

CABINET

6 FEBRUARY 2018

ANNUAL ADOPTION REPORT

Portfolio Holder	Councillor Andrew Mackness, Children's Services (Lead Member)
Report from:	Ian Sutherland, Director of Children and Adults Services
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Summary

This report provides the Cabinet with the Adoption Agency's Annual Report (September 2016 to September 2017). This annual reports covers adoption performance during this period and provides an update on the work of the team.

This report also includes information about the progress made towards Medway forming a Regional Adoption Agency (RAA) with Kent County Council and the London Borough of Bexley. An update report on the RAA was presented to Cabinet on 16 November 2017.

The report was presented to the Children and Young People Overview and Scrutiny Committee on 11 January 2018 and its comments are set out in Section 6 of the report.

1. Budget and Policy Framework

- 1.1 This report is consistent with the Council's budget and Policy Framework including the Council Plan, in particular the Council Plan priority "to develop Children's Services to be a good service."

2. Background

- 2.1 The statutory guidance relating to the legislative requirements and expectations on local authorities and Voluntary 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 Statutory guidance also requires adoption agencies to report on adoption agency activity in the last year. This report will be presented to Cabinet on 6 February to comply with this requirement.
- 2.4 On 25 October 2016, Cabinet agreed in principle, to enter into formal dialogue with a view to the establishment of a Regional Adoption Agency (RAA) with the local authority partners, London Borough of Bexley and Kent County Council (decision no. 124/2016 refers). On 21 November 2017, Cabinet considered and noted an update report on the progress to develop the proposed RAA.
- 2.5 The functions of Overview and Scrutiny Committees are contained within Chapter 2, Article 6 of the Constitution. The Terms of Reference of the Overview and Scrutiny Committees follow in Chapter 4, in particular the Children and Young People Overview and Scrutiny Committee has responsibility to scrutinise Children’s Social Care including adoption, as set out in Chapter 4, Part 5, Paragraph 21.2(b) (iii).
- 2.6 This annual report was presented to the Children and Young People Overview and Scrutiny Committee on 11 January 2018 and its comments are set out in Section 6 of the report.

3. Advice

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. However, Medway’s average performance in 2016/17 was 40 weeks and this has been longer than the national average of 29 weeks.

3.1.2 Average time from application to the completion of proceedings:

	2013/14	2014/15	2015/16	2016/17
Medway	44 weeks	30 weeks	31 weeks	40 weeks
National	36 weeks	30 weeks	30 weeks	29 weeks

Data Source: CAF/CASS

3.1.3 Taking 11 weeks longer than the national average to complete care proceedings can be expected to add 77 days, on average, to future adoption performance for the indicator ‘average time between a child entering care and

moving in with the family (A1),’ as reported in the quarterly Council Plan monitoring reports, when compared with other authorities. As this indicator is a measure against adoptions completed in the last 3 years, the impact of this drop in performance will be felt when adoption begins to be achieved for some of these children. The 3 year timescale will dilute the impact of the drop in performance, but the impact will be felt for the next 3 years.

- 3.1.4 The Medway performance on the A1 indicator for the three years ending September 2017 is 503 days and indicates a significant improvement on previous performance. It is some way ahead of the latest published national figures of 558 days. No local authority in England has met the over ambitious government 426 day target, therefore Medway is not an outlier in this area. Adoption Leadership Boards alongside Coram/BAAF are canvassing central government and the Department for Education (DfE) regarding the 426 day target.
- 3.1.5 Performance on the A2 indicator (average time between local authority receiving court authority to place and identifying a match) for the last financial year was 200 days, against a national average of 226 days; and for the first 6 months of this financial year was 113 days.

3.2 **Adoption and Special Guardianship Orders in support of achieving permanency**

- 3.2.1 The Department for Education (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 parental responsibility but where the carer has made a long term commitment to the child”.

- 3.2.2 During the period from October 2016 to September 2017, 34 children have been placed for adoption. This includes seven sibling groups of 2 children and one sibling group of 3 children.

