

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

19 JANUARY 2017

UPDATE REGARDING MEDWAY'S ADOPTION AGENCY

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Summary

To provide the Children and Young People Overview and Scrutiny Committee with an update regarding the Adoption Agency's activity from September 2015 to September 2016.

This report will also provide the Children and Young People Overview and Scrutiny Committee with a brief update regarding the progress of the proposal to develop a Regional Adoption Agency (RAA) in line with Government expectations for adoption services.

1. Budget and Policy Framework

1.1 The content within this report is within the Council's policy and budget framework including the Council Plan.

2. Background

2.1 The statutory guidance relating to the legislative requirements and expectations on local authorities and Voluntary Adoption Agencies (adoption agencies) are detailed in the Adoption and Children Act 2002. The guidance provides details regarding the arrangements of adoptions for children, approvals of adopters and provision of adoption support services. It also covers the legislative requirements on adoption agencies and adoption support agencies in the disclosure of information and facilitating contact for adopted adults and birth families.

2.2 This statutory guidance applies to England only and is issued under section 7 of the Local Authority Social Services Act 1970. This requires local authorities, in exercising their social services functions, to act under the general guidance of the Secretary of State. Local authorities must comply with this guidance unless there are exceptional reasons that justify a departure.

- 2.3 In November 2016, Cabinet agreed to Medway entering into formal dialogue with a view to the establishment of a regional adoption agency (RAA), with local authority partners; London Borough of Bexley and Kent County Council. Discussions have started to take place.
- 2.4 As of December 2016 the three agencies had met on two occasions with a further meeting scheduled for the beginning of February 2017. It has been agreed that Medway will be the lead authority in drawing up the terms of governance for the RAA. The second meeting considered a bid to the practice and improvement fund to finance an Adoption Support Fund pilot (package of support to adopters)
- 2.5 The aim of the RAA is to:
- Improve the timeliness of the matching processes between the children and adoptive parents
 - Develop the adopter recruitment and adoption support through sharing and pooling resources with other local authorities.
 - Increase the potential for efficiencies sharing business processes and the reduction in the duplication of tasks.

3. Advice and Analysis

3.1 Children subject to court proceedings

- 3.1.1 Children's and Legal Services are working together to meet the requirements of the Family Justice Review and achieve more speedy resolution of court proceedings, aiming for 26 weeks.
- 3.1.2 For the three years ending February 2016, Medway's performance of 689 days for 'average time between a child entering care and moving in with the family (A1)' was behind the national performance of 628 days and well outside the target of 596 days, which was set in line with government ambitions. However, as a three year rolling average, it is not reflective of the significant progress that has been made in addressing timescales. In the year ending February 2016, Medway performance has been 543 days.
- 3.1.3 Medway's performance against the timescale from application to completion of proceedings was below national figures in 2013-14 but was in line with the national average as detailed below, for subsequent years.
- 3.1.4 Time from application to the completion of proceedings (CAFCASS):

	2013/14	2014/15	2015/16
Medway	44 weeks	30 weeks	31 weeks
National	36 weeks	30 weeks	30 weeks

Data Source: Performance and Information, Medway Council

3.2 Adoption and Special Guardianship Orders in support of achieving permanency

- 3.2.1 The DfE describes permanence as:

“The framework of emotional permanence (attachment), physical permanence (stability) and legal permanence (the carer has parental responsibility for the child) which gives a child a sense of security, continuity, commitment and identity. The objective of permanence is to ensure that children have a secure, stable and loving family to support them through childhood and beyond. Permanence provides an underpinning framework for all social work with children and their families; from family support through to adoption. This can include situations where the local authority and birth parents share PR but where the carer has made a long term commitment to the child”.

3.2.2 During the period from October 2015 to September 2016, **36** children have been placed for adoption, with a further two children matched but not yet placed as legal proceedings have not concluded. This represents an increase of 20% on 2015/16 figures. This includes five sibling groups of two children and one sibling group of four children. The age breakdown of children placed for adoption is below:

Age at placement	Year ending September 2012	Year ending September 2013	Year ending September 2014	Year ending September 2015	Year ending September 2016
0 - 1	12	17	29	19	17
2 - 4	15	15	18	6	12
5+	8	8	8	1	7
Total	35	40	55	26	36

Data Source: Performance and Information, Medway Council

3.2.3 During 2016, seven children aged over five have been successfully placed for adoption. These children are traditionally “harder to place” and this reflects considerable work by the team, in particular as six of these children are part of sibling groups and successful placements have enabled them to stay with their younger siblings in their new families.

