to avoidable delay. In cases seen by inspectors, nearly all children who had been placed for adoption had been placed within 12 months of a formal decision that they should be adopted.

There was no evidence that financial considerations had an adverse effect upon the timeliness of adoption placements. Although councils usually prioritised the use of in-house placements, searches for adoptive families were generally widened promptly if no suitable local placements were available. The payment of inter-agency fees, when appropriate, was well established in all local authorities.

Nearly all local authorities cited their past or current staff recruitment and retention difficulties as a significant factor in delay for children. High caseloads were also evident, although this did not always result in delay. Specialist training was not provided consistently for all staff and managers involved in adoption work.

Performance monitoring mechanisms that enabled managers at all levels to have an understanding of local adoption performance varied in their rigour and attention to detail. The influence of independent reviewing officers (IROs) on timely adoption outcomes for children was inconsistent.

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<sup>2</sup> The Adoption Register for England and Wales is operated by the British Association for Adoption and Fostering (BAAF) on behalf of the Department for Education and the Welsh Government; [www.adoptionregister.org.uk](http://www.adoptionregister.org.uk).

The majority of the 26 adopters spoken to reported that they had experienced a welcoming response from agencies when they had first enquired about adoption and were happy overall with the service that they had received from their approving local authority. Most adopters did not feel that they had experienced significant delay, although nearly all considered that there had been some kind of delay, however minor.

Most adopters felt that the assessment was necessarily thorough and that their social worker had been supportive and sensitive. Some delays had been experienced as a result of staff shortages. Some adopters were frustrated at the length of time it took to be matched with a child after they had been approved. A small number of adopters felt that the process was at times inflexible and over-cautious.

Good communication with social workers was seen as crucial by nearly all the adopters and it was important to adopters that social workers were reliable and did what they said they would do.

The views of children were generally taken into full account in the cases tracked during this survey. When children were too young to express their views, their wishes and feelings were assessed carefully by professionals and carers.

## Key findings

- The most common reason for delay in the cases tracked for this report was the length of time taken for care proceedings to be concluded before an adoption plan could be confirmed. There were several reasons for court delay, including most significantly:
  - repeat assessments of birth parents
  - additional assessments of relatives, often commenced late in proceedings
  - additional expert assessments, sometimes by independent social workers
  - a general lack of social worker confidence and assertiveness within the court arena, which sometimes led to a lack of challenge to changes in plans and additional assessments
  - insufficient capacity of local courts to meet demand, resulting in timetabling difficulties.
- Fourteen of the 53 tracked cases scrutinised by inspectors had been known to children's social care for a considerable length of time prior to care proceedings being initiated.
- There was some evidence in a small number of local authorities that voluntary care was regularly used inappropriately for very young children, causing significant delay in achieving permanence.
- Evidence of effective communication links between local authorities, Cafcass and the courts to address shared strategic and practice issues, including delay for children, was variable. Although these services often met routinely and formally,

the impact of the meetings on improving the timeliness of outcomes for children was not always evident.

- Recruitment strategies for adopters did not always fully reflect changing demand, nor were they always accompanied by specific action plans.
- Although several cases were subject to delay due to difficulties in identifying suitable adopters, most children were placed within 12 months of an agency decision that they should be adopted.
- Processes for matching children with adoptive placements were generally robust. There was little evidence of delay caused by an unrealistic search for a 'perfect' ethnic match.
- Most of the adopters spoken to reported that they had experienced a welcoming response from agencies when they first enquired about adoption.
- Most adopters felt, especially with the benefit of hindsight, that the time taken to complete their assessment was necessary, although some had experienced delay as a result of staff shortages.
- There was little evidence of decisions being taken, or not being taken, as result of financial constraints, including the payment of inter-agency fees or when planning post-adoption support.
- Senior managers and social workers in several local authorities felt that increasing workload demands had adversely affected their capacity to achieve timely permanence outcomes for children.
- The level and quality of support available from adoption workers to children's social workers, including family finding specialists, were key factors in minimising the impact of competing demands and commencing timely parallel planning.
- Local authorities' adoption services were structured in a variety of ways. The extent to which the inevitable risks of any service structure were managed was variable, however, with some evidence of a lack of adequate training and support for those workers responsible for permanence and adoption planning.
- Local authorities who had robust systems in place to track the progress of cases were more likely to minimise the risk of significant accumulated delay
- The level of challenge from managers and independent reviewing officers (IROs) to prevent or reduce delay was inconsistent.

## Recommendations

Local authorities should:

- ensure that children who need to come into care are identified at the earliest possible stage and appropriate statutory intervention is taken

- ensure that a strategy is in place to recruit, approve and support adopters who meet the current and future needs of looked after children, with sufficiently specific, timely and measurable action plans
- ensure that staff who work in permanence are suitably skilled, supported and directed so that they can help children to achieve permanence most effectively without avoidable delay
- maintain robust performance management arrangements to ensure timely progression of adoption plans.

Local authorities and partners, including Cafcass and the courts, should:

- develop and maintain productive, challenging relationships that address delay at both strategic and casework levels.

The government should:

- seek to take swift and full action to support the implementation of relevant recommendations of the Family Justice Review, particularly those actions relating to the timely implementation and conclusion of care proceedings, so that delay at all stages of the child's journey is addressed.

## Introduction

1. Reflecting the growing concerns of successive governments over several years, Tim Loughton, Parliamentary Under-Secretary of State for Children and Families, wrote to all local authorities in November 2011, highlighting the decreasing number of children being adopted, and the length of time children remain in care before being adopted.
2. New statutory guidance relating to adoption was published in February 2011<sup>3</sup> and revised national minimum standards came into force in April 2011.<sup>4</sup>
3. In March 2012, the government announced proposed changes to legislation to ensure that, when it is in a child's best interests, they are placed in an adoptive family as soon as possible.<sup>5</sup> These measures included new duties on local authorities to reduce delays, changes to legislation to encourage more foster carers to adopt children that they are looking after, and a requirement to consult the National Adoption Register if a child is waiting for a placement for more than three months.

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<sup>3</sup> Adoption statutory guidance: Adoption and Children Act 2002, Department for Education, 2011; [www.baaf.org.uk/newadoptionregulation](http://www.baaf.org.uk/newadoptionregulation).

<sup>4</sup> Adoption: national minimum standards, Department for Education, 2011; [www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00028-2011](http://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00028-2011).

<sup>5</sup> Government press notice: 'Government sets out measures to speed up adoptions and give vulnerable children loving homes', Department for Education website, 9 March 2012; [www.education.gov.uk/inthenews/inthenews/a00204964/governmentmeasuresstospeedupadoptions](http://www.education.gov.uk/inthenews/inthenews/a00204964/governmentmeasuresstospeedupadoptions).

4. Ofsted's new adoption inspection arrangements, published in February 2012, will mean that only local authorities that ensure all children identified for adoption are placed within 12 months of an agency decision, unless there are exceptional circumstances, are likely to be judged as 'outstanding' on the outcomes they achieve for children.<sup>6</sup>
5. Adoption figures published by the Department for Education (DfE) on 28 September 2011 show that the number of children adopted in the UK dropped by a further 5% in the period 2010–11.<sup>7</sup> The number of children placed for adoption fell to 2,450, a decline of 10% since 2007. The number of babies adopted fell to 60, compared with 70 in the previous year and 150 in 2007. This compares with about 4,000 in 1976.
6. The decrease in adoption figures has coincided, however, with an overall increase in the use of all permanence orders, including special guardianship orders and residence orders. DfE statistics reveal a 27% increase over the last five years, including a 9% increase since 2010. There was a 35% increase from 2010 in the number of looked after children who became subject to special guardianship orders, which came into force in 2005 as a additional route to permanence for children for whom adoption might not be appropriate.<sup>8</sup>
7. However, achieving timely outcomes for children who may require adoption remains a considerable challenge. On average, it takes two years and seven months before children are adopted after entering care. Most adopted children are aged between one and four when they join their new family, with the average age at adoption standing at three years and 10 months.
8. The new *Care planning, placement and case review (England) regulations* came into force in 2011.<sup>9</sup> They emphasise time as a crucial element in work with children, and that it 'should be measured in days and months rather than years'. The national minimum standards for adoption stress the severe impact that delays in adoption can have on a child's health and development. The revised standards state that a child should be placed for adoption within 12 months of a formal agency decision that they should be adopted.<sup>10</sup> Research indicates that those children who are subject to delays in decision-making are older when they enter the care system, have been subject to lengthy neglectful

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<sup>6</sup> *Inspection of local authority and voluntary adoption agencies* (120004), Ofsted, 2012; [www.ofsted.gov.uk/resources/120004](http://www.ofsted.gov.uk/resources/120004).

<sup>7</sup> All statistics: Statistical First Release: Children looked after in England (including adoption and care leavers) year ending 31 March 2011, Department for Education, 2011; [www.education.gov.uk/rsgateway/DB/SFR/s001026/index.shtml](http://www.education.gov.uk/rsgateway/DB/SFR/s001026/index.shtml).