Age at placement	Year ending September 2013	Year ending September 2014	Year ending September 2015	Year ending September 2016	Year ending September 2017
0 - 1	17	29	19	17	15
2 - 4	15	18	6	12	11
5+	8	8	1	7	8
Total	40	55	26	36	34

Data Source: Performance and Information, Medway Council

3.2.3 In the year ended September 2017, 8 children aged 5+ years have been successfully placed for adoption. These children are traditionally “harder to place” and this reflects considerable work undertaken by the Adoption team, as 7 of these children are part of sibling groups and successful placements have enabled them to stay with their younger siblings in their new families. The table below provides further detail on adoptions for the period October 2016 to September 2017.

Panel decisions	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Year
Matches	7	1	1	4	1	6	3	3	2	1	1	1	31
Decision that adoption is the plan for the child	3	3	5	2	5	5	1	0	6	3	2	3	38
Adoptive families approved	4	1	4	2	3	1	0	0	2	1	4	1	23

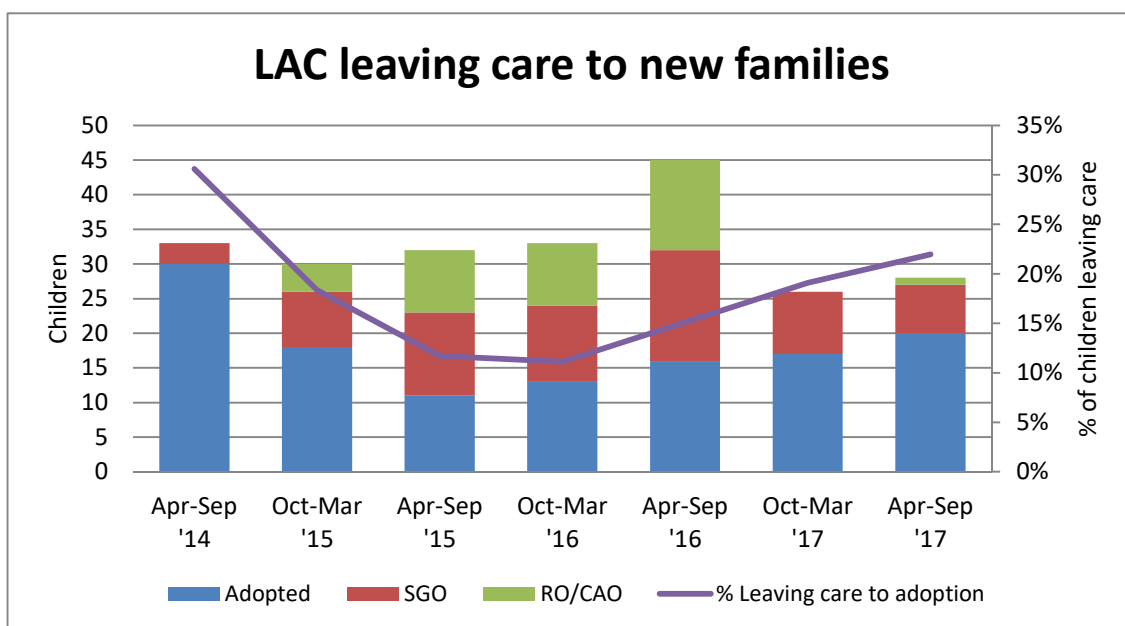
Data Source: Performance and Information, Medway Council

3.2.4 The table below 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 2015	Year ending September 2016	Year ending September 2017
Matches	29	36	31
Decision that adoption is the plan for the child	48	57	38
Adoptive families approved	19	23	23