3.2.4 The table below, provides further detail on adoptions for the period October 2015 to September 2016.

Panel decisions	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Year
Matches	1	0	3	2	2	3	2	2	10	4	2	5	36
Decision that adoption is the plan for the child	2	7	4	1	2	14	4	9	5	6	1	2	57
Adoptive families approved	2	1	1	1	1	3	0	2	3	3	5	1	23

Data Source: Performance and Information, Medway Council

3.2.5 The table shows that Medway continues to have relatively high numbers of children for whom adoption is the identified care plan at the point that final evidence is lodged with the court. It is not however unusual for family members to come forward at the point of the final hearing; and as such not all the children identified as needing adoption will be made subject to a placement order.

Panel decisions	Year ending September 2014	Year ending September 2015	Year ending September 2016
Matches	50	29	36
Decision that adoption is the plan for the child	26	48	57
Adoptive families approved	26	19	23

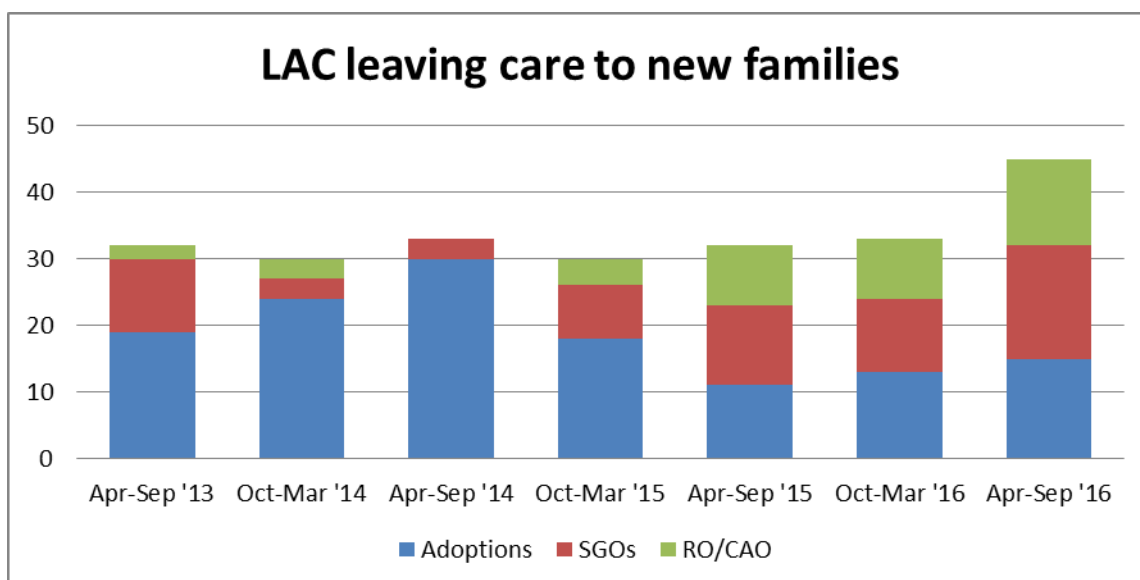
Data Source: Performance and Information, Medway Council

3.2.6 During the period October 2015 to September 2016 there were 36 matches as detailed in the table above, that is children who were matched and successfully placed with their prospective adoptive parents. When children are placed for adoption the full legal process has not yet been completed and prospective adopters still need to apply to the court to become the child's legal parent.

3.2.7 In the same 12 month period there have been 23 new families approved to adopt a child/ren. This figure includes two families who were fostering the child/ren prior to their application to adopt them and a further two families who are related to the children involved. One of the adoptive families was approved under "Fostering to Adopt" regulations which allowed a child to be placed with them under fostering regulations prior to the final hearing.