<sup>8</sup> A Special Guardianship Order allows a child to retain a legal relationship with the birth family, unlike an adoption order.

<sup>9</sup> *The care planning, placement and case review (England) regulations 2010*, Adoption national minimum standards; [www.legislation.gov.uk/uksi/2010/959/contents/made](http://www.legislation.gov.uk/uksi/2010/959/contents/made).

<sup>10</sup> Standard 13, Adoption national minimum standards (as above).

or damaging experiences, and are therefore much less likely to achieve stability or permanence. Although data regarding adoption breakdown are not routinely collected, research demonstrates a strong relationship between adoption disruption and the age of children at the time of placement.

9. Her Majesty's Chief Inspector's Annual Report 2010–11 identified effective processes for the recruitment, assessment and approval of adopters, robust case-tracking systems and strong partnership working as key factors in reducing delay for children awaiting adoptive placements. Inspection identified lengthy court processes and starting planning too late during the early period of a child's time in care as leading to delays in achieving permanence. Life story work, particular the gathering of information about a child's past for use in the future, often took too long.
10. The Family Justice Review published its final report in autumn 2011 and identified that delays in care proceedings are a symptom of an over-complicated system in urgent need of reform.<sup>11</sup> The report supports those specific recommendations emphasised by Professor Eileen Munro to reduce delay in care proceedings: the need for effective, timely planning processes and for productive relationships between the judiciary and the local authority.<sup>12</sup> The government has now published its response to the review and has endorsed several relevant recommendations, including a six-month limit on the length of care proceedings and the removal of the requirement that the local authority adoption panel consider the suitability for adoption of a child whose case is before the court.<sup>13</sup>
11. This report summarises the findings of a survey of nine local authority areas to look at the effectiveness of arrangements to avoid delay in adoption outcomes for children. The local authorities varied in size and geographical context and included metropolitan areas and counties of varying size, with a combination of rural and urban features. The local authorities reflected a wide range of performance in adoption and recent relevant inspection outcomes. Of the nine authorities visited, four had received an outstanding judgement in their most recent adoption inspection, one had been judged as good, and four had been judged as satisfactory.

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<sup>11</sup> *Family Justice Review: final report*, Ministry of Justice, the Department for Education and the Welsh Government, 2011; [www.justice.gov.uk/about/moj/independent-reviews/family-justice-review](http://www.justice.gov.uk/about/moj/independent-reviews/family-justice-review).

<sup>12</sup> *The Munro review of child protection: final report*, Department for Education, 2011; [www.education.gov.uk/munroreview](http://www.education.gov.uk/munroreview).

<sup>13</sup> *The government response to the Family Justice Review: a system with children and families at its heart*, DfE, 2012; [www.education.gov.uk/publications/standard/publicationDetail/Page1/CM-8273](http://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM-8273).

12. Inspectors sought to identify common barriers to good practice and the key factors in promoting timely outcomes for children who need, or may need, to be adopted, by looking at:
  - the quality of care planning, including the clarity, timeliness and effectiveness of key decision-making and multi-agency working
  - panel functioning
  - legal advice
  - liaison between local authorities, Cafcass and the courts
  - performance management, including management oversight
  - training
  - policies/procedures
  - strategic planning, including recruitment of adopters
  - staffing issues.
13. Inspectors undertook the visits to these local authority areas between November 2011 and January 2012. On each survey visit, two inspectors tracked a minimum of six cases to examine the adoption process, via meetings with involved professionals and access to case records. Inspectors also examined a randomly selected sample of relevant cases via electronic care records and meetings with practitioners.
14. Tracked cases included examples of:
  - children recently (within the last 12 months) adopted or placed for adoption, including children who were not placed within 12 months of a 'should be placed for adoption' (SHOBPA) decision
  - children subject to a recent SHOBPA panel decision (this may include children still subject to care proceedings) but not yet matched.
15. Fifty-three cases were tracked, and a further 36 cases were randomly sampled.
16. Inspectors spoke to 23 separately approved adoptive parents. The report draws on evidence from those discussions and from meetings with key professionals including local authority managers, IROs and social workers. Interviews were held in each local authority area with representatives from Cafcass, the courts and the voluntary sector. The survey took into account the views of children

and young people as captured in recent reports published by the Children's Rights Director.<sup>14</sup>

17. Good practice examples are highlighted in this survey report to illustrate aspects of good work in a particular area and are not intended to suggest that practice in that area was exemplary in every aspect. Case studies have been anonymised.

## Early intervention

18. Inspectors found that 14 of the 53 tracked cases (26%) had been known to children's social care for a considerable length of time prior to care proceedings being initiated. Typically, these cases were characterised by long-standing concerns about either neglect or emotional abuse, or both. Domestic violence was a significant feature of five of the cases.
19. Professionals who were currently involved with the tracked cases were in some instances highly critical of the delay they believed there had been to initiate care proceedings. 'The authority has failed these children', one social worker said, as she described the early drift in case planning for three siblings. These children were subject to a child protection plan for three years before care proceedings were initiated. In the social worker's view, the drift had been caused by a lack of clear outcomes by which to measure change in the family and an inconsistent application of care thresholds. The constantly aggressive attitude of the parents towards professionals also appeared to hinder decision-making.
20. Another social worker described how she felt the needs of a younger child had been 'lost' while she was subject to child in need and child protection plans. The focus had been on the needs of her older siblings, who presented challenging behaviour. Despite eight years' involvement with the family, children in need services did not pick up on the high level of parental neglect and the child did not enter care until she was two years old.
21. A senior judge spoken to by inspectors in one local authority pinpointed the failure of social work teams to produce critical, focused and analytical work prior to proceedings as a key reason for delay. The lack of evidence gained prior to entering care proceedings, in the judge's view, hindered the proceedings themselves and then caused further delay for children. There was particular difficulty with cases described by the judge as 'slow burners', which featured chronic neglect.

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<sup>14</sup> The minister's discussion group with young people on the adoption charter – a children's views report, 18 October 2011; <https://rights4me.org/en/home/library/report-ministers-discussion-group-on-the-adoption-charter.aspx>.

22. Several children experienced lengthy spells of voluntary care prior to care proceedings being initiated.<sup>15</sup> This type of care is not always inappropriate or unnecessary. Indeed, in many cases, the sparing use of this type of care was appropriate as social workers assessed whether it was necessary to secure promptly the children's longer-term safety through care proceedings. Interviews with social workers and managers, however, on more than one occasion revealed an uncertainty about how to balance the Children Act's 'no delay' and 'no order' principles. As a judge stated, voluntary care should properly be used 'to avoid care, not as a precursor to care'.
23. The over-reliance on Section 20 of the Children Act as the initial care option was not seen in every council, but it was found by inspectors to be particularly prevalent in one council. Such practice was not unique to this local authority, but here there had been a self-acknowledged culture of using voluntary care whenever possible, even in cases where children were the subject of long-standing and current child protection concerns. One child had been subject to a plan for four months prior to being accommodated as a result of a non-accidental injury, but care proceedings were not initiated until eight months after entering care (and seven months after this had been a recommendation at a first review). Another very young child who was also the subject of a child protection plan had been accommodated at the age of seven months due to serious neglect concerns, but care proceedings were not commenced until a recommendation was made to do so at the first statutory review, four months after the child came into care.
24. Team managers in this local authority felt that the over-reliance on voluntary care largely resulted from a 'reactive' case management approach to crises in families, sometimes due to work pressures. There was no due consideration of the longer-term needs of children. Legal services were sometimes over-cautious about whether thresholds had been met to initiate care proceedings. The use of voluntary care was now more closely monitored and its use had reduced in the last six months.
25. The true significance of the delay in entering care proceedings lay in the risk it posed of jeopardising good outcomes for children. The children were older when they entered care, and their life experiences had resulted in some significant behavioural challenges for potential adopters. Difficulties in matching children placed for adoption with potential adoptive parents could be attributed to the early delay in six of the 14 cases. For two brothers, drift in early planning (with further delays since) was described as 'unacceptable' by the social worker. The delay had had a detrimental impact on the children, not only in terms of their experience of childhood, but the children now lacked confidence

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<sup>15</sup> Children Act 1989, section 20, HMSO, 1989; [www.legislation.gov.uk/ukpga/1989/41/contents](http://www.legislation.gov.uk/ukpga/1989/41/contents).

that they would be adopted. They remained in foster care and their ability to sustain an adoption relationship was greatly reduced.

## Court delay

### Length of care proceedings

26. The most significant cause of delay in tracked cases was the length of time taken for care proceedings to be concluded before an adoption plan could be confirmed. The average duration of completed care proceedings in tracked cases was slightly under 14 months. The individual local authority area average for these cases ranged from 11 months to 20 months.
27. This average is slightly higher than the average of 55 weeks taken in England and Wales, but far exceeds the maximum timescale of six months as recommended by the Family Justice Review in 2011.<sup>16</sup>
28. The reasons for court delay were varied and often interrelated.

