



# Adoption: a new approach

## A White Paper

Presented to Parliament by the Secretary of State for Health  
by Command of Her Majesty

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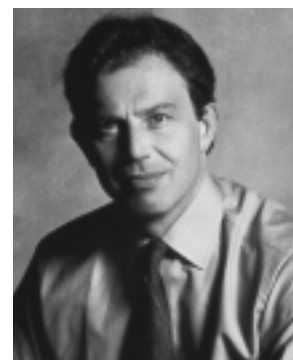


# Foreword by the Prime Minister

## Rt Hon Tony Blair MP

When children cannot live with their birth parents, for whatever reason, we all share a responsibility to make sure that they have a chance of a fresh start, and an opportunity to enjoy the kind of loving family life which most of us take for granted.

That's why earlier this year I established a fundamental review of adoption policy and practice. While there are many options suitable to children's needs, adoption can work well. There is scope to increase the use of adoption. But there are clear problems with the way the system of adoption now operates.



Poor performance, widespread variations, unacceptable delays, agonisingly high hurdles for adopters to surmount – in far too many parts of the system, there is a lack of clarity, of consistency and of fairness. Most pressingly, children in an already vulnerable position are being badly let down.

We have to change this. We have to have a new approach to adoption.

This White Paper presents the Government's new approach. It sets out what we will do, including the new legislation we will introduce, to make adoption work more clearly, more consistently, and more fairly.

But in modernising adoption, in defining new roles and new ways of working for adopters, for councils, and for the courts, our new approach at all times makes it clear that it is the interests of the children which are and must remain paramount. We want to see more adopters, councils working better, courts performing more transparently. But above all, we want to see vulnerable children safe, in permanent families.

Adoption is an emotional issue. The circumstances surrounding adoptions are sometimes highly charged. But I am in no doubt about the responsibilities which rest with all of us, and I am determined to see those responsibilities dealt with fully. That is the heart of the Government's new approach. Children deserve nothing less.

*Tony Blair*

# executive summary

- while for most children the **best place** to grow up is with their **birth parents**, others are unable to do so
- where this is not possible, society has a **clear responsibility** to provide children with **stability and permanence** in their lives
- adoption is traditionally a means of providing a **permanent alternative home** for children unable to return to their birth parents
- the Government believes that more can and should be done to promote the **wider use of adoption**

## adoption now

- **58,000 children** are now looked after at any one time by councils in England
- many spend **only a short time** in the care of a council, with 40% returning home after less than eight weeks
- but for too many children, the way the system now operates does not provide the **chance for a long-term family life**
- there are **major problems** with children's services and adoption now:
  - 18% of children experience **three or more** placements a year
  - 70% leave care at 16 **without any qualifications** at all
  - there is **wide variation** by councils in the use and practice of adoption
  - to the detriment of children, the adoption process is widely seen as **prone to delay**, with clear concerns over the **consistency, quality and clarity** of the process
  - there is a **lack of consistency** in the law
  - social workers often receive **little or no training** on adoption
  - the review mechanism for those applying to adopt is seen as **unfair, and not impartial**
  - **little support** is available for adopters
  - there are **delays** in the court processes over adoption
  - there are only **limited statistics** available on adoption

The **Prime Minister** in February 2000 announced he would lead a thorough review of adoption policy, with the clear aim of taking a **new approach** to adoption.

## adoption: the new approach

### The Government will:

- invest **£66.5m** over three years to secure sustained improvements in adoption services
- set a target of **increasing by 40%** by 2004–05 the number of looked after children adopted, by improving councils' practices on adoption, and aim to exceed this by achieving, if possible, a 50% increase
- **legislate** to overhaul and modernise the legal framework for adoption:
  - provide **new options for permanence**
  - support the establishment of an **adoption register**, with details of all children waiting to be adopted and **approved** adoptive families
  - set out a new legal framework for **adoption allowances**
  - establish an **independent review** mechanism for assessment of potential adopters
  - give all families adopting children, especially those who have been looked after, the **right to an assessment for post-placement support**
  - provide adopted people with **access to information** about their history
  - require councils to **pay court fees** when looked after children are adopted
  - **align** the Adoption Act 1976 with the Children Act 1989
- make available **£41m** over three years from 2001–02 to allow councils to support staff wishing to undertake professional social work training
- consult on **new National Adoption Standards** which will set out clearly what children, prospective adopters, adoptive parents and birth families can expect:
  - place **children** at the heart of the adoption process
  - agree a **plan for permanence** for each child **within six months** of becoming continuously looked after
  - take a **decision** on prospective adopters **within six months** of application
- consult on a right to **paid adoption leave** for one parent of an adopted child
- for **councils**, issue guidance on **financial planning** for adoption
- pilot **innovative approaches** to councils commissioning children's services
- use a range of **powers against councils which consistently fail** to provide a reasonable level of service on adoption, including emergency inspections, an Adoption Taskforce, 'special measures' and as a **last resort, removal of services**
- for the **courts**, increase **flexibility** in the family justice system, including **expanding the number of judges** available and concentrating adoption work in **specialised adoption court centres**
- work with the courts to provide **interim guidance** in 2001 on case management and consistent practice
- develop **national standards** for the new Children and Family Court Advisory and Support Service
- amend **consent to adoption forms** so agreement is stated to be in the **best interests** of the child being adopted

Issues where the Government plans to take primary legislation, and those relating to the courts, will apply to Wales as well as England.

# chapter one: our vision – permanent, secure family life

- 1.1 As a society, we should be aiming to provide opportunities for all. That is the Government's vision for this country. It is a vision in which all children, regardless of their background, should be able to share. Stable families and strong communities are the foundations for the fair society the Government seeks to create.

## Children and families

- 1.2 Children rightly want to grow up in a stable loving family. Whatever their circumstances, the majority of children in this country are fortunate to be able to grow up in a family, which has the best chance of ensuring they have both the values they need and the opportunities they deserve.
- 1.3 Most children will grow up within their birth families. That offers them the best prospects of succeeding – as individuals, as family members, and as members of the wider community.
- 1.4 Not all children, though, are able to live with their birth parents. A range of different circumstances may apply to render that impossible. In the vast majority of cases, this is unfortunate. In a small minority of cases, it may be the best thing for the child.
- 1.5 But whatever the reason, the needs and merits of such children are no different to children in birth families. Their needs and desires are indeed exactly the same. Children unable to live with their birth parents still need a stable and loving family to provide them with the security and love through childhood that they both require and deserve.

**“I felt like my life was starting again” Ahmed\***

- 1.6 For children in public care, their safety must be the first priority. No action must be taken which places the safety of looked after children in jeopardy. But after ensuring that their safety is secured, society as a whole has a clear responsibility to provide these children with permanence – a safe, stable and loving family to support them through childhood and beyond – and a fresh start as quickly as possible.

**“I felt safer” Zoe**

## Children and public services

- 1.7 The Government has set itself ambitious goals for:
- modernising key public services, including health, education and social services
  - giving new opportunities to those who have been marginalised and excluded, including looked after children, and eradicating child poverty by 2020
  - working in partnership with local government and the voluntary sector to make Britain a fairer society, with opportunities for all.

\* All children's quotes throughout this White Paper are from the Department of Health's Consultation exercise (2000), Make it Happen (2000) Department of Health, or Thomas and Beckford, Adopted Children Speaking (1999) BAAF



- 1.8 The Government's aim is to develop modern, high quality public services that are responsive to the needs of different groups and individuals in society. It wants to see public services deliver what people want and deserve. For too long, public services have been underinvested in, and have failed to provide the vital services people want. The Government is reversing that long pattern of underinvestment, and modernising public services. Reform and new investment will take time to put in. Turning round public services cannot be done overnight. But a good start has been made, and the Government is determined to see public services provide properly what they are there to deliver.
- 1.9 Public services, including children's social services, should act not just as a safety net against failure, but as a springboard to success. Social services for children can help in promoting independence as well as providing proper protection. They can help improve health and well-being. They can offer new choices and new opportunities for young people. They can, especially, help confront the social exclusion and deprivation visible in too many communities.
- 1.10 The Government is focusing strongly on supporting families and children, especially those in greatest need, and actively promoting opportunities for everyone. It wants children who are looked after by local councils to have the same chance of a good start in life as other children. Social services must provide children in care not just with care, but with a chance to belong, to have a stake in society, and to get on in life.
- 1.11 Services for looked after children, along with those for all children in need, are already getting a major boost through our £885m *Quality Protects* programme. But the experience of children in the public care system waiting to be adopted is too often damaging.

## Children and adoption

- 1.12 Adoption has traditionally been a means of providing a permanent alternative home for some of the children unable to return to their birth parents. Research shows that children who are adopted when they are over six months old generally make very good progress through their childhood and into adulthood and do considerably better than children who have remained in the care system throughout most of their childhood<sup>1</sup>. These children are also better adjusted than children who grow up in institutions. Adoption of older children has positive, though to varying degrees, effects on all aspects of their development.
- 1.13 The Government believes that more can and should be done to promote the wider use of adoption for looked after children who cannot return to their birth parents. But if this goal is to be achieved, the process must be made as efficient and effective as possible, to meet children's needs.
- "I think it's better to have adopted parents than no parents at all. It gives children more chance of a better life" Nazeema**
- 1.14 Many adoptions are very successful. Children and adopters forge new and lasting bonds in a new and permanent family, after councils and courts have worked successfully together to place children in their new families. Many people involved in trying to secure successful adoptions which are of benefit to looked after children and their new families are dedicated in their efforts to secure good outcomes. Adoption rightly has a good record in delivering a stable, permanent new family for looked after children who cannot return to their birth parents.
- 1.15 But for too many children, in too many cases, there are clear problems in the way the adoption process now operates. There are widespread variations in practice between councils and between courts. There is too much delay for children. There are unacceptable delays and difficulties for adopters. Children involved in the process are suffering unnecessarily.

“I wait, I wait, I wait, I wait...no news...not for 5 years...” Clare

- 1.16 Delays in reaching decisions about children’s futures are compounded by frequent moves from one foster placement to another, making it harder for children to develop and settle down. These delays are damaging and the consequences of this damage are far-reaching not just for the children concerned, but also for society – far more girls leaving care are pregnant or have babies than other girls the same age, and 39% of male prisoners under 21 have been looked after at some stage. This is not a failure of the child in care, but of the system of care. And children have a right to expect better.

“I would have liked to have understood more” Darren

- 1.17 Too often adults forget how things look to children. They think about systems, what is logical, and what are acceptable timescales from an adult’s point of view. Adults forget how time appears to pass more slowly to children. Adults often tend no longer to remember the confusion of entirely new issues and the worry of questioning those who are grown up and knowledgeable. In short, existing services do not always match the vision for modern public services.

“Try to listen to what we want instead of guessing. You don’t know us.” Jason

## Adoption: a vision for the future

- 1.18 The Government wants to change this, and will overhaul the adoption process so that it makes more sense, moves more quickly and delivers for children the outcome they want: a new family.

- 1.19 Adoption services must be focused on the fact that every day without their new family can make a difference to the future development of these children. There is a need for change at every level – covering best models of child care practice, improving consistency in council performance as well as changes to the legal framework. Through all of these changes, the aim is to reduce avoidable delays so that the child can enjoy the prospect of a new start in life.

- 1.20 In future, the experience of adoption services will be one where:

- **The focus is firmly on the needs of the child.** Though the Government will establish new standards and new processes for all those involved in adoption, including adopters, councils and the courts, the interests of the children involved will be paramount
- **Highly skilled professionals lead a quality service delivered to national standards.** Instead of too many of those involved in helping children find safe, permanent new families being under-trained and over-exposed, the experience of adoption will be one where staff are properly trained and properly supported, so that they can provide the best possible service to the children involved
- **Focused effort goes into finding a permanent new family for looked after children waiting to be adopted.** In some areas, adoption has been given a lower priority than taking action to safeguard children in difficulty. While child safety must remain the overriding priority, the need to find safe, permanent families for children is an intrinsic, long-term element of the process of giving children a safe, fresh start and a new opportunity

- **Courts deal with all cases involving children in an efficient and child-centred way.** While courts rightly place fairness in dealing with all cases as a priority, the pace of legal processes and at times their lack of easy comprehension can seem to run counter to dealing with the complex emotional issues which often surround looked after children in a way which is speedy and clear. So the focus for adoption will be to make the legal framework and the legal process as swift and as transparent as possible, and in a way which ensures that the interests of the children involved remain paramount
- **A range of potential adopters is welcomed and assessed efficiently in an open and fair way.** For those considering adoption or wanting to adopt, the process of adoption can seem to place all but insurmountable hurdles in the way. Children's safety must remain the first duty of the adoption process, and accordingly potential adopters have to be carefully and thoroughly assessed. But in doing so, the adoption process will carry out those assessments in a way which has both fairness and transparency at its centre
- **Children and their new families have easy access to post-adoption support.** Though the commitment and effort to make adoption work in a new family is primarily for the new family itself, the role of others in the adoption process should not end when children and their new families are brought together. Too often in the past families have only been reconnected with the adoption process when problems – sometimes severe – arise. Instead, families forging a new family unit with an adopted child should be able to access support, if they want it, to help make sure that the process of creating their new family works as well as it possibly can.