Data Source: Performance and Information, Medway Council

- 3.2.5 During the period October 2016 to September 2017 there were 31 matches as detailed in the table above, that is children who were matched to their prospective adoptive parents prior to placement. When children are then 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.
- 3.2.6 In the same 12 month period there have been 23 new families approved to adopt a child. This figure includes 2 families who were fostering the children prior to their application to adopt them and a further family who is related to the child involved. A further 3 families were approved to take a sibling to a child already placed and adopted by the family. Assessments of adopters are in two stages. The first stage requires Medway Council to complete checks and references but is adopter led in terms of their preparation for the task of adopting. The target time for this stage is 2 months but this is usually not met because adopters wish to take longer. Stage Two is the social worker led period of assessment and the required timescales for this second stage is 4-6 months. All assessments have been completed within this timescale.
- 3.2.7 Two Medway approved adopters had relinquished babies (babies whose birth parents have chosen adoption for them) placed under fostering for adoption regulations.
- 3.2.8 During the same 12 month period, 1 match disrupted prior to the placement of the child (during introductions) and 1 adoption placement disrupted. This child had been placed with a sibling and it was evident that the siblings were struggling to live together, having been placed separately in foster care, and this had a negative impact on the adopters. The couple have since adopted the older sibling who remained in their care. Disruption meetings are held routinely following any disruption to look at the causes of the disruption and to identify any lessons that can be learned for future practice.
- 3.2.9 A member of the Adoption Team has co-led training for Children's Services on the lessons to be learned from recent disruptions to adoption and Special Guardianship placements.
- 3.2.10 Considerable work goes into identifying the right match for any child, as well as the support that will be needed to help adopters who may struggle to cope with the demands of their new family in order to ensure that placements remain stable and secure and meet the needs of these vulnerable children.
- 3.2.11 The graph below details the numbers of children leaving care to Adoption, Special Guardianship Orders (SGOs) and Child Arrangement Orders (CAO), previously Residence Orders (RO) and demonstrates marked change in the use of Child Arrangement Orders, a reduction in the use of Special Guardianship Orders and resurgence in the use of Adoption Orders. The 23% of children leaving Medway care to adoption is significantly above the latest national figure of 14% - performance which will continue to rank Medway as one of the top performers in the country.

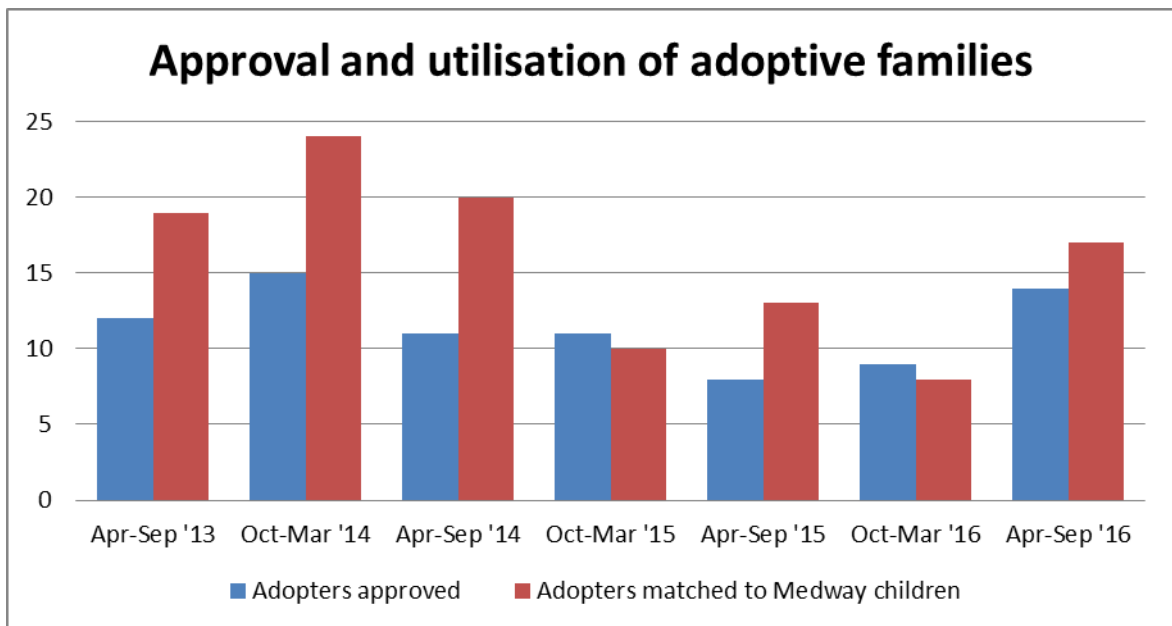


Data Source: Children Services, Medway Council

3.2.12 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.