### Court assessments

29. Additional and repeat assessments during care proceedings, generally occurring sequentially, were found by inspectors to contribute to the delay in achieving permanence for children in 20 (38%) of the cases tracked. This figure does not include those cases where the ability of parents and extended family members to care for children was quite properly assessed as part of proceedings in a timely manner. The 20 cases were cases where repeat or late assessments had a measurable and adverse impact on the timely granting of a placement order. Delay for these children was measured in months, or in some cases, years.
30. Most professionals, as individuals and as groups, cited this as one of the most common causes of delay. One senior manager commented that 'the number of assessments is ridiculous; they add to delays in court without contributing to a greater understanding of the child's needs and most times don't come up with anything different than we were recommending'.
31. Social workers as a group were most vocal, speaking about 'endless' assessments, which often did not add anything to the information already known about families. Professionals also spoke about how there were regular difficulties in finding independent experts to do assessments which caused more delay.
32. There was a common perception that the courts' anxieties about upholding the Human Rights Act<sup>17</sup> often overrode the 'no delay' principle of the Children Act

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<sup>16</sup> Statistics published in January 2012 by the Ministry of Justice;  
[www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/judicial-quarterly.htm](http://www.justice.gov.uk/publications/statistics-and-data/courts-and-sentencing/judicial-quarterly.htm).

1989. There was a general consensus that the court process was adult-centred. One social worker said that children get 'sucked into court', without sufficient consideration of the impact on the children's emotional well-being.

33. In eight cases, the commissioning of independent social work assessments essentially duplicated the task of the allocated local authority social worker and prolonged care proceedings. These assessments generally arose due to a disagreement about the proposed plan between the guardian for the child and the local authority or as a result of effective advocacy on behalf of the parents. In a number of the cases examined, repeat assessments, often ordered late in the process, ended up confirming the outcome of the original assessments but added months to the delay before the child's future could be determined. In one case, a potential adoptive match was lost, leading to further delay.
34. Examples seen by inspectors included delays ranging from six to eight months as a result of sequential assessments. A social worker told of a case where eight assessments of a mother had been carried out during the court process, despite the fact that she previously had had several children removed permanently from her care.
35. The often sequential nature of assessments meant that delay was inevitable, with assessments of family members sometimes only commencing after the assessments of parents had been completed.
36. In two cases, the use of a family group conference to assess the viability of a large number of family members as carers had effectively saved time and resources, clarifying the adoption plan earlier and providing certainty for the children. Indeed, several local authorities suggested that family group conferences could be used more regularly to explore wider family options at an earlier stage of proceedings, but they were not routinely or regularly used by any local authority visited by inspectors.

## **Status and confidence of social workers**

37. In nearly all local authorities, social workers reported that they lacked credibility and status in the court arena. They believed that the lack of confidence in the quality of local social work assessment resulted in a reliance on independent 'expert' assessments, and therefore an increase in the duration of care proceedings. Several representatives from Cafcass and the courts, including senior judges, shared this view.

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<sup>17</sup> The Human Rights Act 1998, Article 8, HMSO, 1998;  
[www.legislation.gov.uk/ukpga/1998/42/contents](http://www.legislation.gov.uk/ukpga/1998/42/contents).

38. Social workers in several local authority areas were frustrated by a sense that they were not perceived as 'experts' in their own right and they felt that independent assessments were not often of superior quality to their own. Managers and social workers in some of these local authorities felt that the implied criticism was unfair, and based on an historical reputation that was no longer warranted.
39. In some areas, Cafcass and the court representatives accepted that the general view of social workers may in part be based on an out-of-date stereotype, but nearly all stressed that the uneven quality of local authority social work assessment remained a problem and was the main factor in the high number of repeat and independent assessments.
40. Senior managers in four local authorities openly expressed their concern that too many social workers responsible for cases in care proceedings did not yet have the necessary expertise and experience to undertake the work well. In particular, they believed that some social workers struggled to consider permanence issues adequately among all the immediate demands of court work including undertaking family assessments, managing contact arrangements and carrying out the myriad responsibilities associated with looked after children.
41. Mostly, this skill deficit arose from recruitment and retention problems that meant there was an over-reliance on agency staff or recently qualified social workers. In two local authorities, recent service restructures meant that otherwise experienced staff had found themselves carrying out work that was new to them.
42. One social worker, who had been qualified for several years but who was inexperienced in court work, spoke powerfully of these new demands:

'What is expected of you is quite overwhelming...there are so many pressure points.'

She now understood, with the benefit of hindsight and increased experience, that social workers undertaking care proceedings needed clear direction and support through every step of the process, as a lack of in-depth knowledge about the work meant that it was sometimes hard to understand when or why help was needed, 'until it's too late'.

#### **Court Liaison Officer – Sandwell Council**

The local authority established a temporary post of Court Liaison Officer (CLO) in late 2011. They had identified a need to improve the skills and confidence of social workers involved in cases in care proceedings. The key objectives of the post are to ensure quality and consistency of court work and that there is no avoidable delay for children.

The post is initially a six-month secondment, held by a first line manager who is experienced in court work both as a manager and as a practitioner.

The CLO has developed robust tracking mechanisms to monitor cases and liaises as required with managers and social workers to ensure that plans progress in a timely manner. All papers filed at court are routinely quality assured by the CLO and a senior manager.

The CLO holds a weekly surgery where social workers can discuss cases and obtain advice and support; the CLO is also readily available for consultation at other times.

The CLO has developed exemplars of good practice, which include care plans and interim care order applications. Formal links have been developed with Cafcass and the court's Case Progression Officer. Plans are in place to deliver regular training in court work for social workers. The post will be subject to review after six months and assessed for impact, but initial feedback has been positive, from both staff and external partners.

43. There was a general perception within local authorities that children's guardians were likely to be more experienced than the local authority social workers and that their views, as a result, carried more weight. Several Cafcass and court representatives acknowledged that this perception may, however generalised or mistaken, have sometimes affected courts' decision-making.
44. In one case, the local authority had a firm plan for adoption but at a directions hearing as part of the ongoing care proceedings, it was agreed that the plan should be changed to reunification with the child's mother. Both the social worker and the senior manager reflected that the local authority had been 'railroaded' into this change of plan; in their view the social worker's low status in court compared with that of the guardian, who supported the change in plan, was a key contributing factor. The social worker did not feel equipped to challenge the court's position and the local authority acknowledged that its own legal advice was insufficiently robust. The plan for a return home was not successfully implemented and there was now likely to be a delay of over a year for the child to be adopted.
45. Views varied on the quality of local authority legal advice. Social workers and managers did not always feel that legal representatives robustly challenged parents' solicitors or guardians. One authority had recently altered its commissioning arrangements for obtaining legal advice, and each consultation now incurred a fee. This was designed to discourage a previous over-reliance on legal advice, but there was a general consensus that access to legal advice was now actively discouraged by managers and, consequently, was sometimes delayed.

## Timetabling difficulties

46. The increasing demands on courts gave rise in certain areas to further problems in minimising the time taken to conclude care proceedings. Five (9%) of the cases tracked by inspectors across three of the local authorities visited were affected by court timetabling difficulties which caused delays, and two other local authorities reported problems of this nature in interviews with inspectors. The delays in these tracked cases averaged three months.
47. Cafcass and court representatives, including senior judges, all reported a significant increase in the number of care proceedings in line with national trends. However, only one Cafcass representative said that they had recently struggled to meet the increased demand.
48. In three local areas the courts had increased the number of court days available to hear cases and they had reciprocal arrangements with neighbouring courts and would take on each other's cases as appropriate to help manage fluctuations in demand.

## Relationships between local authorities, the courts and Cafcass

49. Inspectors spoke to representatives from all relevant agencies, including local authorities, courts and Cafcass, in each local authority area about the effectiveness of their working relationships.
50. Inspectors found that the relationship between the main participants in the court process was often marked by mistrust – 'There is an inherent tension here between social workers and guardians,' said one senior Cafcass manager – and it appeared at times to be adversarial, with each often blaming the other for faults in the system. This tension, however, was less evident in areas where more regular meetings between key agencies were held to address shared concerns and had promoted the development of more constructive and mutually understanding relationships.
51. In all local authority areas, inspectors heard that key court stakeholders met on a regular basis, but often those meetings concentrated on business issues of the court and were acknowledged to lack focus on outcomes for children. Other examples of joint working included regional away days, training, and development work as part of a local performance improvement group. Too often, however, these meetings were erratically attended or had ceased to be convened and most of the professionals spoken to by inspectors felt that they had not had a measurable impact. There was often a lack of consistency in reports about joint activity across local areas, reflecting a low awareness among professionals of how the different partners worked together.
52. Two areas were more specific about the beneficial impact upon the timeliness of adoption outcomes arising from meetings between Cafcass, the judiciary and the local authority. One of these reported to inspectors that there were regular formal liaison meetings between Cafcass and relevant managers in the local

authority, including the adoption manager. These meetings, alongside court users' business meetings, the Local Performance Improvement Group and more informal liaison with the judiciary, had helped them to reach agreement about several key issues. These included targets to limit the time taken to complete psychological assessments and to reduce the number of repeat assessments when existing assessments had covered the issues adequately.