## Adoption: a new approach

1.21 Meeting this vision will require a new approach to adoption:

- **Children. Children will be the paramount priority of the adoption process.** The Government will establish for children a full range of options for permanent families. It will cut down delay by setting clear timescales. It will improve planning and decision making by providing better guidance. It will provide better post-qualification training for social workers.
- **Adopters. The Government will encourage adoption by encouraging adopters.** It will support local recruitment activity to find suitable families for looked-after children. It will find a family for a child through a national system where it has not been possible to do so locally. It will improve the assessment process and its image to encourage more potential adopters to apply. It will provide proper support for all those involved in adoption, including children being adopted, adoptive families and birth families.
- **Councils. The Government will improve the performance of councils on adoption.** It will issue guidance to councils to improve financial planning. It will identify more quickly good and poor performance. It will spread best practice. It will improve joint working between councils and with voluntary adoption agencies.
- **Courts. The Government will improve the efficiency and clarity of the legal aspects of adoption.** It will make better use of available expertise, and improve expertise through training. It will improve case management. It will establish new support services. It will speed up the process by setting timescales and improving monitoring.

“It’s a long progress but it’s worth it in the end” Roisin

## Conclusion

- 1.22 This new approach amounts to a radical change in the public care system, stemming from a vision of high quality public services that offer new opportunities and high quality outcomes for looked after children, based around meeting their individual needs. The new approach will replace a system that too often has only worked for the short term, and which all too often has failed too many children. The Government will adopt a radical new approach which will provide for looked after children what they need most: permanent, secure family life.

**“It may be hard, emotionally, being adopted but it’s worth it in the end” Charlie**

# part one: adoption now

chapter two: problems in adoption

chapter three: tackling the problems



# chapter two: problems in adoption

*This chapter sets out:*

- *the background to this White Paper;*
- *the problems in the current system for children looked after by councils; and*
- *the problems in the adoption system.*

## Children looked after by councils

2.1 Fifty-eight thousand children are now looked after at any one time by councils in England<sup>2</sup>. Over the course of a year councils accept responsibility for over 90,000 children<sup>3</sup>. These children are looked after by councils for a wide variety of reasons – some to provide family support through voluntary agreements with their parents, others are looked after under court orders. For many thousands of children every year the care system, through fostering, residential and respite care, provides the support and help they and their families need to sort out their problems and rebuild their family life. Many spend only a short time in the care of a council. Nearly 40% return home after less than eight weeks and more than half will have gone home within six months. Seventy per cent of all children who start being looked after return home within a year<sup>4</sup>.

## Children who stay in the care system

2.2 But there are many children who stay longer. Some of them never return home to their parents. Over 28,000 of the children looked after in the year to 31<sup>st</sup> March 1999 had been in care continuously for more than two years – about half of all those in care at any one time<sup>5</sup>. Nearly 12,000 had been looked after for five years or more<sup>6</sup>. By the time a child has been looked after for 18 months they have an 80% chance of remaining in care for four years or more (and probably right through until they leave the system at age 16–18)<sup>7</sup>.

2.3 For too many children the care system does not provide the chance for a long-term family life in which they can thrive:

- some 18% of looked after children experience three or more placements in the course of a year<sup>8</sup>;
- an estimated 14% of children who are adopted have experienced six or more placements in their care history<sup>9</sup>;
- only 46% of children looked after continuously for more than four years have spent at least the last two years in the same foster placement<sup>10</sup>;

### What children say about stability<sup>11</sup>

“If you’re happy somewhere you should be able to stay.”

“Calling all foster parents. Get your act together. You and social workers move us about too much. DON’T.”

“ [moving is] scary, because you didn’t know any people.”

2.4 Many of these children have led fractured and disrupted lives before coming into care. Many have mental health problems and special educational needs. 67% of looked after children have an identifiable mental health problem. An estimated 30% of looked after children have statements of special educational need, compared with 2–3% of children generally<sup>12</sup>. The results, when combined with the instability they can experience in care, are reflected in low opportunities while they are looked after and in poor chances for successful settled lives when they leave:

- 70% of young people leave care without having gained any GCSE or GNVQ qualifications<sup>13</sup>;
- 25% of looked after children aged 14–16 do not attend school regularly and many have been excluded and have no regular educational placement<sup>14</sup>;
- between 14% and 25% of young women leaving care are either pregnant or have a child, while in the general population only 3% of 20 year old women have a child<sup>15</sup>;
- compared to the general population, those who have been looked after are 60 times more likely to be homeless<sup>16</sup>;
- 39% of male prisoners under 21 have been looked after<sup>17</sup>.

2.5 There are widespread concerns about whether the best use is being made of adoption to meet the needs of those looked after children requiring permanent homes with new families:

- there is wide variation in the use of adoption by councils, which cannot be explained solely by the characteristics of the children looked after by the council. In 1999–2000 the proportion of looked after children adopted during the year varied by council between 0.5% and 10.5%<sup>18</sup>;
- inspections and surveys by the Social Services Inspectorate have identified concerns about the planning and management of council adoption services, and the way these services work with other services, including health and education;
- there is a widespread perception that the adoption process is prone to delay to the detriment of the child;
- there are concerns over the consistency, quality, clarity and speed of the process of applying to become an approved adopter.

2.6 This is why, in February 2000, the Prime Minister announced that he would personally lead a thorough review of adoption policy, to ensure that the best use was being made of adoption.

## The Prime Minister’s Adoption Review

2.7 As the first stage of his review, the Prime Minister commissioned the Performance and Innovation Unit (PIU) in the Cabinet Office to study the evidence, explore the options for action and make recommendations for Government policy. The PIU published their report for consultation on 7<sup>th</sup> July 2000.



2.8 The PIU report identified three key problems which meant the needs of looked after children are not consistently being met:

- **decisions about how to provide a secure, stable and permanent placement, including adoption, are not addressed early enough, focused clearly enough or taken swiftly enough**
  - For looked after children adopted in 1998–99, the average time spent looked after before the decision was made that adoption was in the child’s best interests was one year four months<sup>19</sup>;
  - 62% of those adopted in 1998–99 started to be looked after under the age of 12 months, but only 36% were still infants under one when the decision was made that adoption was in their best interests<sup>20</sup>;
  - 65% of children adopted wait over a year between coming into care and being placed with their prospective adoptive family (see Table 1)<sup>21</sup>.

Table 1: Length of time looked after before adoption <sup>22</sup>		
Length of time	% of children 1999	% of children 2000
Under 1 year	13	20
1–2 years	28	38
2–3 years	28	26
3–5 years	23	13
5+ years	8	3

- **where plans for permanent placements, including adoption, are made, they are not delivered quickly enough, from the point of view of the child’s timescales**
  - The average time between decision and placement is seven months, which varies by age from five months for children under one month old (when they started to be looked after) to 11 months for children over five years<sup>23</sup>;
  - Children wait on average nearly three years from becoming continuously looked after to being adopted<sup>24</sup>;
  - Older children take longer to match and place and wait longer once they have been placed before they are adopted<sup>25</sup>.
- **services do not provide the support families need throughout the process of securing and supporting adoption and permanence**
  - Adopters report that post-adoption support was the least satisfactory part of the adoption process<sup>26</sup>;
  - There is a lack of consistency between councils on the support that is available to adoptive families after placement<sup>27</sup>;
  - 18% of adoptive placements broke down during 1999–2000 before an adoption order was made<sup>28</sup>.

2.9 The report's key findings were:

- **too often the current system was not delivering the best for looked after children** in terms of finding them long-term placements generally or adoptive families in particular;
- **there was scope for a substantial increase in the use of adoption as an option for looked after children.**

2.10 The report also identified a wide range of problems and barriers throughout the system that contributed to these key problems.

## Legal issues

2.11 There is a lack of consistency in the law. The Adoption Act 1976 and the Children Act 1989 are not consistent in their approach. Different approaches must be taken depending on the type of application. In some cases the needs of the children will be paramount and in others they will be taken into account.

2.12 Currently, the options available to provide permanence for looked after children are limited. Only adoption provides legal permanence, but it requires absolute severance of legal ties with birth families. Long-term fostering and residence orders do not sever the ties with birth families. But such placements are not necessarily as legally secure, as they can be ended either by councils or by birth parents through the courts.

2.13 For adopted people wishing to find out about their family history, access to information is inconsistent across the country.

## Social worker training and experience

2.14 Social workers often receive little or no training in working with children generally, or in making decisions for permanence for children. At the moment, the basic social work course does not properly equip social workers to deal with these issues.

## Recruiting and supporting adopters

2.15 People may be put off from applying to adopt by their perception of the assessment process as long-drawn-out and over-intrusive, or having arbitrary criteria for approval. This may contribute to the shortage of adopters across the country, which means that children wait too long for new families to be found for them.

2.16 Although the PIU report found little evidence of agencies using arbitrary criteria for assessment, if these are used, children are the losers. There have been cases where potential adopters have been told they cannot adopt solely because they are too old or because they smoke. Blanket bans of this kind are unjust and unacceptable. Each case should be judged on its merits and the needs of children considered – the important thing is to ensure that adopters can offer children a safe, stable and loving home through childhood and beyond.

2.17 The review mechanism for the assessment process may seem unfair, and not impartial or independent. It provides for people to make representations to the adoption panel that recommended their application be rejected, and for that adoption panel to reconsider their recommendation in the light of the further representations.

- 2.18 There is very little support available for adopters once a child has been placed for adoption. Currently, as many as one in five adoptive placements breaks down before the child is legally adopted<sup>29</sup>. These children have already gone through at least one family breakdown, so another can be extremely traumatic. The current duty on local social services authorities to provide post-adoption support, set out in the Adoption Act 1976, is framed in very general terms, and provision is patchy. There are particular difficulties in obtaining support where a child has been placed with a new family who live outside the council's area. There is also difficulty in getting access to services – those seeking help tend to be directed through the social services 'duty system', which is designed to deal with crises.
- 2.19 Adoption allowances were originally designed to facilitate an adoption when it would not otherwise take place. They were aimed specifically at encouraging the adoption of large sibling groups, and disabled children. But the PIU report found widespread inconsistency in their use, and a general lack of clarity around their purpose, which has led to inconsistency in their treatment in the tax and benefits systems.

## The contribution of councils

- 2.20 The organisation of social services departments means that the same team may often be dealing with child protection issues and with finding permanent new families for children. Children in foster care are seen as 'safe', and finding new families may therefore become a lower priority than supporting children at risk.
- 2.21 There is evidence that some councils have better management of the adoption process than others, and that this strong leadership can improve performance.
- 2.22 Adoption services have traditionally been run on a local basis. Each council has recruited its own adopters to meet the needs of the children it is looking after. This can mean that children are kept waiting for a local family, when there may be a suitable family waiting to adopt in another part of the country. A 1999 report to the Department of Health found 2,400 children waiting to be adopted, and 1,300 approved adopters waiting for children<sup>30</sup>.

## The court system

- 2.23 Courts may, for a variety of reasons, insist on further work being undertaken before a decision can be made. This is sometimes the result of poor relationships between council and court staff, especially between council social workers and guardians *ad litem* and is exacerbated by the lack of training of some social workers. If there is a difference of opinion, the courts are more likely to follow the view of the guardian.
- 2.24 There are also delays in the court process generally, in both the proceedings that consider the Care Plan for every looked after child and in adoption proceedings specifically. This is not helped by a lack of active judicial management in many cases.
- 2.25 There may also be duplication of effort, for example, assessments undertaken for care proceedings being made again for subsequent adoption proceedings. There is also inconsistency of practice across the country.
- 2.26 At present the Office for National Statistics (ONS) is able only to publish limited annual statistics on adoption such as the number of adoptions made and basic information about the children involved. This does not provide sufficient information for adequate case management or developing proposals for change.

# chapter three: tackling the problems

*This chapter sets out:*

- *the action that the Government is already taking;*
  - *the recommendations from the PIU report; and*
  - *the new changes the Government will make, in outline.*
- 3.1 The Government has already taken action to tackle the problems identified. In August, the Prime Minister set out new arrangements to give vulnerable children and young people the stability and support they need, wherever they grow up. Across Government, there is a commitment to ending child poverty by 2020, and to investing in services which will help to meet this objective:
- by 2004, Sure Start will be actively supporting the development of one third of children living in deprived neighbourhoods, before they start school;
  - from April 2001, £450m of additional investment from the new Children's Fund, will begin to support new partnerships which provide preventative services for five to 13 year olds in the most deprived communities;
  - from 2001, the new Connexions service will begin to provide teenage children with focused one-to-one personal support as they make the transition to adulthood;
  - the five year, £885m Quality Protects programme was launched in 1998 to improve services for all children in need.
- 3.2 Quality Protects is an unprecedented investment in the future of some of our most vulnerable children. Early evidence shows that the programme is beginning to deliver improved outcomes for children. For example, in its first year:
- 500 more looked after children were adopted than in the previous year<sup>31</sup>;
  - more young people were looked after until they were 18, rather than leaving care at 16<sup>32</sup>;
  - children had fewer moves between placements – 17.8% of looked after children had three or more placements last year, compared to 18.6% the year before and 19.6% in 1997–98<sup>33</sup>.
- 3.3 Quality Protects is raising expectations and improving practice. It is delivering the Government's objectives for children's social services – with better management information, a new and comprehensive assessment framework, and the greater involvement of front-line staff, families and children themselves in the planning of services. Listening to children and their active participation in day-to-day decisions about their lives and the delivery of services have been Quality Protects priorities.
- 3.4 From 2001–02, improvements in services for severely disabled children will be a further Quality Protects priority. This sustained programme of change, designed to transform the quality of services for and the life chances of vulnerable children, provides a solid platform for further modernisation of adoption.

3.5 Improved adoption services have also been a Quality Protects priority. The programme builds upon circular LAC(98)20, which set out how councils should manage and deliver adoption services. The Government has now published a report into the implementation of this circular<sup>34</sup>. The results are promising, but do not go far enough:

- in many councils adoption practice is good;
- some councils have children in need of an adoptive family, who are not found one;
- these councils need to bring about changes in policy, strategic planning and family placement practice to secure adoption as a mainstream service.