3.2.13 At the current time (December 2017) there are 8 children for whom Medway Council has Placement Orders and for whom the team are actively family finding. These comprise 3 single children, a sibling group of 2 and a sibling group of 3 children. All of these children have complex needs as a result of medical or genetic conditions or by virtue of being part of an older sibling group. They range in age from less than a year to more than 8 years of age and on average to date they have been waiting 137 days since Placement Order was made with the longest waiting 206 days. There are a further 3 single children, and two sibling groups of two children for whom matches have been identified and they will be presented to panel to be matched in January and February 2018.

3.2.14 The graph below 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.



3.2.15 It should be noted that the numbers of adopters being approved nationally has significantly fallen over the last two years. There is a recognised shortfall now between the numbers of children for whom adoption is the plan and the numbers of available adopters. The national Adoption Leadership Board is considering ways of addressing this short fall. Medway's recent experience of recruitment of suitable adopters is in line with the national picture and this has implications for those children who are naturally "harder to place", those who are part of a sibling group or with complex medical and behavioural needs.

3.2.16 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 majority of these services are provided by a full-time senior social worker and a part-time social worker. There are service level agreements with two charities to provide additional services in order to meet our legal requirements.

3.3.3 The individual elements of the service are:-

- Support Services to adoptive and Special Guardianship families who have identified a need and require help. 35 new requests for assessment of need have been received since January 2017, an increase from 28 in 2016. Many of these requests have resulted in application to the Adoption Support Fund (ASF), a government funded support and Medway families have benefitted from more than £400,000 worth of funding for therapeutic services to date since the ASF started in April 2015.

- 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 22 new requests for access to adoption records since the start of 2017, an increase from 16 in the previous year.
- 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). To 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.
- 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.
- Special Guardianship Support Service. A web based and telephone support service to Special Guardians, including evening and weekend support, is also provided by Family Action.
- Post-adoption Support Service. A monthly “surgery” is provided by PAC-UK, a national organisation, to provide counselling support to anyone affected by adoption issues.

3.4 Work towards a Regional Adoption Agency

- 3.4.1 Significant work has been undertaken by the Service to progress the proposed RAA during the last year. The Executive Board has met every quarter and the Operational Board has met approximately every 6 weeks.
- 3.4.2 Extensive work involving the Operational Board Members and senior finance officers from all three local authorities has progressed on financial benchmarking to allow comparison on budget allocation and work on potential costs for the RAA. Workstreams on practice, particularly on permanence planning and recruitment and approval of adopters, involving adoption team members from the three authorities have also progressed.
- 3.4.3 A report will be submitted to the Department for Education (DfE) on the proposal for the formation of the RAA. Funds in the region of £800,000 have

been allocated by the DfE to support the formation of the RAA and if the proposal is accepted, these funds will become available in April 2018.

4. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Finance	Where possible, Medway children are placed with Medway approved adopters at no cost to the authority. Placement of Medway children with external adoptive families while initially costing the authority money produces a saving by reducing long term fostering costs. These costs are also offset by the selling of Medway adopters to other authorities if their children are placed with Medway adopters.	The regional adoption agency will provide access to a wider range of potential adopters thereby reducing costs to the authority.	C2
Recruitment of the right adopters for the children of Medway.	There is a national shortage of adopters at the current time which has implications for timely placement of children. This also has implications for the placement 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.	B2
Legal Issues	There are continuing discussions about the delivery model for the RAA and whichever model is chosen will lead to 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.	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.	A2

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.	B2
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5. Consultation

- 5.1 The feedback from adopters when attending Adoption Panel continues to be positive about the assessment process with Medway Council and the support they receive from the Adoption Team.
- 5.2 The Adoption Panel chair gives feedback in his six monthly report on the quality of reports presented to Panel. His last report presented to Adoption Liaison Committee in November described the reports prepared on adoption applicants as having a “rich quality”, and he further commented that the Panel have confidence in the members of the adoption team to give a good insight into the adopters seeking approval.