53. In another local authority, the Local Performance Improvement Group's monthly meetings scrutinised cases which had been in care proceedings for more than 80 weeks. This process identified issues in relation to the availability of judges, some of whom had to undertake criminal trials during the care proceedings process which caused delay. The process also resulted in judges requiring the child's date of birth, their age and the length of time in proceedings to be clearly marked on the front of the file so that delays could be identified.
54. Elsewhere, newly appointed managers in Cafcass and local authorities showed optimism about the opportunities for improvement that better working relationships could bring, although in these cases plans were at an early stage and no impact was yet evident.

#### **Norfolk Family Justice Council**

Senior officers from Norfolk Children's Services participate in the quarterly strategic meetings of the Norfolk Family Justice Council (NFJC) and the Family Court Business Committee (FCBC), which deals with operational matters highlighted for action by the NFJC. Other members of these groups include the judiciary, courts, Cafcass and legal professionals who represent children and family members, as well as local authority legal representatives. The NFJC and the FCBC both focus on quality and performance issues including the length of proceedings. Norfolk Children's Services has a Court Work Leads Group, which meets bi-monthly and identifies issues that may have come from or need to be shared with the NFJC.

A 'family law summit' was recently held exploring challenges and opportunities in the family law system; this was attended by judges, magistrates, legal representatives, Cafcass, health professionals and representatives from Norfolk Children's Services. The summit also included input from the Norfolk In Care Council.

Specific actions arising from consultation with the local judiciary and the NFJC included:

- The pre-proceedings stage of the *Public law outline* is entered into less routinely.<sup>18</sup> Greater consideration is given to deciding whether it is realistically possible to work with a family and effect the necessary positive change, or whether an immediate court application is necessary, reducing overall delay for the child.
- Norfolk Children’s Services has liaised with the courts, staff and partner agencies to ensure that sufficient weight is attached to social work evidence. Emphasis is placed on assuring the quality of core assessments, informing whether or not additional assessments are necessary.
- Alongside the enhanced importance of core assessments, expert or residential assessments prior to proceedings are filed less routinely. Such assessments are now usually commissioned, when appropriate, on a joint basis with the other parties involved, and by order of the court. This avoids unnecessary assessments where the case has already clearly been made within the social work evidence. It also prevents delay caused by assessments commissioned pre-proceedings being duplicated because parties wish for assessors to be jointly instructed.

## Parallel planning

### Early consideration of adoption

55. Care planning regulations, updated in 2011, outline the requirement for local authorities to consider a child’s permanence needs, when that child is looked after or about to be placed for adoption.<sup>19</sup> The survey considered whether a permanence plan was put in place at the second statutory review, usually held four months after a child enters care, and how effectively that plan was implemented.<sup>20</sup>
56. Parallel planning, where a contingent permanence plan is pursued and activated alongside work with the family and which comes into play should a plan for rehabilitation prove not to be feasible, appeared to be standard practice in nearly all local authorities visited. Most tracked cases evidenced a clear commitment to early planning for adoption at the same time as a rehabilitation plan was being pursued. The quality of parallel planning, however, was variable.

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<sup>18</sup> *The public law outline: guide to case management in public law cases*, Ministry of Justice, 2008; [www.justice.gov.uk/guidance/careproceedings.htm](http://www.justice.gov.uk/guidance/careproceedings.htm).

<sup>19</sup> *The care planning, placement and case review (England) regulations 2010*, HMSO, 2011; [www.legislation.gov.uk/uksi/2010/959/introduction/made](http://www.legislation.gov.uk/uksi/2010/959/introduction/made).

<sup>20</sup> The above regulations state that a permanence plan should be identified no later than at the second statutory review (the four-month review).

57. Inspectors found that best practice regarding parallel planning tended to be based on a strong relationship between the adoption team and children’s social workers; this was supported by clear procedures and monitoring mechanisms implemented by managers to ensure that permanence was considered at the earliest possible stage of care and cases were progressed appropriately. In one local authority where this was particular evident, effective parallel planning had been founded on the capacity of the experienced adoption team to support children’s social workers through case consultation and training. The local authorities were seeking to protect this support, despite some reduced capacity of the adoption team following wider service budget cuts.
58. Care proceedings generally ensured that timescales for parallel plans were met and, when appropriate, a recommendation that a child should be placed for adoption was made at local adoption panels prior to a placement order being granted.
59. There was a more mixed picture when inspectors looked at the role of statutory reviews in identifying and driving plans for permanence. There were some good examples of robust planning at the second review. Indeed, adoption was in several cases clearly and appropriately identified as the plan at the first review. In other cases, however, review recommendations about permanence were insufficiently specific and it was unclear how the plan was to be progressed.
60. In one local authority where tracked cases demonstrated a consistently focused and timely approach, the adoption team was routinely notified of all cases that might require permanence planning by legal services at the earliest possible opportunity. The adoption team manager was able to allocate the case and joint working with the children’s social worker commenced by the second review at the latest, and often earlier. This practice was based on a clearly stated and well-embedded protocol.
61. The effective communication between the two teams was apparent in one case when, despite the court agreeing to a further assessment of the father at a late stage of care proceedings, the adoption worker progressed with the previously planned adoption medical. This meant there was no further delay when the father withdrew from the assessment and the placement order was granted.

**Twin-tracking and engagement of birth parents – Trafford Council**

Early allocation of cases to adoption social workers, who work in parallel with community social workers, allows for the swift delivery of a contingency permanence plan for adoption in cases where this becomes the care plan. Several examples were seen where children were placed for adoption less than three months following the making of a placement order.

The adoption team manager is notified early of cases suitable for twin tracking. These are promptly allocated to specialist social workers together with identified financial packages. The local authority is aware that adoptions are more likely to be delayed if there are restrictive financial procedures in place, especially for children who would customarily be considered as 'hard to place', such as those with complex health needs or who were part of a large sibling group.

Their approach, supported by senior management through their budgeting processes, is to identify at this early stage the package of support that will be required to identify adopters. Because adoption social workers are already aware of the resources they have available, this results in exceptionally swift family-finding. One example was seen of a match being presented to the adoption panel six weeks after the decision to place the child for adoption and four weeks after the making of the placement order.

Adoption social workers tended to be better placed to engage birth parents successfully in the parallel plan than social workers who were more actively involved in the care proceedings. Examples were seen of particularly effective life story work in which birth parents fully participated. One exceptionally good example was seen of a 'life appreciation day', when the adoptive parents were given detailed information about the child's background by relevant professionals and people who had been involved in the child's life. This is standard practice for Trafford prior to the child being placed for adoption, and not only includes the adopters and the foster parents as happens customarily, but also the birth parents and their extended families. All members of the family had been assessed as part of the care proceedings and were not considered suitable to care for the child but had been successfully engaged in the adoption process.

The 'goodbye visit' to the child followed this event immediately. Openly engaging the birth family in the adoption process in this way had a clear positive impact on the chances of future delay through contested proceedings or disruption to the placement.

## Family finding

62. The timing and nature of the active involvement of specialist workers responsible for identifying potentially suitable adopters for children – commonly known as family finders – varied between, and occasionally within, local authorities.
63. Family finders were generally involved at an early stage in most authorities; in several areas, soon after the second review recommendation that adoption should be the plan. This was facilitated further by a formal permanency planning meeting (or similar) chaired by a manager and involving all key staff

involved in the case, including the family finding specialist. These meetings informed care plans and generally assisted the timely progress of cases, although they were more beneficial when they were chaired by a manager at a senior level and were convened routinely and regularly. Several social workers described how they felt such meetings to be supportive, as they shared responsibilities and helped them to prioritise their work.

64. One local authority had decided to cease convening permanency planning meetings, however, as they considered such meetings placed an unnecessary extra bureaucratic burden on social workers. They also felt that the meetings largely duplicated the task of the statutory review, which the local authority considered to be the key forum for planning and decision-making. Unfortunately, from the evidence of the tracked cases in this authority, it was not clear whether reviews yet had the necessary rigour to compensate for the absence of the permanency planning meetings.
65. In a small number of the cases seen, family finding only commenced after an agency decision that a child should be adopted, following a recommendation by the adoption panel. Although this late involvement did not always result in measurable delay, the risk of doing so was increased.
66. In one local authority, family finding was found to occur too late in the majority of tracked cases, only commencing after the adoption panel had recommended that adoption should be the plan. This had been identified as untimely by senior management who wanted the adoption team to become involved at the latest at the second review and, if appropriate, at an earlier stage. This had not yet been implemented.
67. Family finding in one local authority, although it often commenced early, was too often sporadic and unfocused. In one case, liaison had taken place between relevant teams but staff spoken to by inspectors were not clear exactly how this liaison had translated into specific actions. Staff turnover and absence through sickness were said to affect the consistent input of colleagues from the adoption team in supporting the children's social worker who maintained case responsibility.
68. In the same local authority, although family finding had begun at an early stage, one child's specific needs had not been taken into consideration sufficiently to inform decisions about suitable adopters, contributing to significant delay later.
69. Markedly more effective input from one family finder included pre-birth involvement, as existing case knowledge predicted the likelihood of adoption. Some health uncertainty meant that matching might be problematic, but the family finder worked closely with the social worker and carer to prepare an effective profile of the child.