3.6 The PIU report made 84 wide-ranging recommendations for Government action to improve adoption and to deliver permanence for looked after children. The overarching recommendations are set out in the box below.

#### PIU report – headline recommendations

The Government should:

- set out a new approach to planning for permanence for looked after children, including for adoption, which puts the needs and rights of the child at the centre of the process;
- promote an increase in the use of adoption for looked after children.

To deliver this new approach, and maximise the use of adoption, the Government should develop proposals to:

- attract, recruit and support many more adopters and their families;
- achieve a step change in local social services authority performance, in the quality and consistency of planning for children, and in adoption services;
- make the court system work better in supporting care planning for looked after children and in adoption proceedings;
- change the law to align it with the Children Act 1989 and make a range of improvements to support action in the other three areas.

3.7 Over the summer the Government has consulted on the recommendations set out in the PIU report. Over 300 responses have been received from a wide range of organisations, groups and members of the public. The response to the report has been very positive. The direction it sets out has been welcomed and the great majority of specific recommendations have been supported. There is a great deal of support for a set of proposals that will improve adoption services, put the child's needs at the centre of the process and ensure that adoption plays its proper role as part of an integrated service for meeting the needs and improving the life chances of some of society's most vulnerable children.

3.8 This White Paper therefore sets out a plan to transform adoption services for looked after children – and more widely to secure permanent, safe and supportive homes for vulnerable children. To support improvements in adoption services, and in planning for children more generally, the Government will:

- carry out the most radical overhaul of adoption law for 25 years (see chapter 4);
- invest £66.5m over three years, to build on what councils are already spending on adoption services (see chapter 4);

- set National Standards for Adoption (see chapter 4);
- set adoption within a context of permanence, with a spectrum of options for finding families for looked after children who need them (see chapter 5);
- improve planning and decision making by providing better training and guidance for social workers (see chapter 5);
- transform the process of applying to adopt, to encourage more people to do so (see chapter 6);
- help permanent placements to last, by providing proper support for would-be adopters, adoptive families, adopted adults and birth families (see chapter 6);
- improve the organisation of council adoption services (see chapter 7);
- identify good and bad council performance on adoption more quickly, and act to spread best practice and eliminate poor performance (see chapter 7);
- improve the performance of the courts to eliminate delay and make them more child-friendly (see chapter 8);
- set out a timetable for delivering these changes (see chapter 9).

3.9 Any issue on which the Government plans to take primary legislation, and issues relating to the courts, will apply to Wales as well as England. It will be for the National Assembly for Wales to determine policy in Wales on transferred issues.

# part two: adoption – the new approach

chapter four: key issues

chapter five: children – permanent, secure family life

chapter six: adopters – service and support

chapter seven: councils – quality and results

chapter eight: courts – speed and efficiency

chapter nine: delivering the new approach





# chapter four: key issues

*This chapter sets out key changes the Government will make to address the problems identified previously, including:*

- *investing further in adoption services;*
- *setting out National Standards for Adoption;*
- *training more social workers to work with children;*
- *changing the law to support the changes in practice; and*
- *setting a target to increase the contribution adoption can make to finding permanent new families for looked after children.*

## Investment

- 4.1 The Government knows that councils are already improving their adoption services. Some of the Quality Protects money has been used to employ adoption specialists, and to provide dedicated teams for permanence, rather than requiring those working on child protection to focus on permanence as well. In the first year of the Quality Protects programme, 500 more children were adopted from care.
- 4.2 The Government will build on this achievement. Quality Protects has been extended to five years, with an increased grant in 2002–03 and 2003–04. The Government has made available £66.5m, over and above current spend on adoption, over the next three years, to secure sustained improvements in adoption services. Much of this money will be delivered through the Quality Protects grant.
- 4.3 This money will allow councils to meet their new obligations in planning for permanence and rise to the challenge of this White Paper.

## National Adoption Standards for England, Scotland and Wales

- 4.4 In order to improve the quality of adoption services across the board, the Government and, in the case of Scotland, the Scottish Executive is consulting on National Adoption Standards for England, Scotland and Wales (see Box).
- 4.5 The National Standards set out what children, prospective adopters, adoptive parents, and birth families can expect from the adoption process, and the responsibilities of adoption agencies and councils, so that all parties receive a fair and consistent service wherever they live. They are underpinned by a set of values, which stress the importance to each child of having a permanent family, where they are safe. They put the child's needs at the centre of the adoption process.
- 4.6 The Standards include timescales within which decisions for most children should be reached and action taken, to ensure that children are not kept waiting for a family.

### Headlines from National Standards

- Children should be at the heart of the adoption process.
- A plan for permanence should be made for each child within six months of being continuously looked after, and delivered promptly.
- Where the plan for permanence is adoption, a best interest decision should be made within six weeks.
- A family should be found for the child within a further six months.
- Prospective adopters should be welcomed by voluntary adoption agencies and councils, and dealt with efficiently and with respect.
- The process of being assessed to adopt should be clear and transparent, and people should not be automatically excluded on the grounds of age, health or other factors, except in the case of certain criminal convictions. These factors will be considered, in terms of their ability to look after children in a safe and responsible way, as part of the whole picture.
- A decision about whether or not to approve prospective adopters should be made within six months of them applying.
- Councils should provide a comprehensive package of post-placement and post-adoption support.
- Councils should plan and manage an effective adoption service.
- Adoption agencies and councils should provide a high quality adoption service, which meets the expectations of those involved.
- Agencies and councils should recruit enough adopters to meet the needs of children, and avoid delays in finding new permanent families.

4.7 The Standards have been developed to set out how adoption services should be delivered across the board. When the final Standards are published in 2001, the Government will put in place a number of mechanisms to monitor their implementation. Some will be included in the initial set of minimum standards against which the National Care Standards Commission (NCSC) will inspect councils and voluntary adoption agencies, and on the basis of which adoption agencies will be registered. The Government will work with councils and voluntary adoption agencies to ensure that the Standards are delivered.

4.8 The Standards will also be used to inform Social Services Inspectorate inspections of adoption services.

## Recruiting and training social workers

4.9 The Government is aware that there are shortages of trained staff in social care, and especially in children's services, and is committed to addressing them.

4.10 £41m over three years will be made available from 2001–02 to allow councils to support staff wishing to undertake professional social work training, currently the Diploma in Social Work. The funds will be payable to councils through the Training Support Programme, with the aim of attracting existing council staff.

- 4.11 The Government will be issuing detailed guidance shortly but these funds should help attract students onto the course, and reduce the drop-out rate, so increasing the number of qualified social workers.
- 4.12 The Government is aware that there may be difficulties in staff in the voluntary sector getting access to training. Training support funding may be used by councils to support employees of voluntary organisations or independent sector organisations that provide statutory services under contract to the council.

“The challenge and difficulty...lies in identifying when return to the birth family is ‘clearly not in prospect’”

President’s Adoption Committee in their PIU report response

- 4.13 The Department of Health recently consulted on the reform of social work training as part of the *Quality Strategy for Social Care*. The consultation period ended on 21<sup>st</sup> November 2000. In the light of the responses, the Government will revise the qualification to include a much stronger focus on children and adoption, and will announce the conclusions early in 2001.

## Changing the law

- 4.14 The Government intends that all these developments, including Quality Protects, comprehensive National Standards setting high expectations and more rigorous training for social workers, will be set in the context of new adoption legislation. In 2001, the Government will legislate to overhaul and modernise the legal framework for adoption, and in particular:
- align the Adoption Act 1976 with the Children Act 1989, to make the needs of children paramount in making decisions about their future;
  - provide for new options for permanence (see chapter 5);
  - formalise the establishment of an Adoption Register for England and Wales (see chapter 6);
  - establish an independent review mechanism for the process of assessing prospective adopters (see chapter 6);
  - set out a legal framework to ensure the consistent provision of post-placement and post-adoption support (see chapter 6);
  - give all families adopting children, especially those who have been looked after, a right to an assessment for post-placement support (see chapter 6);
  - provide adopted people with consistency of access to information about their family history and their adoption (see chapter 6);
  - allow bodies other than approved voluntary adoption agencies to provide birth records counselling for adopted people, provided they have been approved to do so (see chapter 6);
  - require councils to pay the court fees when looked after children are adopted (see chapter 8).
- 4.15 Any issue on which the Government takes primary legislation will apply to Wales, as well as England.

## The Public Service Agreement target

- 4.16 Taken together, the Government expects all these changes to produce a more effective adoption service which is held in high regard by all concerned. In 1999-2000, 2,700 looked after children were adopted. In future, the Government expects more looked after children to be adopted, without any reduction in the quality of adoption placements. Accordingly, the Government is setting targets, which will be incorporated into the Department of Health's Public Service Agreement:
- by bringing councils' practice up to the level of the best, by 2004-05, to increase by 40% the number of looked after children adopted\* and aim to exceed this by achieving, if possible, a 50% increase;
  - achieve this without compromising on quality, so maintaining current levels of adoptive placement stability;
  - cut out drift and unnecessary delay for children by ensuring the adoption process takes place to timescales consistent with those set out in the National Standards. A specific target will be set when the Standards have been finalised, and we will expect councils will meet this target by 2004-05.
- 4.17 Achieving these ambitious targets will give hundreds more of our most vulnerable children the chance to benefit from a stable, safe, secure and loving family life.
- 4.18 But over time this must go further. The Government's aim is to transform the life chances of looked after children who cannot return to their birth parents by providing them with successful permanent placements that last and are right for them. These can take a number of forms, not just adoption. At the moment the Government lacks the information to be able to measure their long-term success and stability. The Government will therefore work with all the relevant stakeholders to develop appropriate ways to get regular information on the success of permanent placements, including adoption (for example, through voluntary anonymous surveys and through the new post-adoption and post-placement support services). It will use this information to help develop and set targets that focus on the success and stability of all permanent placements. We will aim to set such targets by 2004-05.

\* And in other genuinely legally secure permanent placements, such as those under the proposed 'special guardianship' order, should they be introduced (see chapter 5).

# chapter five: children – permanent, secure family life

*This chapter sets out the changes the Government will make to achieve permanence for looked after children, including:*

- *establishing a full range of options for permanent families;*
- *decreasing delay by setting timescales;*
- *improving planning and decision making by providing better guidance; and*
- *providing better post-qualification training for social workers.*

5.1 Children need permanence – a secure, stable and loving family to support them through childhood and beyond.

“The aim must be successful lasting placements with positive outcomes for children.”  
Barnardo’s in their response to the PIU Report

## A range of options

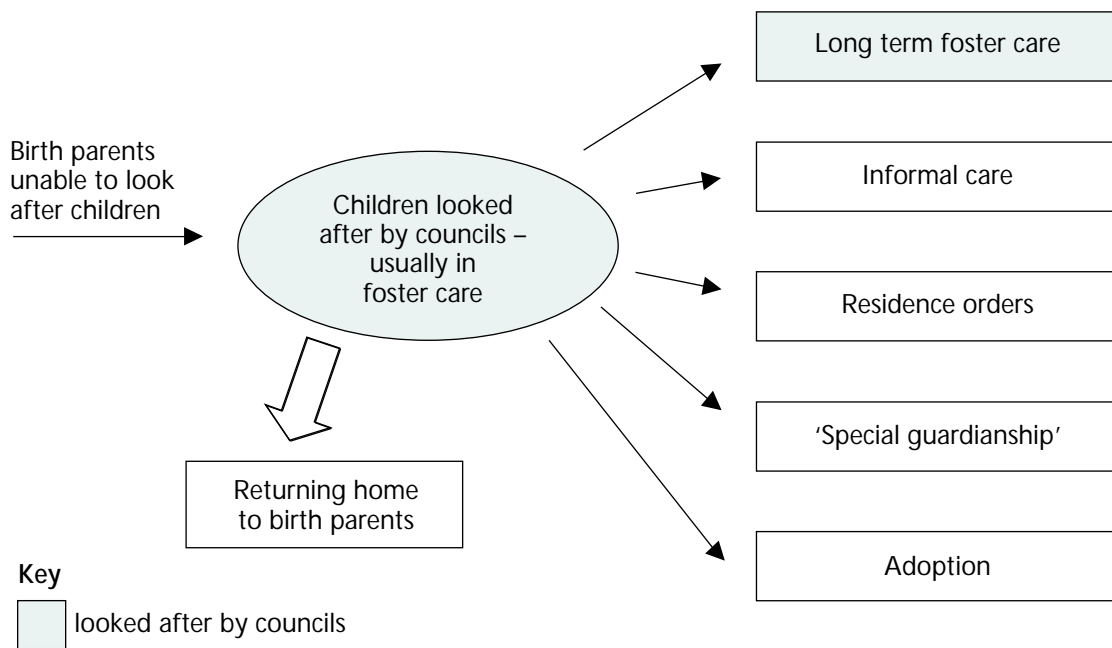
5.2 Looked after children unable to return to their birth parents need new families as quickly as possible. In the short term, a foster family will care for them. In the longer term, the Government must provide a range of options for permanence to deliver high quality outcomes for looked after children. There are many already, including family and friends, residence orders, long-term fostering and adoption. But this list is not complete. There is no status which provides legal permanence, but lacks the complete legal break with birth parents of adoption.

5.3 Figure 1 shows this range of options, including long-term foster care, where they remain officially looked after by the council (as shown by the shaded box in Figure 1), informal care with wider family or friends, through more formal options such as residence orders, which normally end at age 16, to adoption. It also includes the proposed new status.

## Permanence with wider family and friends

5.4 Under the Children Act 1989, the first duty of local social services authorities, where children cannot live with their birth parents, is to seek a home for them with their extended family. Finding a safe and caring new home for children with their wider family or friends allows them to keep important attachments and connections in their lives, and is therefore the preferred choice where it is possible and consistent with the child’s welfare.