6. Children and Young People Overview and Scrutiny Committee – 11 January 2018

- 6.1 The Committee received a report, which set out the Adoption Agency’s Annual Report covering the period September 2016 to 2017. The Annual report detailed adoption performance during the period and updated the Committee on the work of the team and the progress made towards the formation of a Regional Adoption Agency.
- 6.2 Members thanked the Adoption Team for the comprehensive report and services provided to service users and raised a number of points and questions including:
- 6.2.1 **Life Story** – A Member commented that one of the focus areas going forward should be the Life Story.
- 6.2.2 **Children subject to court proceedings** – In response to a question enquiring how the Committee could support the Adoption team to reduce the average time from application to the completion of proceedings and whether this was solely an issue at the Courts, the Head of Provider Services advised the Committee that the legal processes had caused delays in some instances.

She added that there seemed to be a preference towards Special Guardianship Orders even when adoption had been recommended.

- 6.2.3 The Deputy Director, Children and Adults Services explained that following a scoping exercise it was understood that Medway had two particular challenges. Firstly, in comparison to neighbouring authorities Medway had a larger number of young mothers and therefore more relatives needed to be assessed to satisfy the court and secondly Medway had a larger number of sibling groups, which added complexity to court proceedings. The Deputy Director, Children and Adults also explained that regular meetings were held with the Family Justice Council and the judges separately, where concerns could be raised.
- 6.2.4 **Performance indicator A1** – A Member commented that the national target for the average time between a child entering care and moving in with the family of 426 days was not reasonable on the basis that no local authority in England had met the target and therefore this target should be changed.
- 6.2.5 **Children with disabilities** – Further to a question regarding placement of children with disabilities and additional support available for potential adopters, the Committee was advised that the most prevalent conditions had been Foetal Alcohol Spectrum Disorders (FASD) and drug dependencies. It was added that all children would be considered for adoption in the same manner. The preference would be for a child to remain with the birth family where it was safe to do so. Where there were additional needs, consideration would be given to the payment of an adoption allowance and there would also be an Adoption Support Plan in place.
- 6.2.6 The Committee noted the Annual Adoption Report.

7. Implications for Looked After Children

- 7.1 In order to ensure there is timely permanency planning for all children entering care, Medway has considered its Permanence Planning Policy alongside those of its partner agencies within the RAA. This supports early identification of the children for whom adoption is the plan and supports early family finding so that children can be placed within their permanent family at the earliest opportunity.
- 7.2 **The future of tracking and matching within the proposed RAA**
- 7.2.1 The recruitment and assessment of adopters will be shared across the three areas including shared resources for the information evenings; adoption preparation training; mentoring and support groups. The approval process will be shared with centralisation of Panel and its administration. This will 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. There will be central tracking for all adopters who are assessed and waiting for a match; and for all adopters who are in stages 1 and 2. Work will be required to ensure that different Children's Services computer systems are able to interface and support family finding within the RAA.

8. Financial implications

- 8.1 A report will be submitted to the DfE for additional funding to develop a regional adoption agency (RAA) and if successful funding will be available from April 2018. Developing the RAA without securing government funding will have significant financial implications for Medway and the other two local authority partners.
- 8.2 The current Adoption Agency model is operating within budget and the development of the proposed regional adoption agency (RAA) will be more cost effective and help to drive cost efficiencies.

9. Legal implications

- 9.1 There are no specific legal implications relating to the delivery of an adoption service to children and families; however there are implications relating to the RAA as detailed below.
- 9.2 In June 2015 the Department for Education (DfE) reported that local authorities should be working towards the creation of Regional Agencies by 2020. This remains the expectation of all local authorities. 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.
- 9.3 There are likely to be a number of legal issues and risks regarding contracts, procurement and transfer of functions into the RAA. This may also include consideration of pension arrangements and a formal partnership agreement between all the local authorities involved in this project. A formal proposal has been sent to the DfE for consideration.
- 9.4 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.

10. Recommendations

- 10.1 The Cabinet is asked to consider the comments of the Children and Young People Overview and Scrutiny Committee, as set out at section 6 of the report.
- 10.2 The Cabinet is asked to consider the Annual Adoption Report as set out in the report.

11. Suggested reasons for decisions

- 11.1 Statutory guidance requires adoption agencies to report on adoption agency activity in the last year.

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Appendices

None

Background papers

Report on the Regional Adoption Agency and Record of Decisions, Cabinet 25
October 2017

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=3371>

Report on the Regional Adoption Agency and Record of Decisions, Cabinet 21
November 2017

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=3699>