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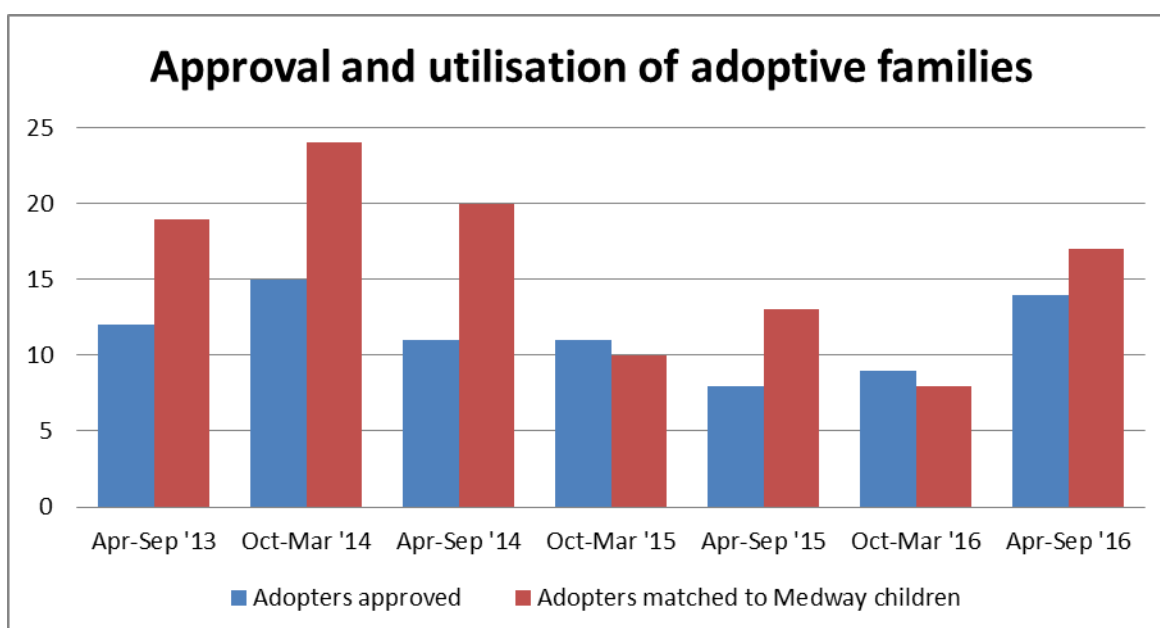
3.2.8 During 2016 no adoption placements have disrupted in the early stages, and only one disrupting in the previous year. This reflects the considerable work that goes into identifying the right match for a child and the support that is provided to placements when the adopters are struggling to cope with the demands of their new family.



Data Source: Children Services, Medway Council

3.2.9 The graph above details the numbers of children leaving care to Adoption, Special Guardianship Orders and Child Arrangement Orders, and demonstrates the changing use of these orders, with more children staying in family arrangements under alternative orders, rather than being adopted outside the family. This reflects the national picture and has been the subject of comment by both the government and the judiciary.

3.2.10 Medway actively promotes the use of Special Guardianship Orders to secure permanency for children, where appropriate. As well as the use of Special Guardianship Orders for family members and connected carers, it is also often taken by former foster carers who develop a bond with a child and wish to formalise that child's place within the family.



Data Source: Children Services, Medway Council

3.2.11 At the current time (Jan 2017), there are 17 children for whom Medway Council has Placement Orders but are not yet matched at panel. Four of

these children will be presented to the next adoption panel for matches to be considered and a further two are linked and will be presented to the February panel. The foster carers for two of these children have expressed an interest in keeping the child in their care permanently. For another sibling group of two, a change of plan away from adoption is likely. There are seven children for whom adoptive families are being actively sought.

3.2.12 The graph above indicates the numbers of adopters approved over time and the numbers subsequently matched with Medway children. There is no cost to the local authority when Medway children are placed with Medway approved adopters. In contrast placing children with adopters approved by any other local authority or voluntary agency incurs a considerable cost, which is agreed nationally. It is therefore beneficial to the Council to approve sufficient adopters and enable and support them to take Medway children, whenever appropriate.

3.2.13 When adoption or SGOs are not a viable option Medway actively recruits carers to support placing children in long term care through its in-house fostering service and with Independent Fostering agencies.

3.3 Independent Adoption & SGO Support Services

3.3.1 All local authorities are expected to offer Independent Adoption & SGO Support Services which have to be delivered according to a comprehensive legislative framework.

3.3.2 The individual elements of the service are:-

- Support Services to adoptive families who have identified a need and require help. 28 new requests for assessment of need have been received since January 2016. Many of these requests have resulted in application to the Adoption Support Fund (government funded support) and Medway families have benefitted from £262,515 worth of funding for therapeutic services to date since the ASF started in April 2015.
- An independent support service to birth parents. To provide a support and counselling service to birth parents prior to an adoption taking place, where a child is (or children are) looked after by a local authority and for whom adoption has been identified as the plan. This service is contracted out and is provided by Family Action, a national charity.
- A service that provides access to birth records and intermediary services for adult adoptees. To assist adopted persons either adopted through Medway Council or who are resident in Medway, and who are aged 18 and over, to obtain information in relation to their adoption and to facilitate contact between such persons and their adult birth relatives. Medway has received 16 new requests for access to adoption records since the start of 2016.