Figure 1 Routes to permanence for looked after children



## Adoption

- 5.5 Adoption can offer children who are unable to return to their birth families a legally permanent new family, which they will belong to all their lives. Children say that this security, and a sense of 'belonging', is important to them (see Box). Adoption is therefore a key means of providing a permanent family for these children.

### What children have said about adoption<sup>35</sup>

"In adoption you have a real mum and dad"

"You cannot be taken away"

"I can call them mum and dad"

"I felt like my life was starting again"

- 5.6 Some looked after children, especially if they have developed a strong attachment to their foster carers, may want to be adopted by them. Some foster carers want to adopt the children in their care. Where this is in the child's best interests, it should be encouraged, as, like permanence with wider family, it allows the children to keep important attachments.
- 5.7 The new Standards specify that where a foster carer wants to adopt the child in their care, and that adoption would be in the interests of the child, the foster carer's application to adopt should be viewed positively and processed in three months – faster than adoptive parents who are not currently foster carers.

## 'Special guardianship'

- 5.8 Adoption is not always appropriate for children who cannot return to their birth parents. Some older children do not wish to be legally separated from their birth families. Adoption may not be best for some children being cared for on a permanent basis by members of their wider birth family. Some minority

ethnic communities have religious and cultural difficulties with adoption as it is set out in law. Unaccompanied asylum-seeking children may also need secure, permanent homes, but have strong attachments to their families abroad. All these children deserve the same chance as any other to enjoy the benefits of a legally secure, stable permanent placement that promotes a supportive, lifelong relationship with their carers, where the court decides that is in their best interests.

- 5.9 In order to meet the needs of these children where adoption is not appropriate, and to modernise the law so it reflects the religious and cultural diversity of our country today, the Government believes there is a case to develop a new legislative option to provide permanence short of the legal separation involved in adoption. This view was strongly supported by responses to the consultation on the PIU report.
- 5.10 The Government will legislate to create this new option, which could be called ‘special guardianship’. It will be used only to provide permanence for those children for whom adoption is not appropriate, and where the court decides it is in the best interests of the child or young person. It will:
- give the carer clear responsibility for all aspects of caring for the child or young person, and for taking the decisions to do with their upbringing. The child or young person will no longer be looked after by the council;
  - provide a firm foundation on which to build a lifelong permanent relationship between the carer and the child or young person;
  - be legally secure;
  - preserve the basic legal link between the child or young person and their birth family;
  - be accompanied by proper access to a full range of support services including, where appropriate, financial support.
- 5.11 We will work with the key interest groups and stakeholders to develop the detail of our proposals to be included in the new legislation.

#### **Illustrative case study<sup>36</sup>**

Jane (13) and Sarah (9) have been in the care of the same foster carers for some time. They came into care as the result of Jane disclosing sexual abuse, and are unable to return home. The foster carers and the children would like to remain together but Jane does not want to be adopted. She wants to keep her birth name, have contact with some members of her birth family but live with her foster carers. ‘Special guardianship’ would provide her and her sister with a permanent home within their foster family.

## **Fostering**

- 5.12 Long-term fostering may also have a role in providing a family for looked after children. It has proved particularly useful for older children with strong links to their birth families, who do not want or need the formality of adoption or ‘special guardianship’. It will remain available for those children, as part of the spectrum of options available in planning for permanence.
- 5.13 Better permanence planning will help ensure the right children are placed and kept in long-term foster placements, and focused support will help achieve greater stability for those children.

## Better planning and decision making

- 5.14 It is essential that decisions about a child's long-term future are based on the best possible evidence, reflect a thorough understanding of the child and their development, and the options available, and are made as quickly as possible. That is why the Government is improving training for social workers, introducing new planning frameworks and setting timescales for decision making.
- 5.15 Looked after children who need a permanent new family are extremely vulnerable. Every extra day spent without their new family makes a difference to their future development. Identifying the right choice for children is complex. But children must not be allowed to drift in care while decisions are delayed.
- 5.16 Children have a right to have their views listened to, recorded and acted upon, subject to their age and understanding, in the process of planning and making decisions about their future.

### Timescales

- 5.17 Alongside this White Paper, the Government is consulting on new timescales for each stage of the adoption process for children. These have been developed on the basis of current best practice, and what is in the best interests of most children, even if at present many councils are not achieving them. Over time, the Government will expect all councils to observe the timescales, which will be finalised in the light of the consultation. It will monitor council performance on this.

#### Timescales for decision making and delivering a plan for children

The draft National Standards set out that, for most children, the following timescales should apply:

- As soon as possible after becoming continuously looked after, and in no more than six months, the council makes a plan for permanence (which may include return to birth family or adoption), and sets timescales.
- Where adoption is the plan, a best interest decision will be made within six weeks.
- Within six months of the decision that adoption is in the child's best interests, the adoption agency agrees a match with prospective adopters.
- For children who are under care proceedings, for whom adoption is the plan, the agency should identify a placement within six months of the plan being agreed by the courts.

- 5.18 This means that, where the decision is made by six months that adoption is the only option for permanence, the child should wait no more than a year from becoming continuously looked after to being found a new family.
- 5.19 The National Standards will improve consistency of service from councils and adoption agencies across the country, and in particular ensure that decisions are made in a timely manner and in the child's best interests. They will also help to ensure that appropriate, timely progress is made in finding an adoptive family for a child. A senior manager in each council should keep track of these timescales on a case by case basis, and be responsible for ensuring that delays are avoided.



## Better guidance

- 5.20 In 1999 the Department of Health, together with the Department for Education and Employment and the Home Office, published the *Framework for the Assessment of Children in Need and their Families*<sup>37</sup>. This provides a model to help social workers make judgements about the child's developmental needs and the parents' capacity to meet the child's needs.
- 5.21 The Government will bring together the *Framework for the Assessment of Children in Need and their Families* and the Looking After Children System for planning for children in care into a common framework for assessment, planning, intervention and review for all children in need. It will include help with deciding whether the child can return to their birth family, and on making contingency plans to prevent undue delays.

The partnership between **Bury and Salford Councils and the Goodman Project of the Manchester Adoption Society** aims to improve the quality and pace of planning for children, by working towards family reunification while at the same time establishing an alternative permanent plan. The project has received positive responses from the judiciary and legal professionals, and benefits have been found to include a reduction in the number of placements. Potential permanent families are selected early on in the process, reducing the length of time to reach adoption where this becomes the plan. Birth parents are constructively engaged in the planning process.

- 5.22 The Government has also published guidance on *Working Together to Safeguard Children*<sup>38</sup>, which includes information about decision making for children, and the role of Family Group Conferencing in working with families. Family Group Conferences are a process through which family members are enabled to meet together to find solutions to difficulties which they and their children are facing. They allow the skills and experience of the wider family, as well as of professionals, to be used in planning and decision making.

The **Essex Family Group Conferencing Service** has been operating since 1997, and has attracted more than 230 referrals. A conference is set up to include the child and as many of his or her extended family members and members of the community as are helpful to the child's future. The process is managed by social services, but they take no part in the decisions reached by the family. Of the 52 looked after children who were involved in a conference last year, families of 33 offered family placements that allowed them to stop being looked after.

## Better post-qualification training for social workers

- 5.23 For those specialising in children's services, the Department of Health and the Central Council for Education and Training in Social Work have jointly developed a new Post-Qualifying Award in Child Care. Social services departments have been asked to ensure that child care social workers are offered opportunities to achieve this new qualification.
- 5.24 This new award is designed to equip social workers who work with children and families to get the best result for the child. It looks at the importance of children having secure attachments and will assist social workers in deciding when a child would best be placed in a new family. It also gives social workers knowledge of the evidence base, to support their professional judgement, effective planning and decision making, and reports to courts. There are currently 329 students training for this award. The Government has set a target that 7,000 social workers should have completed the qualification by March 2006.

- 5.25 Council staff should also consider opportunities for shadowing, secondments, and exchanges with court staff, especially Children and Family Court Advisory and Support Service (CAFCASS) officers, to improve their understanding of the court system, and build better relationships. This will help care and adoption court proceedings to move faster, since council staff will have a better understanding of the reasons for some of the court's demands.
- 5.26 Councils are encouraged to arrange, with local courts, joint training courses, workshops and seminars on adoption for court staff, CAFCASS officers and social workers.

# chapter six: adopters – service and support

*This chapter sets out how the Government will:*

- *support local recruitment activity to find suitable families for looked after children;*
- *find a child a family through a national system where it has not been possible to do so locally;*
- *improve the assessment process and its image to encourage more potential adopters to apply; and*
- *provide proper support for all those involved in adoption, including adopted people, adoptive families and birth families.*

## **What prospective adopters can expect from the adoption process, as set out in the National Standards**

**Pre-assessment**, prospective adopters will be given full **written information** on:

- the needs of children currently waiting to be adopted;
- becoming an adoptive parent, covering the nature of the task and the adoption process;
- the assessment criteria;
- the timescales for the process (see paragraph 6.19).

**And will:**

- be treated with respect and in a non-discriminatory way;
- undergo a fair and transparent assessment process, which is comprehensive, thorough and fully explained;
- receive an explanation of the need for thorough checks and enquiries of them as prospective adopters and their household;
- be kept informed of progress throughout;
- receive a copy of their assessment report, and comment, and attend the part of the adoption panel that relates to their application to be an adopter.

**Post-assessment**, the prospective adopters will be given full **written information** on:

- how a suitable match will be identified;
- their right to make representations, and, if necessary, complaints;
- adoption allowances.

**And should have:**

- awareness training about the needs and wishes of the particular child(ren);
- open discussion about how best to achieve links with birth families or friends;
- an assessment for post-placement support, and access to a range of support.

- 6.1 The needs of the child are at the centre of the process of adoption. However, to deliver for children, the Government must also consider the needs of adopters. The draft National Standards set out a better deal for adopters, so that it is clear what they can expect, both pre- and post-assessment (see Box). The Government is currently consulting on introducing paid leave from work for adoptive parents (see paragraph 6.25).
- 6.2 The new Standards for fairer, faster, and more transparent assessment procedures will bind on adoption agencies who approve adopters for overseas adoptions as well as adoptions of looked after children. So people adopting children from overseas will benefit from this improved assessment service in the same way as other adopters.

### **Intercountry adoptions**

During 2000 over 350 applications have been made for overseas adoptions, up from 280 in 1999. Applications are made to a range of countries. Most are to China, but other major recipients of adoption applications have been India, Guatemala, Romania and Thailand.

Councils, and voluntary adoption agencies approved to undertake intercountry adoption work, provide information about overseas adoption procedures, offer counselling to those wishing to adopt a child from overseas and assess applicants' suitability to be adoptive parents to the same standards as for adoptions of looked after children.

The Adoption (Intercountry Aspects) Act 1999 provides for the first time a statutory basis for the regulation of intercountry adoption. The 1999 Act enables the United Kingdom to ratify the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption. This is essentially a framework of minimum standards to make sure adoption is in the best interests of the child and no profit is made from the process. It is intended to introduce Regulations under the 1999 Act and ratify the Convention on 1 January 2002. Draft Regulations will be consulted on in the New Year.

The Government have already implemented part of the 1999 Act, putting a stop to independent social workers carrying out privately commissioned home study reports. This means that all prospective overseas adopters must go through the same process and be assessed to the same standards as those adopting children from the UK.

The Government's action to speed up assessments, give prospective adopters a right to an independent review and to improve post-adoption support will benefit those adopting children from overseas as well as those adopting children from the care system. And, although the National Adoption Standards have been drafted to apply to children being adopted from the care system, the Government will continue to work with the Expert Group to develop a set of standards appropriate to intercountry adoptions during 2001–02.

## Recruitment of adopters

- 6.3 Councils and voluntary adoption agencies have developed considerable expertise in recruiting adopters at a local level, to meet the needs of the children in the area who are waiting for adopters, and they must continue to recruit effectively. The funding that the Government is making available to councils via the Quality Protects grant may be used to support recruitment activity.
- 6.4 At a national level, the Government can support this work, by spreading information about the sorts of children waiting to be adopted, and the people who can meet their needs, so that people coming forward to adopt do have a full understanding and reasonable expectations (see Box). The Government can also spread information about the assessment process to address some of the myths about it. Whatever is done nationally will build on what works locally, and draw on the evaluation of the recent national foster care recruitment campaign.

### People waiting for adoption<sup>39</sup>

- An overwhelming 89% of adopters are white couples.
- One in five children with an adoption plan are from black or minority ethnic backgrounds.
- Black children wait on average five months longer for placement than white children.
- Mixed-race children wait on average eight weeks longer for placement than white children.

- 6.5 The Government will continue to support National Adoption Week, as a way of publicising adoption and finding more families for children who are waiting to be adopted.

## Finding families nationally

- 6.6 The Government has asked councils to provide information on the number of children and prospective adopters who have been waiting more than six months to be matched, to find out if there is any potential for finding families from around the country for waiting children<sup>40</sup>.
- 6.7 The Government has accepted the PIU report's recommendation to establish a new Adoption Register, which initially will cover England and Wales, to tackle delays in finding suitable adoptive placements for children.

“Prospective adoptive parents who also happen to be Armed Forces personnel have had very real difficulties because of the lack of a National Adoption Register...high mobility and frequent moves between local authority areas has meant [they] have found it very difficult to maintain a place on local authority registers.”