70. The National Adoption Register was accessed by all local authorities as part of its efforts to identify suitable adopters for children. There was a mixed view of the Register's effectiveness, with some social workers complaining that its list of adopters was not always up-to-date (this was also a complaint about regional lists in two authorities). One social work group agreed that the Register was useful for identifying matches for children who were hard to place.

#### **Permanence Coordinator – Shropshire Council**

There is a perception that the demands and length of court proceedings for the social worker can lead to the plan for permanence becoming 'lost'. The primary purpose of the Permanence Coordinator role is to convene a series of permanence planning meetings sitting alongside statutory reviews to ensure that this does not happen.

The Permanence Coordinator is automatically invited to the second review but can be involved sooner. In interview the coordinator gave examples of getting involved at pre-birth planning meetings in cases where the parents were well known to children's services and a plan for permanence was required at an early stage.

The Permanence Coordinator is a highly experienced member of staff who can provide a report and testimony to court where required to support the local authority's plan for permanence.

The Permanence Coordinator meets monthly with managers where cases identified by the IRO's Red, Amber, Green (RAG) rating system are discussed and any barriers to progress in the plan for permanence are overcome.

The plan for permanence can at this early stage form a contingency plan. During the survey several examples were given of the way in which, following the conclusion of proceedings, the plan for permanence became the care plan. Preparatory work undertaken by the Permanence Coordinator used in parallel with care planning through the courts significantly minimised delays.

Examples were seen of children being placed for adoption two or three months after the conclusion of proceedings and of the substantial role played in this by the Permanence Coordinator working alongside the social worker to steer the case effectively through panel meetings.

### **Adoption panels**

71. Inspectors found no evidence of adoption panels contributing to delay, either in their responses to cases or in their capacity to meet the fluctuating but generally increasing number of cases presented to the panel.

72. All adoption panels made efforts to meet these demands by convening additional meetings when necessary. One panel had held four extraordinary meetings in the last 12 months to ensure that recommendations were made on time. Another had increased the number of regular panel meetings; yet another had already met three times in the month that inspectors visited. Elsewhere, a panel had used the opportunity to hear a case during their recent panel training day. Three additional panel dates were arranged as a contingency by one local authority, although they had not been required.
73. Effective arrangements were made to ensure that panels were quorate. One agency had recruited additional panel members to increase flexibility. Another had two panels but members could sit on either panel as required. Vice chairs stood in for panel chairs as necessary.
74. Inspectors saw several examples of the flexibility of panels in reducing delay in cases they were tracking. In two cases, the approval of adopters and the matching of those adopters with children were recommended on the same day. This was done to ensure that introductions and placement could commence more promptly. In one of the cases, this avoided the further delay of having to wait for the placement to commence until after the sensitive period of Christmas.
75. In one local authority, the variable quality of reports and the perceived lack of management oversight of these reports prior to panel meetings were identified as significant problems which caused delays in the progression of some cases. Nearly all panel chairs, however, reported that the quality of paperwork was uniformly high.
76. The Family Justice Review made a recommendation, accepted by the government that the requirement that local authority adoption panels must consider the suitability of an adoption plan for a child should be removed. There were mixed views about this. Some, mainly court or Cafcass representatives, felt that as adoption was a legal process, this was an unnecessary duplication of the court's task. Panel chairs in particular felt that the panel discussions brought a range of perspectives and areas of expertise that added rigour to the decision-making process. Inspectors did not, however, find that the panel's scrutiny of the case added delay for children. There was no evidence in the tracked cases that panel decision-making about the suitability of adoption delayed final hearings.

## **Recruitment, assessment and support of adopters**

### **Recruitment strategies**

77. Nearly all local authorities cited a shortage of suitable adopters who had the required capacity to meet the needs of children as a key reason for delays in adoption. Typically, authorities described the deficit as most pressing for

children with complex needs, older children and for sibling groups, although more than one authority were also finding it difficult to meet the placement demands of a growing number of younger children entering care.

78. Most local authorities had written adopter recruitment strategies which were seen by inspectors. Overall, however, recruitment strategies did not sufficiently address the specific needs of the local population of children who required adoption. The available strategies were not all up to date.
79. Although most local authorities had a consistent understanding of their placement requirements, including adoptive placements, these needs were not always fully reflected in the written strategies seen by inspectors.
80. Some strategies lacked an accompanying action plan, resulting in a lack of clear accountabilities and timescales for implementing and monitoring the strategies. The purpose of most strategies, therefore, was that of a policy document.
81. There was a regional focus on recruitment in several local authorities and inspectors saw several good examples of collaborative recruitment work with neighbouring authorities (as in the example below), although again this was not always clear in written evidence.
82. This general lack of written material to support recruitment activity was reflected in the almost universal lack of awareness of the local strategies among the approved adopters spoken to by inspectors. Understanding was often vague and sometimes mistaken. For example, one adopter stated that they had adopted a dual heritage child, even though that contradicted their (mistaken) understanding that white adopters in their authority could not adopt dual heritage children.

### **Adoption in the Black Country – Wolverhampton City Council and Sandwell Council**

Adoption in the Black Country (ABC) is a joint venture between four local authorities, including two visited by inspectors as part of this survey, to identify matches for children in need of adoption and to recruit and assess suitable adopters for children in need of adoption.<sup>21</sup>

The ABC website provides information and advice, and access to a free telephone number which can be analysed to identify when most enquiries are made. It was apparent that most requests for information were received on a Monday morning, after prospective adopters may have discussed the issue at the weekend. Therefore, advertising for adoptive parents was targeted at the end of the week, prior to the weekend break.

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<sup>21</sup> The other authorities participating in ABC are Dudley and Walsall.

Social media marketing, using Facebook and Twitter, was launched 12 months ago.

An online family finding tool is available to all social workers in the four authorities, which enables social workers to quickly match children with potential adopters. Information on the site is updated each week. The social worker can then contact the relevant adoption team to make further enquiries regarding any potential match.

Virtual 'meet the children' events will be available online at specific times from April 2012. Potential adopters will be given a password and time to access the website and a range of videos of children will be available on a secure site. Staff will be available on a helpline for consultation and advice at the time of the event and there is a facility for potential adopters to 'type-talk' to staff.

Other support offered to adopters is that between the point of expressing an interest in adoption and the initial visit from a social worker, potential adopters can access a website whereby they can listen to adopters giving an account of their experiences of adoption and what to expect from the process.

Specific marketing campaigns have been organised. For example the minority ethnic communities in the area have been targeted with big screen adverts and rickshaws with screen advertising. In the last three years the proportion of initial referrals from the minority ethnic communities with regard to expressions of interest in adoption has increased from 8% to 24% of the total number of referrals.

## **Adopters' experiences**

83. Inspectors spoke to a total of 26 adopters; at least one in each local authority area. All were approved adopters at different stages of the process, either:
- the adopters were awaiting a suitable match
  - a child, or children, had been placed but not yet adopted
  - adoption orders had been granted.
84. The length of time it took from initial enquiry to an adoptive placement varied widely from seven months to three and a half years.
85. The majority of adopters were happy overall with the service that they had received from their approving authority. Most adopters did not feel that they had experienced significant delay, although nearly all considered that there had been some kind of delay, however minor. They each had unique experiences and had a wide range of perceptions of reasons for delays in the process, but some recurrent issues emerged.

## Initial enquiry

86. Nearly all the adopters felt that they had received a welcoming and sensitive response when they first enquired about adoption. One adopter said that the initial response from the local authority had made them even more excited about the prospect of adoption than before she made the call. Several spoke of appreciating that they had been made to feel valued and that the agency thought that their call was important:

'They were very welcoming and encouraging. They seemed very pleased to have us.'

87. Another said that she had felt an instant rapport with the adoption team member she first spoke to:

'He was instantly on my wavelength.'

This experience was in marked contrast to what the adopter perceived as the more formal attitude of another local authority she had previously contacted for information. The difference in those responses was a significant factor in her decision about where to apply.

88. Adopters were happier with agencies who, at this stage of the process, focused positively on the possibilities of adoption, rather than dwelling on the potential restrictions:

'The first visit gave an overall positive and encouraging view of adoption, but it was edged with necessary realism.'

'They focused on the strengths I could offer as a single adopter, rather than the limitations.'

89. This was consistent with agencies' typical preferred strategy, which was to adopt a 'welcome to all' approach at the initial enquiry stage, and generally only to 'counsel out' unsuitable applicants at a later stage.
90. Although only a few of the adopters had been in touch with other agencies before contacting the agency that eventually approved them, most of those that had done so had been told where else they might apply. However, not all signposting agencies gave contact details about alternative avenues.