- Access to Information and an Intermediary service for birth relatives and those with a prescribed relationship. To provide advice and support to birth relatives and those with a prescribed relationship aged 18 and over, who require intermediary services and access to non-identifying information when the adoptee has reached age 18 or over
- Contact services (direct contact and letterbox contact): provide a direct and indirect contact service for children under the age of 18 who have been adopted or who are the subject of a Special Guardianship Order and who have agreed contact with their birth relatives. Medway has over 200 contact arrangements, most of which are letterbox arrangements but some are direct contact, which need support and oversight.

3.3.3 Medway provide all of the above services to adopters living in the Medway area through two full-time adoption social workers and the involvement of a voluntary sector provider, Family Action

4. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Recruitment of the right adopters for the children of Medway.	Although there is no shortage of people coming forward to adopt there is a disconnect between what they can offer as adoptive parents and the needs of Medway's complex and challenging children.	The RAA should enable all three local authorities to access a wider pool of adopters and provide good quality support to enable adopters to parent more complex and challenging children.	
Legal Issues	There are likely to be a number of legal issues and risks regarding contracts, procurement and transfer of functions into the Regional Adoption Agency. This also may include consideration of pension arrangements and a formal partnership agreement between all the local authorities involved in this project. These will need to be considered at an early stage but much will be dependent upon the final delivery model chosen.	Key risks and issues will be identified as part of the project planning. A risk register will be produced and will be regularly monitored and updated as part of the work plan of the project board.	

Commissioning/ Procurement	Whatever arrangement is put in place will need to follow the Public Contracts Regulations 2015. This ensures that appropriate supply chain and contractual relationships are in place to meet and manage any sustainability issues, generate innovation and the development of partnerships.	Much will depend on the commercial model chosen. A clear understanding of risks identified within a risk register will pinpoint robust mitigations and reduce risk to the local authorities and the providers, and will enable all parties to understand where risks need to be shared.	
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5. Implications for Looked After Children

5.1 In order to ensure there is timely permanency planning for all children entering care, Medway has a permanency planning panel (PPP). This supports early identification of the children for whom adoption is the plan. It is the interface between adoption teams and the childcare teams that manage the entry of children into care and their early care planning for adoption.

5.2 The future of tracking and matching within the proposed RAA

5.2.1 Early tracking of children that is in place in Bexley is considered to be an area where good practice could be shared across the three authorities and they would all work to have the same tracking systems, this would be part of RAA and a centralisation of this process could be achieved as it is already in place, although it requires some streamlining.

5.2.2 There would also be a central tracking for all adopters who were assessed and waiting for a match; and for all adopters who are in stages 1 and 2. The recruitment and assessment of adopters would be shared across the three areas including shared resources for the information evenings; adoption preparation training; mentoring and support groups. The approval process could also be shared with centralisation of Panel and its administration. This would require one central list of panel members, and consideration of the need to have dedicated RAA medical advisors for children for whom adoption is the plan. These are agreed objectives with the three authorities.

5.2.3 Across three local authorities the creation of a central database of adopters would support timely family finding; the central adopters list would be twinned with a central list of all children for whom adoption is the plan. RAA adoption family finding meetings that would review all children who required a match and the available adopters would be considered. The IT database used by each local authority for recording children and adopters would be available to recruitment and assessment social workers and also family finding social workers. All children (where adoption is the plan) would be allocated an adoption family finding social worker.

6. Financial implications

- 6.1 It is anticipated that the proposed RAA will be more effective and efficient in its operation leading to cost savings for Medway.
- 6.2 A clearer financial position will be provided during the consultation period once a working model has been identified and agreed upon.

7. Legal implications

- 7.1 There are no specific legal implications relating to the delivery of an adoption services to children and families, however there are implications relating to the RAA as detailed below.
- 7.2 In June 2015 the Department for Education (DfE) reported that local authorities should be working towards the creation of Regional Agencies by 2020. There is an expectation that local authorities will begin planning, developing and working with partners to shape their Regional Adoption Agency (RAA). Their commitment to this approach is such that the Education and Adoption Act 2016 has given power to the government to direct a local authority to enter into a RAA if it has not done so by 2017.
- 7.3 There are likely to be a number of legal issues and risks regarding contracts, procurement and transfer of functions into the RAA. This also may include consideration of pension arrangements and a formal partnership agreement between all the local authorities involved in this project. These will need to be considered at an early stage but much will be dependent upon the final delivery model chosen.
- 7.4 Key risks and issues will be identified as part of the project planning. A risk register will be produced and will be regularly monitored and updated as part of the work plan of the project board.

8. Recommendations

- 8.1 The Children and Young People's Overview and Scrutiny Committee are asked to note the content of the report

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Appendices

None

Background papers

None