Ministry of Defence response to the PIU report

- 6.8 The Register will provide a national infrastructure for adoption services. It will hold information on approved adoptive families and children for whom adoption is the plan. This information will be used to suggest families for children where a local family is either not desirable or cannot be found within a reasonable period of time.
- 6.9 Councils will be required to place details of all children waiting to be adopted and approved adoptive families on the Register. They will need to obtain the consent of the children, subject to their age and understanding, and families before doing so. The Government will also encourage voluntary adoption agencies to make full use of the Register.
- 6.10 Adoptive families will be placed on the Register as soon as they are approved for adoption, and children when the plan for adoption is made. This will enable the Register to produce non-identifying data on the characteristics of the two groups, and the success of the matching process.
- 6.11 Following the initial placement of a child or family on the Register for information purposes, social workers will be given an agreed period of time to find a family or child locally. This period may be extended for adoption agencies involved in local or regional consortia arrangements.
- 6.12 At the end of this agreed period, or immediately where finding a family locally is not in the best interests of the child, the Register will be used to suggest matches between children and adoptive families. A team of staff with social work expertise will offer advice on these matches, which will then be considered locally by the children and families' social workers.
- 6.13 The Government asked for expressions of interest for the operation of the Register in November 2000, and plans to award the contract in spring next year. The Register will be up and running by the end of July 2001. The Government will continue to develop the details of how the Register will function during the tendering process.
- 6.14 The Government will initially establish the Register under existing powers, using statutory guidance to ensure compliance, but will legislate to underpin the Register on a statutory basis. This will help it to expand and develop in the future.

## Welfare and heritage

- 6.15 Children's birth heritage, and religious, cultural and linguistic background are all important factors to consider in finding them a new family. The Department of Health circular LAC (98) 20 states that the best family for a child will be one that best reflects their birth heritage, and all councils should be proactive in monitoring their local population of looked after children to enable them to recruit permanent carers who can meet their needs. However, the child's welfare is paramount, and no child should be denied loving adoptive parents solely on the grounds that the child and the parents do not share the same racial or cultural background.

"All children need a family, but identity and culture are also important. A white family with a black child should have a responsibility to help the child know their history and to try to make the child's culture accessible."

A black adopted adult<sup>41</sup>

## Assessment

- 6.16 The Government will clarify and change the assessment process in line with the National Standards, so that people understand what is happening at each stage of the process and why.
- 6.17 In seeking a new home for looked after children, their welfare and safety must be put first, and thorough checks and enquiries made in relation to all those who may care for them.
- 6.18 The draft National Standards set out that adopters have a right to a clear and thorough assessment, which involves the whole family, and takes account of heritage and cultural factors. They also provide for adopters to receive full information about assessment criteria. The assessment process needs to be thorough to assure the safety of the child, and to assess the potential parents' ability to meet the child's needs. However, it should not be judgmental in its consideration of potential adopters.
- 6.19 Prospective adopters can wait up to a year between their initial enquiry to the adoption agency and the start of the process of assessment – their follow-up interview or preparation group<sup>42</sup>. The average length of time taken between receipt of an application and approval is nine months, although it can be much longer. The Government plans to shorten the time taken for the whole assessment process, and the draft Standards set out guide timescales for each stage (see Box).

### Timescales for adopters set out in the National Standards

- Adopters should receive a written response to their initial enquiry **within one week**
- **Within two months** of their enquiry, they should attend a follow-up interview or preparation group
- A decision about whether they are suitable to adopt should be made **within six months** of the receipt of a firm application to proceed.

## Checks

- 6.20 One of the reasons for delays in the process is difficulties in obtaining criminal record checks on prospective adopters. The new Criminal Records Bureau (CRB) is being created to provide a system for vetting those who work with children. In planning the new Bureau, the Government has given priority to the protection of children. Information about those working most closely with children will start to become available in summer 2001.
- 6.21 The CRB will simplify, and thus speed up, the vetting process. The Bureau will be expected to operate to exacting service standards including delivery times. This will mean that suitable potential adopters can be approved more quickly.

## Approval criteria

- 6.22 The Standards will address the concerns about approval criteria by making it clear that people will not be automatically excluded from adoption on grounds of age, health or other factors, except in the case of certain criminal convictions. These factors will be considered, in terms of their ability to look after children in a safe and responsible way, as part of the whole picture. In the end, it will be for the courts to decide whether the proposed adopters are suitable.

## Independent reviews

- 6.23 The Government will legislate to revise the review mechanism for assessments, to establish a new independent system. Following the recommendation of the adoption panel, prospective adopters will be told if the agency plans to reject their application to adopt, and will have the right to a fully independent review of their case. An independent body appointed by the Secretary of State will convene a review panel to look at all the evidence again, and make a new recommendation to the agency. The agency, which is the body responsible for the placement, must take account of this new recommendation before making its final decision.
- 6.24 In 2001, the Government will also carry out a fundamental review of the assessment process and the operation of adoption panels, including consideration of streamlining the assessment of 'second time around' adopters, to explore what improvements could be made, with a view to implementing these changes during 2002.

## Adoption leave

- 6.25 The Green Paper *Work and Parents – Competitiveness and Choice* ([www.dti.gov.uk/er/review](http://www.dti.gov.uk/er/review)) published on 7<sup>th</sup> December 2000 asks for views on introducing a right to adoption leave paid at the equivalent of flat rate (currently £60.20 per week), and for the same length of time (currently 18 weeks), as Statutory Maternity Pay, for one parent of an adopted child. This option, if supported as a priority in responses to the consultation, would give one parent of an adopted child the right to the same amount of leave as a biological mother, leaving the parents to decide which of them would take this leave.

## Supporting adoptive families

- 6.26 Better, more comprehensive post-placement support will help improve the success of adoptive placements.
- 6.27 To support the better deal for adopters, the Government will introduce new legislation to:
- give all families adopting children, especially those who have been looked after, a new right to an assessment by their council for post-placement support. They will be able to request an assessment at any stage after the placement has been identified.
  - place a clear duty on local social services authorities to provide post-adoption support, including financial support, planned jointly with local education authorities and the NHS, and any other relevant agencies. This support will be available from the time a placement is made, for as long as it is needed.



**Brighton and Hove** social services department have a joint attachment project with health and education, in which a multi-disciplinary therapeutic team based within child and adolescent mental health services provides a range of assessment and therapeutic services to local adoptive parents with children who have difficulties in forming relationships.

- 6.28 Support services will be designed to promote the success of the placement, and should therefore meet the needs of the adopted children and their new families, for as long as they need help. Families will be able to ask for help if they start to have difficulties after adoption.

**Devon** has a post-adoption policy approved in 1997. This provides for plans presented to adoption panels to include details of arrangements for offering the support that is considered necessary to promote the success of each proposed placement, together with confirmation that the necessary resources would be committed. Procedure documents give staff guidance about writing these plans, how to obtain financial agreement and information about the kinds of services to be offered as circumstances require.

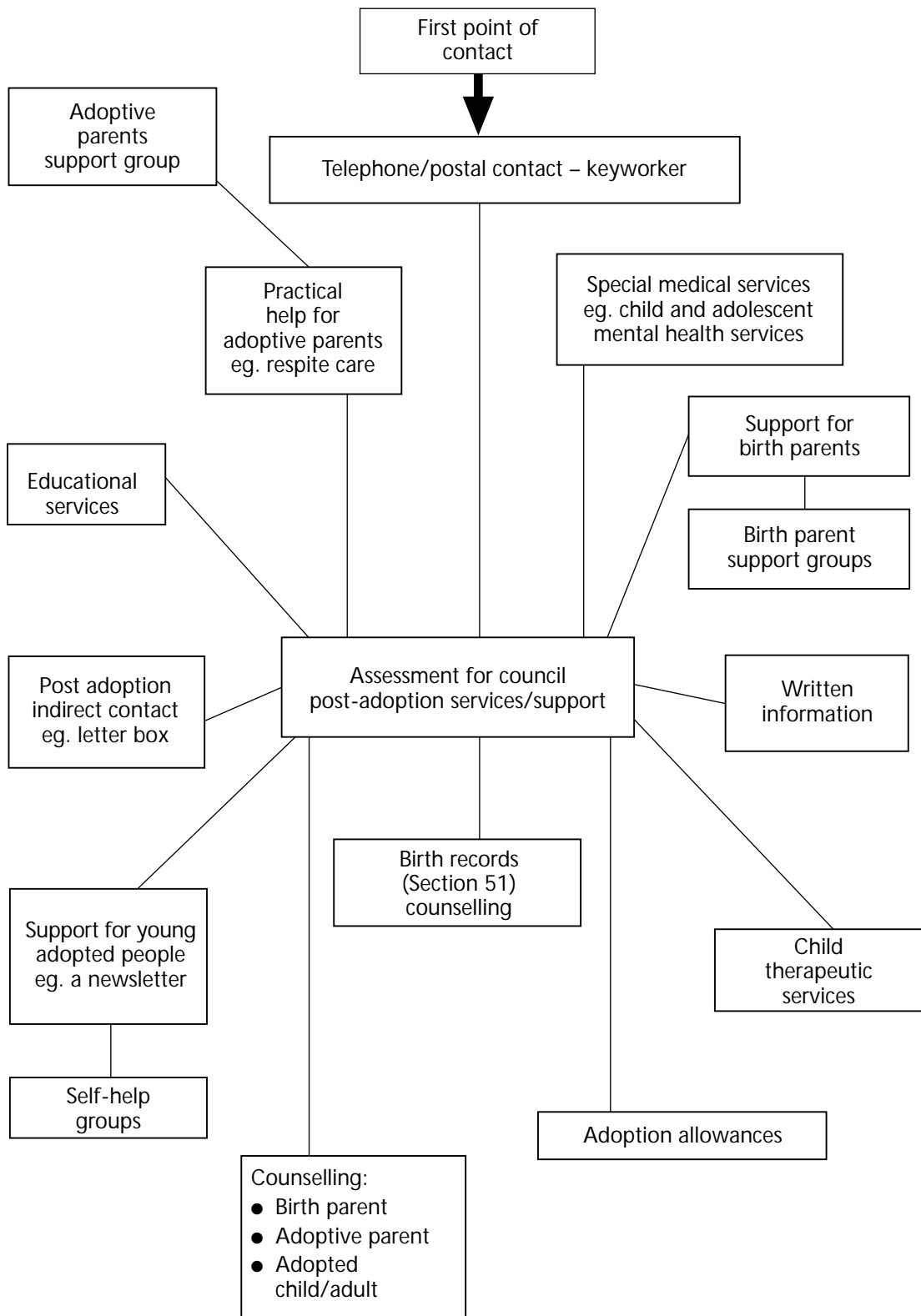
- 6.29 There will be a new framework for post-adoption support services, which will meet needs which are not met in any other way, and which are specific to the placement (see Box).

#### **Examples of post-adoption support**

- Counselling for the child to help them explain their circumstances
- Support for adoptive siblings in coming to terms with a new brother or sister
- Short-term domestic help, to enable the adoptive parents to spend more time helping the child settle in.

- 6.30 Looked after children who are adopted and their new families will have a keyworker, identified by the agency, to help them access services. If the family want help, they can use the keyworker as a 'gateway' or 'a route through the maze', and to help with co-ordination. The keyworker would not necessarily have to be a current council social worker, but someone who can help the family access all services.
- 6.31 Post-adoption support can be provided directly by the adoption agency or the agency might arrange for someone else to provide it. Figure 2 shows a model of a comprehensive post-adoption support service, from the initial call for help, through the council's services to other services such as support groups, NHS help and education services. The PIU report, and anecdotal evidence to the Department of Health, indicate that a single contact point and a dedicated team may be the most appropriate model for provision of these services.

Figure 2 Example of a comprehensive post-placement and post-adoption support service



## Adoption allowances

- 6.32 One way in which support may be provided is financially, in the form of adoption allowances. The Government will introduce new legislation to set out a new legal framework for adoption allowances, to establish that they are:
- for adopted children *and* their new families;
  - for needs specific to adoptive families;
  - to help the placement to last;
  - for needs which cannot be met elsewhere;
  - flexible to meet immediate, ongoing, and future needs;
  - fairly awarded, taking into account the family's ability to meet the needs of the child financially.
- 6.33 This new framework will be fair and flexible. Councils will be able to pay adoption allowances as a one-off payment, as a time-limited payment, or as an ongoing payment. They will also be able to use them to help families to meet new needs that emerge after the adoption order has been made. The Government will amend regulations to ensure this is possible. The box below gives some examples of needs which might be met by an adoption allowance.
- 6.34 The Government recognises that, for example, adopting large groups of brothers and sisters will put pressure on a family, as there will be a sudden large increase in expenditure. There may therefore be a case for helping such families through adoption allowances, and details of how this should be taken into account will be set out in the new framework.
- 6.35 The current system of means tests is unfair and varies across the country. The new framework will set out a more consistent approach to means testing. However, in future, more services will be provided as post-adoption support, so families will have to meet fewer needs out of their own pocket.

### Needs which might be met by adoption allowances

- One-off payments might cover an extension to the house or a larger car if the family was adopting a large group of brothers and sisters.
- Time-limited payments might cover the cost of, for example, counselling, if the NHS could not meet the need locally, as in the Direct Payments scheme.
- Ongoing payments might cover the costs of travelling to visit birth families.

- 6.36 The Government will also review how adoption allowances are treated within the tax and benefits systems, to ensure that, where appropriate, this is consistent and reflects our objective to help children grow up in a stable family environment.

## Education

- 6.37 Not all adoptive parents are familiar with the current education system. They may struggle to cope with the difficulties of a child who may have problems being admitted or settling in to school. When a child is placed with a new family in preparation for adoption, the placing local social services authority should, if the new parents want, help them to work with the local education authority to provide the child with a school place.