## Assessment

91. Most adopters were happy at the rate of progress following the initial contact, although several experienced frustrating periods of waiting for the next stage to begin. Some were unable to attend information evenings or preparation groups because one was not due to be convened for some time. Several local authorities had increased the frequency of these events by holding joint events

with neighbouring authorities or by applicants being able to attend other authorities' information and training events.

92. Other potential adopters waited several weeks for an allocated social worker to undertake their assessment, usually because of staff vacancies or sickness. One adopter said she and her partner had waited six months for a follow-up visit: 'We assumed we hadn't been chosen [for assessment] but when I rang to ask for feedback they told me they had lost the paperwork.'
93. Adopters, however, generally considered that the length of assessment was right for them, although by their own admission several only came to that conclusion in hindsight:

'The first assessment was over a relatively long period and this was right – we needed the time to deal with the challenging emotional nature of what we were doing.'
94. Adopters in another local authority felt that the social worker had handled their searching questions well and explained the requirements sensitively. They felt that the assessment had to be a rigorous and intrusive process to ensure that children's needs would be met. Elsewhere, an adoptive couple, who were being considered for a potential match, described how the local authority had been so keen to progress their assessment, as the children had experienced significant delay during extended care proceedings, that an extended family holiday had been interrupted to ensure there were no further delays.
95. Two adopters compared the pre-approval period with a pregnancy, commenting that they were offered the time to prepare emotionally for the task of raising a child. Although some adopters said the time between visits was too long, several adopters welcomed the gaps between assessment visits as a chance to reflect.
96. Most adopters were satisfied with the time taken to complete assessments. However, one adopter felt that there was a 'one size fits all' approach and that the assessor adopted a 'tick-box' mentality. Another felt that the social worker focused too much on the negative aspects of their upbringing and not enough on the strengths of their application.
97. An adopter who had spent a short time working in another country some years ago experienced several months' delay in the completion of an assessment, due to difficulties in obtaining statutory references from abroad. The adopter was otherwise very satisfied with the assessment process but was disappointed and frustrated by a 'disproportionate and inflexible' focus on process.
98. In a small number of cases, staff sickness had caused some weeks' delay in the completion of the assessment.

99. No-one felt that any element of the process should have happened more slowly, although some adopters were surprised at how quickly the introductions and placement of a child were arranged after an agreed match.
100. Good communication with social workers was seen as crucial by nearly all adopters. Openness, honesty and regular updates on progress were valued highly and it was important to adopters that social workers were reliable and did what they said that they would do. Adopters on several occasions described the positive rapport they had developed with assessing social workers as an important element of a challenging, learning assessment.

'She is excellent, always been there for us and always available to help.'

'As a same sex couple we have been treated very well...the process has felt very "natural".'

101. Several adopters described themselves as 'pushy' and felt that they had to be to make sure that the assessment progressed. They were aware of the pressure that social workers were under and were not all completely confident that their assessment would be prioritised unless they 'nagged' social workers. One adopter said that he and his partner were well prepared by their social worker prior to each assessment visit. They knew what to expect at each session and this helped the assessment to progress at a good pace.
102. It sometimes accelerated assessments if social workers and adopters were able to be flexible when arranging assessment visits. For example, one adopter said she would travel on occasion to the social worker's office base, saving on travelling time for the social worker, if that meant that the social worker was able to undertake an assessment meeting more quickly. There were several examples of social workers making regular home visits out of office hours, and this was more typical, although one adopter did say that a social worker's inability to do so had caused some minor delay.
103. The assessment sometimes placed a burden on employers. In one case, an adopter said that her employer had been very supportive about time off during the assessment, but wondered if all employers could be equally flexible.
104. Training was generally seen as a positive experience, where there were opportunities 'to challenge, and be challenged'.

### **Post-approval**

105. Several adopters spoke of an anti-climactic silence following their approval as adopters. Some had been warned that 'things may go quiet' at this stage, but they found the lack of communication difficult as they awaited news of a possible match and would have welcomed more contact from the local authority.

106. Nearly all adopters felt that they had been well informed from the outset about the potential post-adoption support available, although some acknowledged that they had not always absorbed all the information until it applied directly to them. Nearly all knew where to go for support if they needed it. No one had any concerns about access to support being denied on financial grounds. Generally, adopters believed that post-adoption support was accessible and that decisions were made in the best interests of children.
107. Life appreciation days were routinely held by local authorities and these were an effective method of sharing information. Life story work had not been completed in a number of tracked cases and several adopters also complained that they were still waiting for the work to be done. This was sometimes the responsibility of a different placing authority, rather than the local authority visited by inspectors, but in at least one case this absence of completed life story work risked a delay to the adoption application after a child had been placed.

## Matching

108. Inspectors found that processes for matching children with adoptive placements were generally robust. Most local authorities used a matching pro-forma with which to assess potential risks and strengths of possible placements. These forms and the matching reports for the adoption panel outlined the rationale for matching decisions, although the recording of matching decisions was not always consistently and clearly outlined by all authorities. One authority used a scoring template to assist with decisions where more than one couple appeared to meet the child's placement needs.
109. Matching meetings were held regularly to inform decisions about which adopters to pursue as a possible match. Although some only included the social worker and the family finder, these meetings were often informed by information provided by a child's foster carer.

### Matching – Norfolk County Council

Norfolk County Council was aware of research undertaken as part of the government-funded Adoption Research Initiative concerning matching. This research found that when the children's social workers took decisions on the suitability of adoptive families, they were sometimes unwilling to change the matching requirements for a child, even if this might jeopardise the chances of finding a family.<sup>22</sup>

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<sup>22</sup> E Farmer, C Dance, D Ouwejan, J Beecham and E Bonin, *An investigation of family finding and matching in adoption*, British Association for Adoption and fostering, 2011; [www.baaf.org.uk](http://www.baaf.org.uk).

In a small but significant number of cases, this echoed the local authority's experience. Single adopters and same sex couples could be particularly disadvantaged. Additionally, there could be delay because the allocated children's social workers changed or they could not allocate time to read files and choose a family. Since June 2011, Norfolk has adopted the following practice:

- The matching considerations for each child take into account a consultation with the child's social worker and the records of the adoption panel adviser.
- The panel adviser, adoption managers and a business support colleague meet fortnightly to consider all children and all prospective adopters and to propose possible links.
- Each link is followed up by the relevant adoption social worker, who assesses whether the family has the capacity to meet the needs of the child.
- If positive, the child's social worker is then offered this match, with clear reasons why it is being recommended.
- If the child's social worker is not in agreement, a meeting is held to clarify issues and move the plan forward wherever possible.

Norfolk County Council has found that this approach has reduced delay and maximised the potential for positive matches for approved adopters. In some cases, anonymised discussions can begin about the issues around a specific child with prospective adopters before they are approved, thus enabling the match to proceed very quickly after their approval. On occasions, adopters have been assessed for a specific child, streamlining the assessment process, and recommendations for the adopters' approval and the match have been considered at the same panel meeting. This has been particularly effective in minimising delay for adoptive babies and appropriate in-house matches for minority ethnic children.

110. Inspectors saw several cases where stringent efforts had been made to place siblings together in adoptive placements. These were difficult and complex decisions. In one case for example, adopters who had adopted an elder sibling required re-assessing for a younger child as their circumstances had changed. This meant some delay in the matching being approved but the siblings were successfully placed together. In another case, the social worker described the family finder's ultimately successful attempts to identify a match for a sibling group of four as 'tenacious'. For one set of eight siblings, decisions about which children should be placed together delayed their routes to permanent placements, until arrangements could be made for different placements than had originally been envisaged. Two siblings in another family who were to be placed together were eventually separated, after a careful formal review of plans. This decision led to individual matches being identified for both children very quickly.

111. Careful consideration was seen to be given to how the ethnic and cultural needs of children could be met. As in the wish to keep siblings together, the objective of seeking to meet these needs had to be balanced against other demands, such as the need to avoid delay. There was no evidence that local authorities were only looking for the 'perfect' or exact ethnic match, reflecting stated policies regarding adopter recruitment and permanence.
112. While local authorities paid due attention to ethnic or cultural needs, decisions to look for a 'best fit' were generally made promptly. In nearly all the cases seen by inspectors, ethnic and cultural issues did not cause delays. There were several examples where minority ethnic children had been placed with adopters from a similar background, with no delay. In those cases where it proved hard to find suitable adopters who could meet children's needs in those areas, but were not necessarily from the same background, delays typically ranged between one and six months.
113. One child's adoption, however, was delayed by nearly a year after an adoption panel rejected a recommended match on the grounds that a child's identity needs had not been considered sufficiently. Case tracking confirmed generally poor case management and unfocused assessment of this child's needs. A local authority elsewhere took 15 months to place children with White British adopters after a search for a dual heritage couple had been unsuccessful. Timescales for reviewing the feasibility of the search were not clearly established.
114. Six adoption placements of the 53 tracked cases (11%) from four separate local authorities had been made with adopters who did not match the children's ethnic or cultural background. In one case, a child from a minority ethnic background was placed promptly after the placement order as the White British adopters had previous experience of adopting a child from a similar ethnic background. Another local authority considered that the dual-heritage needs of a child who had a white mother could be met by adopters who could meet the child's cultural needs. This was challenged by the father's barrister but successfully rebutted by the local authority.
115. Nearly all children in cases tracked had been matched or placed with adoptive couples, but in one local authority a very young child with no identified additional needs was matched promptly with a single adopter, evidencing in this case that the 'perfect match' was not necessarily seen to be with adoptive couples.
116. Overall, nearly all children who had been placed for adoption had been placed within 12 months of the panel's recommendation that they should be adopted, although there were some tracked cases that had still not been placed 12 months after the panel recommendation. The majority of these delays were attributable to difficulties in finding suitable, or interested, adopters for children with complex needs or children who were part of larger sibling groups.