- 6.38 Schools and local education authorities should be flexible in working with the new families of looked after children placed for adoption, to ensure they enter appropriate schools, as part of the new start the Government believes they are owed.
- 6.39 Support will be available for looked after children placed for adoption and their families, as part of schools' pastoral care approach. This will help children settle and provide advice to adoptive parents. In addition, adopted children may receive additional support from teachers designated to address the needs of looked after children. The family should ask the school for help if they want support. They may, however, want as few people as possible to know about the child's adoption, and the school must respect this.
- 6.40 Approaches to learning and aspects of the curriculum can present difficulties for pupils whose life experiences are different from those of most other children. This is constantly borne in mind by teachers and schools in relation to race, gender, sexuality and disability. They must be equally sensitive in dealing with aspects of the curriculum on family values and experiences that are likely to either re-ignite distressing memories or 'put the spotlight' on a child who has been adopted.

## Supporting adopted people

- 6.41 Adopted people may need help within their family, as set out above, but may also need help in addition to this. Adults who were adopted as children should also be able to access help and support if they need to do so.

### Links with birth families

- 6.42 Links with their birth families are very important to children. Supporting birth families, including keeping them fully informed through the adoption process, from before adoption is identified as the plan, can make the process much easier for children. To avoid conflicts of interest, the Standards set out that birth families should be in contact with an independent support worker, and not the social worker who is working with their child.
- 6.43 The draft Standards also state that a child's needs to maintain links to their birth family including parents, grandparents, brothers, sisters and other significant people should always be considered, and that where appropriate, the local social services authority should make arrangements to meet the lifelong needs of the child.

### Finding out about family history

- 6.44 All adopted people should be able to find out about their family history if and when they wish to do so. The draft Standards set out that birth families should have the opportunity to tell their story. The child will then be able to find out about their parents' views, when they want and need to do so.
- 6.45 The Government will legislate to set out what should be in the agency files to which an adopted person will have access, and the circumstances in which they may have access to that file and to information from their court files.
- 6.46 The PIU report recommended that bodies other than approved voluntary adoption agencies should be allowed to provide birth records counselling for adopted people. The Government will legislate to allow this. Only organisations specifically approved to provide this counselling will be able to do so, along with voluntary adoption agencies as before.

# chapter seven: councils – quality and results

*This chapter sets out the changes the Government will make to improve council performance on adoption, particularly:*

- *issuing guidance to improve financial planning;*
- *identifying good and poor performance sooner;*
- *spreading best practice;*
- *addressing poor performance; and*
- *improving joint working with other councils and with voluntary adoption agencies.*

7.1 The Government will take specific additional measures to drive up standards for adoption services in all councils, and to achieve greater consistency between councils. It will take steps to improve organisation of adoption services, help councils work together better, monitor performance more effectively, and react quickly to improve poor performance. All councils should constantly make efforts to improve. The Government will drive this improvement by:

- issuing statutory guidance on financial planning for councils;
- encouraging councils to reorganise their services for permanence;
- changing information systems to help the Government monitor performance more effectively;
- supporting the work of the Adoption and Permanence Taskforce, a time-limited measure to help councils that are having problems and to spread best practice;
- using the Beacon Scheme to spread best practice;
- using a range of options to deal with poor performance, including powers under the Local Government Act 1999;
- encouraging co-operation between councils, including facilitating consortia arrangements;
- encouraging councils to include adoption in their local Public Service Agreements;
- in the case of persistently poor performance, for instance where the safety of looked after children was at risk, the Secretary of State might, as a last resort, take responsibility for a failing adoption service away from the council, and require them to give it to another council or an approved adoption agency.

## Finance

7.2 In 2001, the Government will issue new guidance to help councils in planning for adoption allowances, including forecasting, as the PIU report recommended.

7.3 It will also begin intensive work with a small group of selected councils to pilot innovative approaches to children's services commissioning, to help councils to identify barriers to effective organisation of services to promote permanence, develop best practice and pilot new models for planning services. This will

include helping them to focus on Best Value, and look at the most effective use of resources in the round, for example by considering the up-front short-term costs of adoption, such as the interagency fee and staff time, alongside the longer term costs of supporting looked after children, not only financially, but also the cost to the children in terms of their future life chances, and to society more generally.

- 7.4 This work will be helpful to councils in planning their services to maximise the use of adoption, and ensure that as many children as possible are living in safe, stable, loving families. The Government will disseminate work in progress and the final results to all councils.

## Organisation of adoption services within councils

- 7.5 Councils may be able to improve their performance on adoption by changing the way they organise their services. Some councils are finding that establishing a 'permanence team' is allowing them to reduce the length of time children have to wait for adopters (see Box).

**Southampton** established a permanence team in 1997, to cover all aspects of adoption. The recruitment and assessment of prospective adopters is combined with the preparation and placement of all children for whom a plan for adoption has been identified. Case responsibility is transferred to the team from other operational teams once care proceedings are complete. Contingency planning is now established practice and provides a virtually seamless transfer between teams, with the plan for adoption being considered by the adoption panel prior to the final court hearing. The waiting time has thus been reduced especially for babies with no special placement needs.

## Changing information systems

- 7.6 At a national level, performance is monitored through data such as that provided by the Performance Assessment Framework, evaluation through inspections and joint reviews carried out by the Social Services Inspectorate and the Audit Commission, and by checking progress against national standards. At a local level, there are various other ways of improving performance, including Best Value reviews and performance indicators, regular or occasional user satisfaction surveys, and demonstration projects.
- 7.7 The Best Value review powers are also an effective way to make change happen in the delivery of services for looked after children. The Government expects councils to make full use of Best Value reviews to challenge their own performance and to raise standards of performance where they are currently failing or fall short of those offered by the best of their peers. Councils should know the skill mix of their workforce, and use this information to ensure that they use the skills of their staff to the full.
- 7.8 Councils should actively use the information collected by Government, and also collect locally relevant information for themselves, to identify early any areas that need improvement. The Data Model, published for consultation in October 2000, sets out, for children's services, the minimum data to be collected by each council. This information will support councils in planning services appropriate to the needs of children in their area.
- 7.9 To help councils monitor their own performance on adoption more effectively, the Government will be working with the field to review the current statistics on adoption, and to consider the best way of gathering effective information to support the implementation of this White Paper.

Relatively modest improvements in the reliability of information systems can have a dramatic and positive impact on quality. **Nottinghamshire** has improved the reliability of its mainframe database to provide the basis of its children's information system, rather than invest in a completely new system. Managers have used the new, more reliable information to shorten waiting times for adoption.

## Research

- 7.10 The Government is already funding research on the costs and outcomes of non-infant adoption, decision making in permanence planning and delays in the adoption process. It intends to take forward further research to underpin the development of policy on adoption and permanence planning in the light of this White Paper. In particular, more research is needed on:
- identifying successful models for post-placement support;
  - comparisons between long-term foster care and adoption in terms of success, stability and lifetime outcomes for children;
  - models of consortia arrangements;
  - what motivates people to apply to adopt and what works in attracting them;
  - best practice in assessment of prospective adopters.

## Adoption and Permanence Taskforce

- 7.11 The Government has accepted the PIU's recommendation that there should be an Adoption and Permanence Taskforce. The Taskforce has already been set up and is made up of 33 part-time members, who will work with individual authorities in teams of five or six.
- 7.12 The membership has been drawn from a panel of experts working in social services, the voluntary and the independent sector. They have all been chosen for the very different skills that they have in relation to adoption services. Many of the members come from social services and will understand the difficulties experienced by councils in their adoption services and will support them to take on best practice methods and improve standards.
- 7.13 The Taskforce will work with councils that are performing well on adoption, as well as those that are not, to help improve their performance and identify, develop and disseminate models of best practice. It will be a champion for change and performance improvement, identifying and tackling unnecessary barriers to change. The Taskforce will undertake a preliminary visit with a council and then discuss and agree the best way of providing support to, and building capacity in, the organisation. The Taskforce will assist with the production of a development plan to deliver improvements in the process of planning and delivering families for looked after children. It will work with the council for the duration of the development plan to provide support and assist with implementation.
- 7.14 In selecting councils for the initial work programme, the Government looked at performance on a range of indicators. The first eleven councils have been identified and the first preliminary visits have already taken place at two councils.



## Spreading best practice

- 7.15 The Government will encourage councils to use the Beacon Council Scheme as a vehicle to spread best practice and good overall performance. Adoption is being considered as a Beacon theme for 2001–02, and if chosen, selected councils will be funded to spread best practice by 2002. The Government will encourage councils to apply as single applicants or as a consortium to illustrate joint working practices that have worked and how best practice is linked to good performance management.
- 7.16 Quality Protects Regional Development Workers support councils' implementation of Quality Protects. Other ways of spreading best practice included under the Quality Protects umbrella are the recent *Quality Protects – in practice* conference, and the Quality Protects newsletter and website ([www.doh.gov.uk/qualityprotects/index.htm](http://www.doh.gov.uk/qualityprotects/index.htm)). There are also a series of Quality Protects Research Briefings, which are designed to help frontline staff put research findings into practice.
- 7.17 The proposed Social Care Institute for Excellence (SCIE) will have an important role in spreading best practice and improving consistency in the quality of care. It will establish a knowledge base for social care and develop guidelines about what works in practice and service delivery. The knowledge base will be drawn from a rigorous evaluation of research and other evidence of good practice and from the experience of users and carers, managers and practitioners. SCIE's guidelines will be based on the best, most up-to-date knowledge available. They will help managers and frontline staff to make better decisions, and also inform monitoring and regulation.
- 7.18 The Government is considering the role that health and social care awards might play in rewarding and sharing best practice. It will also facilitate a forum, in which key interested groups from councils and voluntary adoption agencies can meet and discuss best practice and learn from each other.

## Local Public Service Agreements

- 7.19 The Government will work with interested councils to encourage them to include adoption and other permanent placements in their local Public Service Agreements. The aim of local Public Service Agreements is to get improvements over and above those required by Best Value. Under the scheme, councils sign up to stretching targets reflecting a mix of national and local priorities. In return, councils will receive up to £1m pump-priming funding, agreed freedoms and flexibilities and financial rewards for success from the new Performance Reward Fund. The Government will be looking to pilot some of the ideas set out in this White Paper with those councils adopting the Public Service Agreement target on adoption.
- 7.20 There will be up to 20 pilot councils starting in April 2001 and the scheme will be extended in 2002–03 to as many of the 150 upper-tier councils as wish to take part. Local Public Service Agreements offer real potential for improved performance in adoption services.

## Performance management

- 7.21 As set out in Chapter 4, the Government will set new National Standards for adoption services. The National Care Standards Commission, which will be fully operational by April 2002, will be responsible for regulating voluntary adoption agencies. It will also inspect local social services authority adoption services relating to the recruitment of adopters and the placement of children. If the Commission finds problems with a council adoption service, it will report them to the Secretary of State, who can then take action.



- 7.22 This will provide an independent mechanism for regulating adoption services provided by voluntary adoption agencies, and ensuring the quality of services for both voluntary adoption agencies and local social services authorities.
- 7.23 The Government has a range of powers to use if a council consistently fails to provide a reasonable level of service, and will act firmly to deal with such councils. The action it takes will be decided on a case by case basis and will depend on the seriousness of the failure. The options for action include:
- carrying out an **emergency inspection** to obtain additional information, where there is evidence-based concern about the performance of a particular council. The Social Services Inspectorate would take an in-depth look at these services, and identify any issues of concern. After the results of the inspection had been considered, further action could be taken if necessary;
  - asking the **Adoption and Permanence Taskforce to work with specified councils** that are failing to provide adoption services at the level expected of them;
  - placing a council on enhanced monitoring or ‘**special measures**’ with regular checks by the Social Services Inspectorate on the delivery of an agreed action plan;
  - **using intervention powers** available under the Local Authority Social Services Act 1970 or the Local Government Act 1999. The nature of the intervention would vary according to the type and seriousness of the failure. In the worst cases, for instance where the safety of looked after children was at risk, the Secretary of State might, as a last resort, take responsibility for a failing adoption service away from the council, and require them to give it to another council or an approved adoption agency. Such instances are likely to be rare and councils would usually be given the opportunity to turn their services around before these powers were used.

## Encouraging co-operation

- 7.24 The Government believes that joint working between councils and voluntary adoption agencies can be a way of achieving more effective recruitment and assessment of adopters, and better organisation and service provision, as well as sharing best practice. This may help councils find families more quickly for children who need them. The Government will therefore encourage councils and voluntary adoption agencies to work together in consortia.

**After Adoption** is now contracted to provide a range of post-placement support services for a number of North West councils, focused on the Greater Manchester area. The services are available to birth parents, children or adoptive families at both the post-placement and post-adoption stage, and take-up across the region has been very encouraging. The project, as a registered charity, is proving very effective at raising additional funding.

- 7.25 Several groups of councils are already exploring the use of consortia arrangements as a way of improving joint working and delivering better adoption services. The Government will also take action which will make the creation of consortia easier. It will shortly consult on using the powers under section 16 of the Local Government Act 1999 to promote integrated working, and hopes to enable councils to:
- pool budgets, appoint lead commissioners, jointly commission and integrate the delivery of goods and services with others in the public, private and voluntary sectors;
  - form and participate in companies, statutory joint boards, and to second or loan staff to others;
  - provide a wider range of goods and services to partners, whether in the public or private sectors.

- 7.26 Combined with the partnership provisions in the Health Act 1999, this will mean that social services will be able to work more closely with all the key players in local government, voluntary agencies and the wider public service to find new permanent families for looked after children and provide support to them.
- 7.27 The Government expects most councils to become members of consortia over time. It will work with councils and voluntary adoption agencies, as they develop models of consortia, to see how well each model works in the interests of finding new families for children who need them, and will then promote the best models more widely.
- 7.28 The Government's vision for effective consortia arrangements between councils and voluntary adoption agencies includes:
- a long-term (three or four year) view of financial flows, to detach the issue of resources from individual children;
  - an agreement on the number of prospective adopters that each agency or council is expected to provide;
  - moves towards the use of a model based upon pooled budgets/joint commissioning.

# chapter eight: courts – speed and efficiency

*This chapter sets out the changes the Government will make to the court system, including:*

- *making better use of the available expertise;*
- *improving expertise through training;*
- *improving case management;*
- *establishing the Children and Family Court Advisory and Support Service; and*
- *setting timescales and improving monitoring systems.*

8.1 The courts play a vital role in dealing with adoption. They consider whether the plans for children in care and for adoption are in the best interests of the child and, if they are, approve them. They also hear from birth parents or other people with an interest in the case, and ensure that everyone is listened to and treated fairly before a final decision is made.

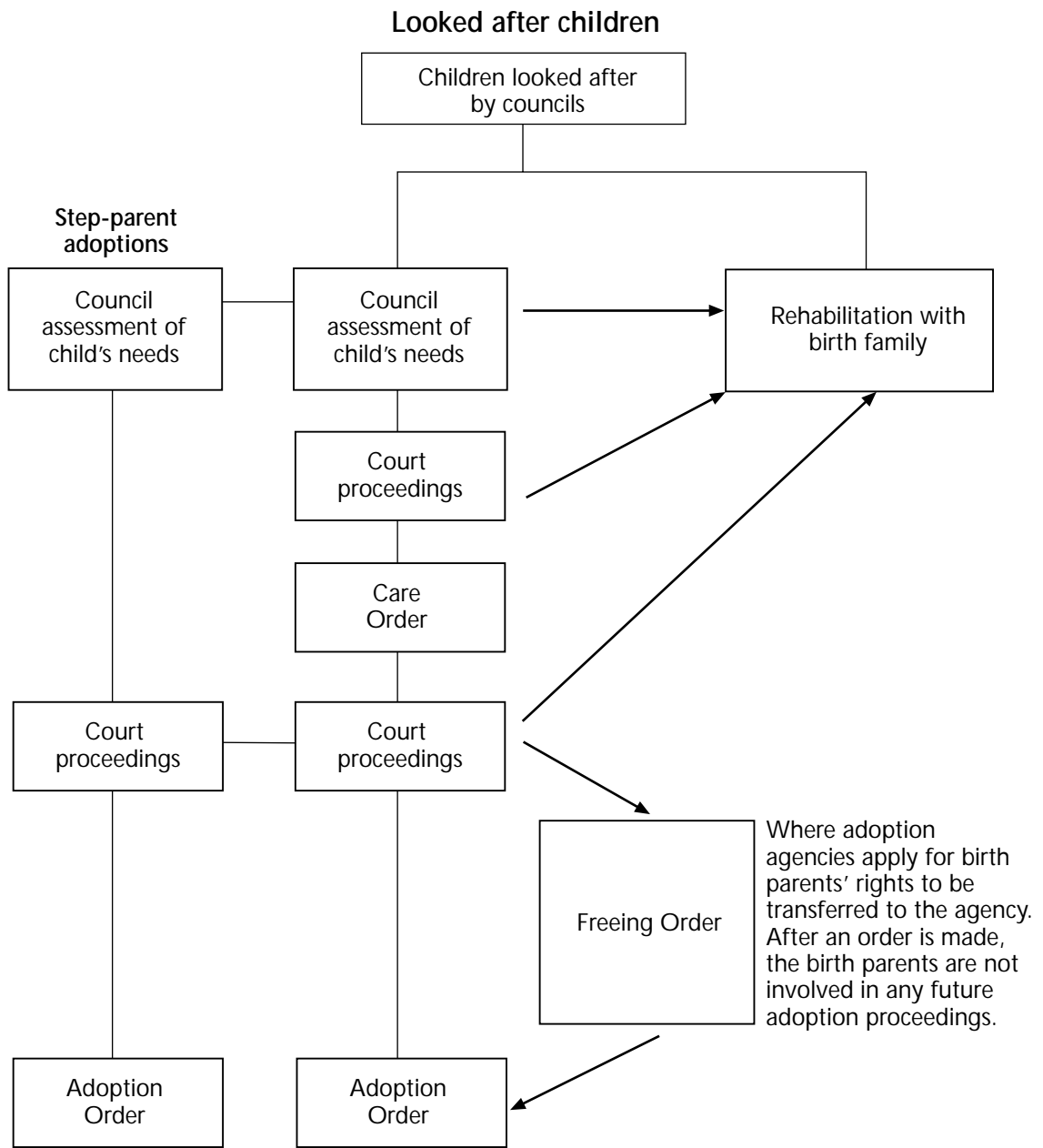
## The current system

8.2 Since the first and best place for children to grow up is with their birth families, when it is safe for them to do so, the court process leading to adoption makes provision for children to return to their birth families at every stage. Figure 3 explains the court process now for both step-parent adoptions, and adoptions of looked after children.

8.3 Step-parent adoptions are where one of the adoptive parents is a birth parent of the child being adopted. This White Paper focuses on adoptions of looked after children, but each year the courts also deal with more than 1,600 step-parent and other adoptions. Proposals affecting the courts will therefore affect all children who are adopted.

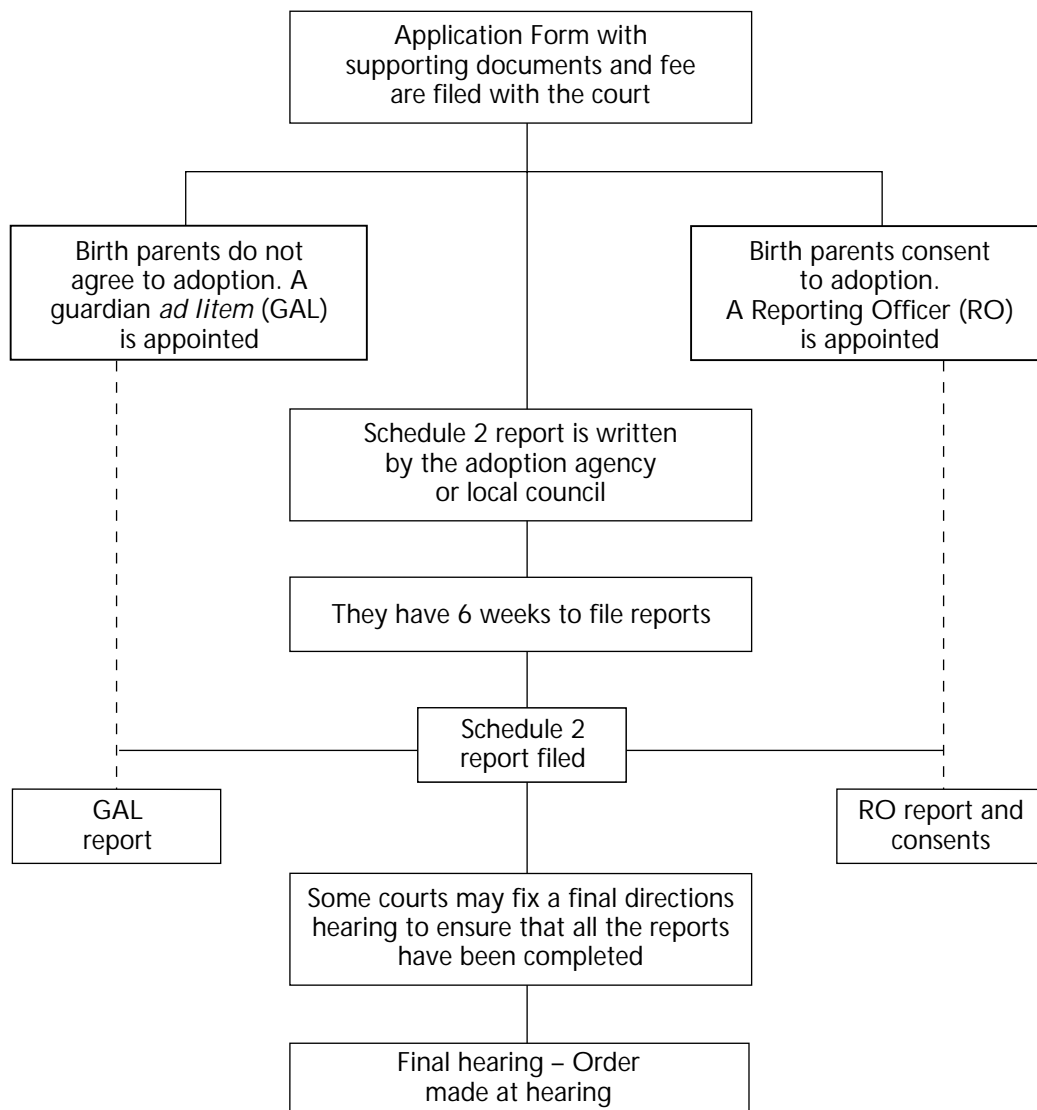
8.4 At the moment, magistrates' courts, county courts and the High Court all deal with adoption proceedings, which can begin at any of these levels. Cases are generally transferred to the most appropriate level, so if complicated cases are started in one of the lower courts, they will usually be transferred up to a higher level, and simple cases which are started in a higher court will often be transferred down. The decision to transfer a case is made by the judge, magistrate or legal adviser hearing the case.

Figure 3 The court process now



8.5 When an application for adoption is made, the court proceedings involve a number of stages to ensure that the views of the birth parents are taken into account and that there has been a full assessment of what is in the best interests of the child. Figure 4 shows the stages involved.

Figure 4 Court process for adoption orders



8.6 The Lord Chancellor's Department is currently studying the causes of delay in children cases (see Box).

#### Examples of delay in children cases

- In one case, social workers applied to the magistrates' court for a care order. The magistrates' court did not commission reports or take any action to identify the key issues. Weeks later, the case was transferred to the county court. The district judge there effectively had to start from scratch.
- In one area, guardians *ad litem* had to arrange that the local social services department would warn them in advance about Children Act applications, because the court was so slow in doing so.
- One court welfare service waited up to ten weeks to be told about an order for a welfare report.
- In some cases, expert reports were requested too late, and the time taken to write them caused delays. Sometimes, they duplicated the council's own assessment – a further waste of time and money.

8.7 The following have so far emerged as the improvements needed:

- more judges and magistrates trained in children and adoption work;
- better and more consistent case management to reduce drift and duplication;
- more focused expert reports from a greater range of experts;
- better communication and co-operation between all those involved in the family justice system.

## Best use of expertise

8.8 Work will start early in 2001 on developing ways of increasing flexibility in the family justice system, while maintaining and improving upon the specialist expertise necessary to handle children and adoption cases effectively. The Government will:

- expand the number of judges able to deal with certain types of family work to reduce delay in the county courts. The current system of allocating work to judges is complex and inflexible. This can result in delay because the judge with the right expertise is not available; the Government will amend the allocation system in 2001 to address this;
- designate specialist adoption centres supported by well trained staff. Currently adoption work is carried out in a large number of courts around the country, some dealing with only a handful of cases each year. This makes it difficult for both judges and staff in those courts to retain expertise in this work. The Government will therefore concentrate the work in adoption centres so that specialist judges and staff handle the work. These centres will be modelled and tested in a pilot scheme beginning in summer 2001.

The **Inner London and City Family Proceedings Court** at Wells Street, London is a specialist court that only deals with family cases. District judges, lay magistrates and the legally qualified clerks who advise them, work closely together to ensure that cases are considered with minimum delay. Seven courtrooms are available, and work is transferred between courtrooms to ensure that the best use is made of courtroom time. The clerks hear direction appointments which deal with timetabling and case management issues. Full hearings are listed before district judges or lay magistrates. A legally qualified clerk is available every day to provide a quick response to enquiries or urgent applications. The filing of documents is regularly monitored to avoid case 'drift'. Court users are consulted about listing, and information and good practice are shared at regular court user meetings. The time spent waiting for the hearing on the day and the time taken for completion of cases are constantly under review. A working group has been set up at the court to recommend new ways of improving the service.

## Case management and experts

8.9 Court proceedings leading to adoption can involve many different people, for example, the birth parents, the prospective adoptive parents, adoption agencies and child health professionals. If cases are not managed well by the court there is delay and distress for children.

8.10 To minimise delay it is important that judges, magistrates and their legal advisers identify potential problems at an early stage and set and enforce realistic timescales for each person's contribution. It is equally important that all of those involved provide the information requested by the court clearly, concisely and on time.

- 8.11 The Government wants to build on best practice already available to minimise delays. In particular it will:
- work with the President of the Family Division to provide interim guidance to the courts early in 2001, on case management and consistency of practice on issues such as access to court records by adopted adults;
  - pilot options for improved case management in children cases at specialist centres, from 2001, in partnership with courts, lawyers and others with an interest. The Government aims to complete and evaluate the pilot by December 2002;
  - thereafter, in 2003 if necessary, amend the Adoption Rules and Magistrates' Courts (Adoption) Rules 1984 to support the case management tested in the pilot.
- 8.12 These improvements will keep cases focused and will provide greater consistency of timescales and practice across the country. The Government knows from previous experience in other areas of family work that once the case management pilots are established, other courts are likely to adopt the best practice of the pilot scheme, enabling the benefits to be realised as quickly as possible. Following the pilot scheme, it will, if necessary, change the court rules to enforce best practice.

## Inter-agency co-operation

- 8.13 The efforts of a large number of professions and agencies, including courts, councils and voluntary adoption agencies, contribute to dealing with children cases. All those involved in the court process must work together to manage children cases efficiently and effectively. The study of children cases has shown that some of the existing structures do not sufficiently support agencies to do this. For example, there is a network of local committees which monitor the operation of children's proceedings in their area, but there is no single national forum which could identify problems affecting several areas, share best practice, and encourage consistency of approach across the country.
- 8.14 The Government will therefore consult early in 2001 on better ways of encouraging and improving inter-agency working, communication and co-operation, and providing opportunities for the discussion of issues of local concern. The Government plans to implement the changes by the end of the year.