### **Adoption case study – Stockport Council**

Two cases in the Stockport local authority area involved the adoption of large sibling groups, each of four children. In one group there were four children, each with a different ethnicity. Both groups of siblings had come from similar family backgrounds of parental drug and alcohol misuse, and all of the children had been subject to neglect.

In each case the sibling groups were successfully placed for adoption together and in one case this was achieved within 10 months of the decision to place for adoption.

A strong organisational commitment to adoption, together with clear decision-making underpinned by child-centred assessments, resulted in good outcomes in both cases. This clear decision-making process began early on through legal planning meetings, leading to care proceedings with the SHOPBA panel scheduled to comply with court timetables.

The decision to place the siblings together was based on early expert psychological assessments of the children's needs and inter-sibling attachment. In one case this was undertaken by a specialist from the Child and Adolescent Mental Health Service (CAMHS) and in the other by skilled direct work by the children's social worker in consultation with a psychologist. Social workers in both cases worked closely with the children and they, together with foster carers, ensured that the children's views about placement and being together were clearly represented in all key meetings.

Effective close working relationships between the adoption and children's teams facilitated timely management of the process once the placement orders were granted. The tenacious work of the family finders, together with senior management support in making best use of resources including voluntary organisations from the start of the process, resulted in a match being made within four months in one of the cases. In the second case there was a delay of 21 months between the SHOPBA decision and placement but this was child-centred and purposeful in the interests of placing siblings together in view of their strong sibling attachment. As the key social worker said, 'Adoption is such a final and permanent decision for children sometimes a few months or weeks delay, to make sure we get things right in the interests of children, is better than speed at any cost.' All of the children received considerable levels of support from a range of professionals in preparing them for adoption and this approach has been effective. Several months into placement, all the children appear to be settling well.

The key factors that achieved good outcomes in these cases were:

- timely and effective assessment of the children’s needs and attachments
- proactive case management which ensured that all required actions were taken at the earliest possible stage
- strong commitment from the organisation and workers that they would go all out to achieve the best possible placement for the children despite the apparently daunting prospect of placing four siblings together
- very good communication and joint working between the key professional players such as the child and family social worker, the family finding social worker and psychological services.

## Financial considerations

117. There was no evidence that financial considerations had an adverse effect on the timeliness of adoption placements.
118. All local authority staff, including senior managers, were consistent in their view that there were no matching constraints based solely on cost, even though that meant the local authority was liable for payment of inter-agency fees.<sup>23</sup> Decision-making about inter-agency fees was appropriately delegated to low levels, minimising delay.
119. Most local authorities did operate a stated policy of prioritising in-house placements for children, partly on the grounds of lesser cost. Similarly, placements with regional consortium colleagues were prioritised ahead of typically more expensive placements with a third sector agency or a non-consortium local authority.
120. However, there was no evidence that this caused significant delay, as the family finding search was generally broadened beyond the local area as early as possible, based on adoption teams’ understanding of adopter availability and knowledge of the needs of individual children. Some local authorities, due to their small size, rarely placed children with adopters living within their local area, and the practice of paying inter-agency fees was well established. One authority did have a general policy of waiting three months before expanding the search to external placements, but this wait could be waived with management agreement, and this happened in all relevant tracked cases.

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<sup>23</sup> When a placement is made with adopters approved by external agencies, an inter-agency fee is payable by the placing local authority.

121. Adoption support packages were generally agreed and in place prior to placement, while remaining subject to review. Social workers and adopters felt that decision-making and access to appropriate post-adoption support were straightforward and timely. In one authority, thorough financial management arrangements, that involved managers at all levels, ensured that all possible financial implications, including inter-agency fees and post-adoption support, were considered and, when appropriate, agreed in principle by a senior manager very early in proceedings.

## Service capacity

### Human resources

122. All but two local authorities visited cited past or current staff recruitment and retention difficulties in their organisation as a factor in delay for children. Workers in 11 of the tracked cases suggested that serious staffing issues, such as vacancies or an over-reliance on temporary staff, had had a negative impact on the timeliness or quality of the casework. Examples of such delay in the tracked cases were:

- a review recommendation to initiate care proceedings was not implemented for eight months; at the time of the review, the case was allocated to an agency worker and there were changes in both team manager and independent reviewing officer before action was taken
- life story work had not been completed 16 months after a child had been placed for adoption
- removal of a middle management level after budget cuts had, in the social worker's view, made obtaining decisions a harder and slower process, which in this case delayed a prospective adopter's decision about whether or not to proceed with an application for assessment.

123. Interviews with managers and practitioners confirmed the findings from the case tracking. Several groups of social workers and team managers talked of excessively high caseloads, although they were also quick to state that this did not necessarily result in delay. There was an acceptance in several local authorities that if deadlines were to be met, social workers and other professionals would have to work excessive hours on a regular basis. One manager reported that it was a struggle to allocate adopter assessments quickly and it was not easy to hold the required number of preparation groups for prospective adopters. One authority told of a backlog of adopters waiting to be assessed.

124. High staff turnover was a common feature in several cases affected by delay. One case had had seven different allocated social workers, two team managers and two independent reviewing officers. Several social workers talked about the need to have 'ownership' of a case in order to progress care plans, and such commitment was more likely to be evident if there was good continuity of staff.

For example, in one local authority there was a long-standing commitment to ensuring that there was adequate social work capacity to progress plans smoothly at an early stage. Here, staff vacancy and turnover levels were relatively low, with particular stability among children's social workers in the adoption team; this contributed significantly to timely outcomes for children.

## **Training and procedures**

125. Although inspectors saw examples of experienced workers who received and had good access to relevant training and a high level of support, specialist training was not provided consistently for all staff and managers involved in adoption work. Some staff had experienced good access to specific training, including sessions on child permanence reports, or new legislation. More commonly, however, staff said that they had received little or no recent adoption training.
126. This was much more likely to be the case for staff working with children in the early stages of care. Several local authorities spoke of good training available for workers in adoption teams, who were more able to identify their learning needs in this field. Some staff admitted that they did not recognise their development needs so easily in an area of work less familiar to them.
127. Several social workers in some local authorities said that they did not have enough time to attend regular training and it was not a priority. In one authority, the unwieldy and time-consuming process to sign up for training courses was a barrier in itself.
128. All local authorities had relevant policies and procedures, mostly accessible on the authority's intranet and as hard copies. However, not all social workers regularly consulted them with several preferring to consult with managers or colleagues if they were uncertain about what to do.
129. Some social workers had only a vague understanding of the content of the policies and procedures, which may explain some of the inconsistencies in their application seen by inspectors. In one local authority, the standard of practice in parallel planning was found to be higher than the procedures demanded.

## **Structural issues**

130. Inspectors found that generally, social workers who had the least post-qualifying experience worked with children in the earlier stages of care. Several local authorities were well aware that this had been a problem locally, sometimes resulting in a lower quality of work during care proceedings; this had contributed to delay, to related difficulties in workforce morale and in staff recruitment and retention.

131. Most local authorities had structured their children's services to enable the social worker allocated to a child when they first entered care, or sometimes earlier, to remain the child's social worker through to adoption. Part of the rationale for such a structure was that it provided the necessary continuity of social worker for the child.
132. Social workers who worked in this type of structure were consistently enthusiastic about the opportunities to have a mixed caseload of short-term and long-term work, although they also identified significant difficulties in prioritising longer-term planning work over the often more immediately urgent demands of community-based child protection work.
133. The local authorities who had more recently restructured their services in this way were hopeful that it meant that there would be a greater balance of experienced workers throughout the child's journey through care to adoption. However, these authorities were more likely to experience serious staffing problems of low morale and high turnover as they endeavoured to manage significant change.
134. Other local authorities reallocated a child's case to a long-term team at the time of a placement order being granted, which made it generally easier to prioritise longer-term work, but this built in a change of social worker for the child and risked a lack of awareness of longer-term needs earlier in the path to adoption. One social worker felt that changing the social worker at the point of a placement order encouraged delay, particularly in matching, as the new worker needed to get to know the child before being actively part of such decision-making. One authority which formally transferred at this stage countered this risk by enabling a children's worker in the adoption team to 'shadow' or joint-work a case with the child's social worker before the child was transferred to the adoption team, but this required a significant resource commitment.
135. Children's social workers valued highly the establishment of strong relationships with adoption teams for advice and support. Strong relationships often simply depended on the close proximity between teams, which made it easier and quicker to hold impromptu case discussions and to share information. The capacity of adoption specialists to provide support to colleagues was sometimes undermined by workload demands. This kind of support was more sustainable when it was formally acknowledged to be part of a worker's duties and responsibilities, and resourced appropriately.
136. Each structure had its strengths and disadvantages. Whatever structure was in place, the better-performing local authorities tended to have well-embedded systems that promoted positive relationships between colleagues, gave access to good support, and offered staff manageable caseloads to enable them to prioritise permanence work effectively.