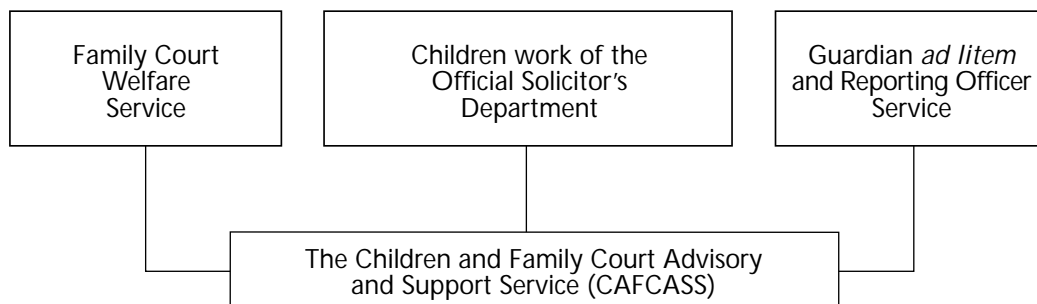
## Timescales and better statistics

- 8.15 The courts would benefit from improved systems to:
- encourage the consistent recording of information such as the time taken in children's proceedings;
  - support effective case management.
- 8.16 The Government has already announced plans to introduce new IT systems in the magistrates' courts to collect better data, but this will take time. In the meantime it will obtain sample information on the management of children and adoption proceedings at all levels of court. This will include identifying the key stages of the court process with a view to collecting information from 2001. This will enable timescales for children cases to be set in 2002.
- 8.17 The Government will amend the Adoption Rules and Magistrates' Courts (Adoption) Rules 1984 to allow the Office for National Statistics to collect more detailed adoption information, to help inform decisions about future changes.

## Children and Family Court Advisory and Support Service (CAFCASS)

8.18 The new Children and Family Court Advisory and Support Service (CAFCASS) will come into existence in April 2001. This will bring together the 54 local Family Court Welfare Services, which represent children in divorces and separations where the parents cannot agree the arrangements for contact and residence, the 57 Guardian *ad litem* and Reporting Officer Services (GALRO), which represent children who are the subject of care or adoption proceedings, and represent parents where they are consenting to the adoption of their children, and the Children's Divisions of the Official Solicitor, which represent children in cases in the higher courts (see Figure 5). By bringing these services together in one body for England and Wales, CAFCASS will be more flexible, and will be better able to offer a more professional service, focused on the needs of the children.

Figure 5 CAFCASS



8.19 By April 2001, the Government will develop national standards for CAFCASS to ensure a consistent service across England and Wales. It will also set clear quality standards in contracts for all staff (employed and self-employed), and review performance against those standards.

8.20 The creation of CAFCASS also presents an opportunity to develop more specific professional training and development for its officers. Officers of CAFCASS should work effectively with council staff, and investigate the possibility of secondments, shadowing and mentoring arrangements with councils. They should also consider how they might provide such opportunities for staff from councils.

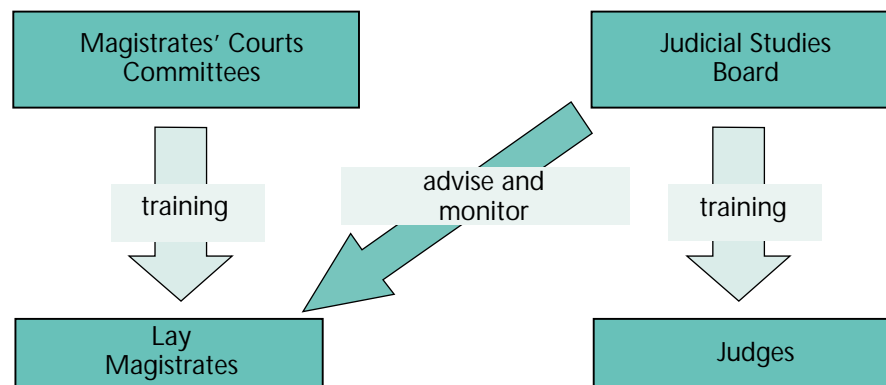
## Judicial training

The **Judicial Studies Board**, a non-departmental public body, is responsible for training judges and for advising the Lord Chancellor on the training of lay magistrates and the effectiveness with which this training is delivered by the Magistrates' Court Committees. The Magistrates' Court Committees are responsible for the day-to-day management of the magistrates' courts. Figure 6 demonstrates the processes for judicial training.

8.21 All judges dealing with adoption and children cases receive relevant training on legislation, procedure and information about the work of the other key agencies involved. Judicial guidance is currently being updated and will be available in March 2001. Training packages will be produced by the Judicial Studies Board to support the new procedures for adoption arising from the work on case management and the new adoption legislation. This guidance and training will cover the important issue of post-adoption contact.



Figure 6 Judicial and magistrates' training



## Funding of court costs and fees

### Public legal services funding (formerly Legal Aid)

- 8.22 There have been difficulties concerning the funding of adoption and children cases. It has not always been clear whether the Legal Services Commission (formerly the Legal Aid Board) or the council should fund certain legal services in adoption proceedings. This can lead to delays where the Commission, in accordance with its Funding Code approved by Parliament, refuses funding on the grounds that the adoption is supported by, and can reasonably expect to receive funding from, the council (see Box).

#### The effect of the Access to Justice Act 1999

On 1<sup>st</sup> April 2000, the Access to Justice Act 1999 came into force, effectively replacing the Legal Aid Board with the Legal Services Commission. The Community Legal Service Fund replaced Legal Aid funding for all civil and family cases from this date and a new flexible funding assessment, the Funding Code, replaced the old 'means and merits' test. Applications for funding in adoption proceedings are considered under the specified criteria set out in the Funding Code. Under the Code an application for funding may be refused if alternative funding is available to the client or if there are other persons or bodies, including those who might benefit from the proceedings, who can reasonably be expected to bring or fund the case.

- 8.23 Some councils have been advised by their auditors that they cannot meet court costs without an application for public funding from the Legal Services Commission.
- 8.24 This confusion is not acceptable, as it causes delay, and inconsistency of access to legal services. The Government will therefore work with a national representative group of council lawyers, the Child Care Law Joint Liaison Group and the Association of Directors of Social Services to resolve the delays associated with funding adoption cases and to improve consistency of practice.

### Court fees

- 8.25 Generally, Government policy is for the courts to recover the cost of carrying out their work by charging fees. All courts provide for fee exemption when an applicant is in receipt of certain benefits. Additionally, the county and High courts may remit the fee when payment would cause severe financial hardship.

- 8.26 In the future, councils will be required to pay the court fees when looked after children are adopted.

## Improving the adoption process

### Consent to adoption

- 8.27 The current form which birth parents sign to confirm that they agree to their child's adoption states that they have agreed to the adoption freely and unconditionally. The decision to agree to adoption is often a very difficult one and this wording may not reflect how birth parents feel about it.
- 8.28 The Government will therefore amend the consent to adoption form in 2001 so that it better reflects the reality that birth parents have agreed to the adoption on the basis that it is in the best interests of the child. This should mean that more birth parents feel able to sign the consent form, thus reducing the number of contested adoptions. This will reduce delays in court proceedings and make them easier and less distressing for children.

### Schedule 2 reports

- 8.29 Schedule 2 reports, completed by councils or adoption agencies, set out details about the child to be adopted, the birth parents and the adoptive parents and recommend whether adoption will be in the best interests of the child.
- 8.30 The court rules state that councils should file their report to the court within six weeks. At present, councils are not achieving this. The Government will issue guidance to councils in 2001 on how to improve their performance, and achieve the six week deadline, for example, through better use of staff time and skill mix. In addition, following the case management pilots, the Government will amend the Adoption Rules and Magistrates' Courts (Adoption) Rules 1984 to give courts the ability to fix and monitor timetables in adoption cases so that cases are dealt with at the appropriate speed.

## Lightening the workload

- 8.31 As a possible means of reducing the workload of the courts (and therefore allowing cases to be considered sooner), the PIU report asked whether court proceedings were needed for step-parent adoptions and 'straightforward' adoptions.
- 8.32 However, the responses to the report suggested that it is extremely difficult to identify 'straightforward' cases. Even in step-parent adoptions, birth parents may not want their child to be adopted, and in many cases the child will not be old enough to express their own views about what is happening. It was felt that court proceedings are appropriate in the majority of cases because of the significance of adoption for the child's future and in terminating the parental rights of the birth parents. The Government is therefore not intending to pursue this recommendation at this stage.
- 8.33 However, in 2001, the Government will do further work on the prospects of identifying 'straightforward' adoptions, with a view to speeding up these cases within the court system.

# chapter nine: delivering the new approach

*This chapter sets out how the Government will deliver the changes set out in this White Paper, and the timescale for delivery.*

## Delivery plan

9.1 Delivering the ambitious plans set out in this White Paper will take time, as fundamental change always does. To deliver the vision and the new national target, the Government will take a range of action over the next 12 months as the table below shows:

### Timing Action

- |             |  |
|-------------|--|
| Spring 2001 | <ul style="list-style-type: none"><li>• Confirm the final National Adoption Standards and consult on a Code of Practice to support them.</li><li>• Funding for improvements to adoption services comes on stream through the Quality Protects grant (April).</li><li>• Unify court advisory and support services for children by establishing the Children and Family Court Advisory and Support Service (CAFCASS).</li><li>• Start to identify best practice and develop a framework for the provision of post-placement and post-adoption support.</li><li>• Add a further element to the target on decreasing delays in adoption in the light of the final National Adoption Standards.</li><li>• Award the contract for the Adoption Register for England and Wales.</li><li>• Begin to work with councils and the voluntary sector to consider better ways of joint working to meet the needs of children, including developing consortia.</li></ul>  |
| Summer 2001 | <ul style="list-style-type: none"><li>• Establish the Adoption Register for England and Wales to ensure that all children for whom adoption is the plan are given the opportunity to be matched with suitable adoptive parents.</li><li>• Consult on the registration standards to be used by the National Care Standards Commission.</li><li>• Work with councils to identify the best way for central government to support local recruitment activity and develop a programme of action.</li><li>• Review the way adoption allowances are treated in the tax and benefit systems to ensure consistency, where appropriate.</li><li>• Resolve the delays associated with funding adoption cases and improve the consistency of practice on public funding from the Legal Services Commission and other funding.</li><li>• Begin a fundamental review of the assessment process and the operation of adoption panels.</li><li>• Encourage councils to improve their post-adoption support services.</li></ul> |

- Autumn 2001
- Work with councils and adoption agencies to improve the recruitment and assessment process so adopters are better prepared and given better support and information throughout the process.
  - Work with a few selected councils to consider the relative benefits of long-term costs of looked after children compared to upfront costs of adoptions.
  - Publish final Code of Practice.
- Winter 2001
- Confirm the registration standards to be used by the National Care Standards Commission.
- During 2001
- Adoption and Permanence Taskforce to carry out substantive visits to 11 councils.
  - Seek legislation to overhaul and modernise the legal framework for adoption. Among other things this will:
    - make the needs of children paramount in making decisions about their future;
    - provide for new options for permanence including a new ‘special guardianship’ order which will provide more security and permanence than foster care;
    - set out a legal framework to ensure consistent provision of post-placement and post-adoption support;
    - establish an independent review mechanism for the process of assessing prospective adopters;
    - give all families adopting children, especially those who have been looked after, a right to an assessment for post-placement support;
    - provide adopted people with consistency of access to information about their family history and their adoption.
  - Improve recruitment and training of social workers to ensure staff have the skills necessary to meet the needs of looked after children.
  - Develop guidance on issues emerging from the White Paper.
  - Develop more specific professional training and development for CAFCASS officers, and produce new training packages for judges to support the new procedures for adoption.
  - Implement a programme of action to reduce delay in children’s court cases:
    - pilot specialist adoption courts supported by well trained staff;
    - provide interim guidance to the courts on case management;
    - pilot options for improved case management in children cases in partnership with courts, lawyers and others with an interest. The pilot will be completed and evaluated by December 2002;
    - change the system for allocating work to judges to make it more flexible and ensure that the judge with the right expertise is available;
    - consult on and implement better ways of encouraging and improving inter-agency communication and co-operation for children’s court cases;
    - change the law to give courts the ability to fix and monitor timetables in adoption cases so that cases are dealt with at the appropriate speed; and to support better case management.

## Monitoring delivery

- 9.2 Delivering this large agenda will produce a more effective adoption service which makes more sense to children, moves more quickly and delivers the outcome they want: a new permanent family. To monitor the implementation of these initiatives, ensure that what should be delivered is delivered and that satisfactory progress is made, the Government will use a number of performance assessment mechanisms, particularly Best Value and the performance assessment arrangements for social services. The Government will review the existing indicators and data available and introduce new information to monitor outcomes, the National Standards, the court process and other key aspects of the services. Councils will also be expected to use performance information to performance manage and improve their local services. Where services do not meet the minimum standards necessary to protect the needs of children, the Government will not hesitate to use the intervention powers available.

## Conclusion

- 9.3 The changes in this White Paper are part of the wider programme of change in children's services. As the changes set out here are put into place, the whole system of children's services will change. The principles in this White Paper, particularly the user focus, listening to children, swift and careful planning, support for parents, consortia working, inter-agency working, and cross-boundary working, all have fundamental implications for the system as a whole. Getting it right on adoption will be an important step on the way to getting it right for all children's services.

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