## Voluntary sector engagement

137. Inspectors interviewed representatives from voluntary agencies in all but one of the local authorities visited; these were identified by the authorities as key partners.
138. Most authorities used voluntary agencies to 'spot-purchase' adoptive placements; these were usually specialist placements for 'hard-to-place' children, such as older children or sibling groups. Several organisations would have preferred more formal commissioning arrangements for placements and believed that councils did not have a full understanding of the true cost of voluntary adoption agency placements. Most agencies which offered placements felt that, for local authorities, their adopters were fourth in line as placement options, after local authority placements locally, regionally and nationally.
139. Agencies generally participated in regional adoption consortiums and several had representatives on local authorities' adoption panels, but did not play a significant strategic role in local authority service planning.
140. Other services commissioned from voluntary agencies included post-adoption support, birth-parent counselling, and one-off adopter assessments carried out on behalf of councils.

## Performance management

### Performance monitoring

141. Inspectors identified that all local authorities had performance monitoring mechanisms in place that enabled managers at all levels to have some understanding of performance in adoption, although these mechanisms varied in robustness and attention to detail. Several authorities were not sufficiently proactive in driving the timely progress of cases.
142. A wide range of methods was used to track progress of cases, including:
- regular case tracking meetings, ranging from fortnightly to quarterly in frequency, involving service and team managers and practitioners
  - cases discussed as a standing agenda item at team meetings
  - weekly reports to senior managers
  - alerts on the integrated children's system for managers and practitioners
  - case discussion panels for complex or 'stuck' cases.
143. Some local authorities felt that the regular reports did not go into sufficient detail about individual children. Inspectors found that performance monitoring

did not always routinely result in necessary remedial action for predicted or actual timescale slippage.

144. Not all local authorities had targets for adoption outcomes. Those that did have targets focused on the percentage of looked after children who had been adopted in the year and whether children had been placed for adoption within 12 months of the agency decision. Two authorities said that they preferred to focus on achieving timescales for individual children.
145. Most panels did not see the monitoring of timescales as a key task although three local authorities included performance monitoring as a standing item on the panel meeting agendas. In each of these three authorities, the panel's performance monitoring activities were part of wider monitoring systems that were rigorous, involved managers at all levels, and influenced practice.
146. Most social workers reported that team managers supported them appropriately through formal and informal supervision, but the level of evidenced management oversight was variable. One social worker described her team manager as 'effective in removing blockages' but it was not always clear how managers had tried to progress cases at risk of delay. Decision-making was more likely to be weak or absent when there had been problems with management turnover. Several cases seen by inspectors suffered from this, most often prior to a child's entry into care or during care proceedings.

## **Independent reviewing officers**

147. Inspectors found that the influence of independent reviewing officers (IROs) on timely adoption outcomes for children was inconsistent.
148. Most local authorities reported that the level of challenge varied from one IRO to the next. Despite seeing several cases where timescales for the completion of actions had not been met (in one case, repeatedly so), inspectors rarely saw evidence of IROs escalating cases to senior management level where there had been significant delay. Social workers in one local authority agreed that a failure to meet timescales rarely resulted in any remedial action. Another social worker described the IRO as 'over-accepting'.
149. Not all local authorities had formal escalation procedures. Where they existed, IROs had utilised them to raise concerns at a more senior level. However, there was little evidence of any meaningful liaison with Cafcass when there were serious concerns.
150. Generally, IROs had not yet taken on the full scope of their responsibilities as outlined by revised care planning guidance. Most local authorities were clear that IROs should closely oversee the progress of cases and there were examples of cases where IROs were involved appropriately between reviews. In one case, an IRO rightly stated that a significant change to the care plan, concerning arrangements to place siblings separately for adoption, should be

ratified at a statutory review. However, the meeting could not be convened for two months resulting in further delay.

151. In one local authority, the caseloads of IROs were judged by inspectors to be too high. In this authority, minutes of reviews were often distributed late or unavailable, risking a lack of clarity about roles and responsibilities for progressing actions. In other areas, the distribution of recommendations and minutes of review discussions was generally timely.
152. In some cases review recommendations often lacked clear timescales for completion of actions and did not always make accountabilities clear.
153. IROs used RAG risk-rating systems effectively in two local authorities to identify and respond to delay. In one of these authorities a RAG rating report was produced after each review, which strengthened management oversight and ensured a prompt response to potential or actual delay.

## Children's views

154. In *About adoption*, the Children's Rights Director reported that adopted children and young people's most frequent idea to improve adoption was to 'make it quicker'.<sup>24</sup> Another key message, however, was that 'timing... is not just going faster or slower – some things, like paperwork, need to be done faster, but other things may need to go slower for the child's sake'.
155. In October 2011, adopted children and young people gave their views about what should be in a possible adoption charter to the Children's Minister, Tim Loughton.<sup>25</sup> The young people made several suggestions why things should not be done too early or quickly:

'Doing things quickly doesn't make things right.'

'If you rush things and put children with the wrong family it's not going to work.'

156. They also discussed why things should be done more quickly:

'If you don't get adopted quickly you could end up living with lots of foster carers. Children end up with attachment disorders because of that.'

'If an adoption takes a long time, children are left pondering and ask themselves "why does no one want me?" One child said that this had

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<sup>24</sup> *About adoption*, Ofsted, 2007; [www.ofsted.gov.uk/resources/about-adoption](http://www.ofsted.gov.uk/resources/about-adoption).

<sup>25</sup> *The minister's discussion group with young people on the adoption charter – a children's views report*, Ofsted, 2011;

[www.rights4me.org/en/home/library/report-ministers-discussion-group-on-the-adoption-charter.aspx](http://www.rights4me.org/en/home/library/report-ministers-discussion-group-on-the-adoption-charter.aspx).

happened to them, and that they had ended up behaving badly because of it.'

'Being adopted young means you don't remember – and that's a good thing.'

157. The views of children were generally taken into full account in the cases tracked during this survey. When children were too young to express their views, their wishes and feelings were assessed carefully by professionals and carers. There were some good examples of sensitive consultation with disabled children.
158. In one case, an older child expressed a clear wish to be adopted by his foster carers after a previous adoption had broken down, and professionals were able to help make this happen.
159. In another case a child's views about adoption, and her wish to remain with her current carer expressed during life story work, fully and appropriately informed decisions about her future. In several other cases life story work had not been completed. This could have more regularly provided an additional method of obtaining children's views and feelings about adoption; in one case, an adopter was understandably insistent that she did not intend to apply for the adoption order until the promised life story work, already delayed by several months, had been completed.

## Conclusions

160. The adoption process is highly complex, with each stage of the child's journey subject to risks of delay. A holistic approach by all key stakeholders to avoiding delay is necessary, if timeliness for children requiring adoption is to be achieved and unnecessary damage to their health and development avoided.
161. There must be a particular emphasis on ensuring timely planning and decision-making about removing children from the care of their birth family. The greater the complexity of need that children present, the greater likelihood there is of further delay after they enter care. This not only has serious implications for the life chances of children, but also has significant resource implications for local authorities.
162. The survey's findings are consistent with several key findings and recommendations of the Family Justice Review, such as:
  - the generally unproductive relationships between the courts, local authorities and Cafcass
  - the need for local authorities to assure themselves of the effectiveness of IROs
  - the impact of delay should be considered when commissioning an expert's report

- the potential benefit of family group conferences should be more widely recognised and their use considered prior to proceedings

163. While there was evidence of delay in post-care proceedings, these delays tended to be less lengthy than those prior to the conclusion of care proceedings. However, delays were minimised if the following were in place:

- swift commencement of family finding
- a recruitment strategy to ensure that the pool of available adopters matched as closely as possible the needs of children requiring adoption
- sufficient capacity within services to prioritise adoption work
- systematic monitoring of adoption plans, with clear timescales for implementation and contingency planning, involving senior managers and IROs.

164. Some delay was purposeful, such as successful attempts to place siblings together. There was a clear message from professionals and adopters, echoed by children elsewhere, that adoption should be quicker, but the speeding up of the process should not happen at the expense of the necessary thoroughness of assessment of children's needs, and potential adopters.

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## Further reading

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## **Annex A: Providers visited**

### **Local authorities**

Knowsley Council

Norfolk County Council

North Somerset Council

Sandwell Metropolitan Borough Council

Shropshire County Council

Stockport Council

Trafford Council

West Berkshire Council

Wolverhampton City Council