

## **CABINET**

**5 FEBRUARY 2019**

### **ANNUAL ADOPTION REPORT**

Portfolio Holder:	Councillor Andrew Mackness, Children's Services (Lead Member)
Report from:	Ian Sutherland, Director of People – Children and Adults Services
Author:	Ann Domenev, Deputy Director, Children and Adults

#### **Summary**

This report provides the Cabinet with the Adoption Agency's Annual Report (September 2017 to September 2018). This annual report 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.

The report is presented to the Cabinet for consideration and comment. It was considered by the Children and Young People Overview and Scrutiny Committee on 10 January 2019 and its comments are set out at 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 5 February 2019 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. Following discussions at the Executive Board, an independent report was commissioned by the three local authorities to further inform discussions and to determine the benefits for each authority of joining the RAA and the potential risks involved. This report has been considered by the Executive Board and feedback has been given to the Department for Education on the progress towards an 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).

### 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. Medway’s average performance in 2017/18 was 33 weeks and this has been longer than the national average of 31 weeks. Proceedings are often delayed because family members are put forward very late in the proceedings and the court will then delay the final hearing while those family members are assessed. The Courts favour placement within the extended family if it is safe and appropriate to do so, to enable a child to grow up within their family of origin.

#### 3.1.2 Average time from application to the completion of proceedings:

	2014/15	2015/16	2016/17	2017/18
Medway	30 weeks	31 weeks	40 weeks	33 weeks
National	30 weeks	30 weeks	29 weeks	31 weeks

Data Source: CAF/CASS

3.1.3 The Court timescales are a considerable improvement on the previous year but will still impact on 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 performance will be felt when adoption is achieved for some of these children.

3.1.4 The Medway performance on the A1 indicator for the three years ending September 2018 is 545 days. This is just behind the latest published national figures of 520 days. Few local authorities in England have 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 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 year end September 2018 year was 183 days, against a national average of 220 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 2017 to September 2018, 16 children have been placed for adoption. This includes two sibling groups of 2 and two from minority ethnic groups.

Age at placement	Year ending September 2014	Year ending September 2015	Year ending September 2016	Year ending September 2017	Year ending September 2018
0 - 1	29	19	17	15	11
2 - 4	18	6	12	11	3
5+	8	1	7	8	2
<b>Total</b>	<b>55</b>	<b>26</b>	<b>36</b>	<b>34</b>	<b>16</b>

Data Source: Performance and Information, Medway Council

3.2.3 In the year ending September 2017, 2 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 both 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 adoption panel decisions for the period October 2017 to September 2018.

<b>Panel decisions</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Year</b>
Matches	1	0	2	3	4	2	0	1	0	1	1	1	16
Decision that adoption is the plan for the child	3	1	2	3	6	2	4	1	2	1	5	3	33
Adoptive families approved	0	1	1	1	0	2	2	1	1	2	0	1	12

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.

<b>Panel decisions</b>	<b>Year ending September 2016</b>	<b>Year ending September 2017</b>	<b>Year ending September 2018</b>
Matches	36	31	16
Decision that adoption is the plan for the child	57	38	33
Adoptive families approved	23	23	12

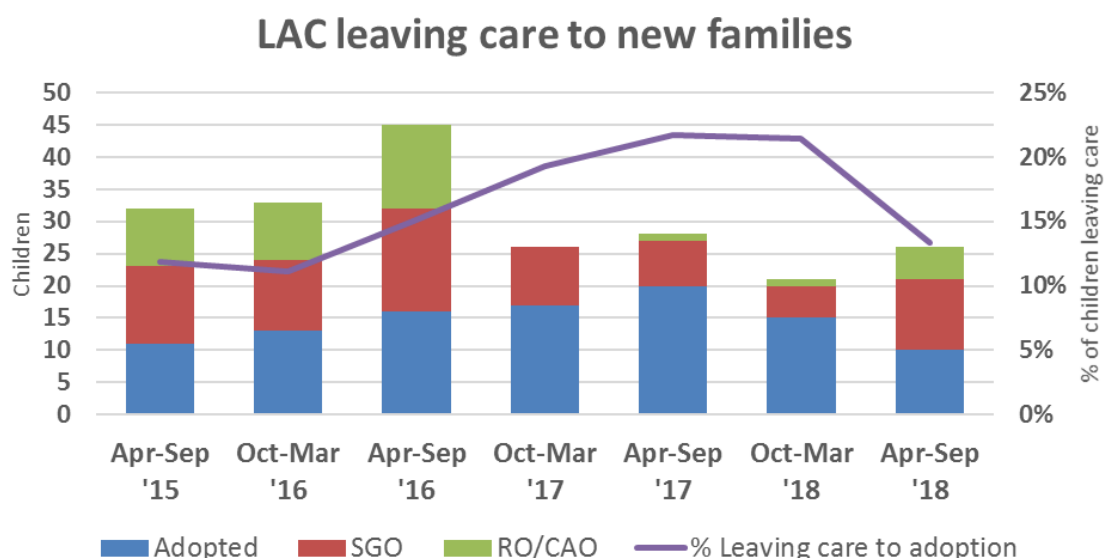
Data Source: Performance and Information, Medway Council

3.2.5 During the period October 2017 to September 2018 there were 16 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 12 new families approved to adopt a child. One family was 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 One Medway approved adopter had a relinquished baby (a baby whose birth parents have chosen adoption for them) placed under fostering for adoption regulations.
- 3.2.8 During the last year, there have been no disruptions recorded in the period following placement of a child for adoption. There have been three disruptions within the last year of teenagers who were adopted as young children. Latest research suggests that the post-adoption disruption rate is between 3% - 4% and many of these will be teenagers. It is testament to the commitment of adoptive families generally that the disruption rate is so low.
- 3.2.9 Information about breakdowns of Special Guardianship Orders where placement has been within the family is more difficult to obtain. The figures are not collated nationally. It is also often not reported to the local authority as another family member will take over the care of the child.
- 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. Although the 13% of children leaving Medway care to adoption in the last 6 months is reduction from previous performance, it is in line with the national figure of 13%.

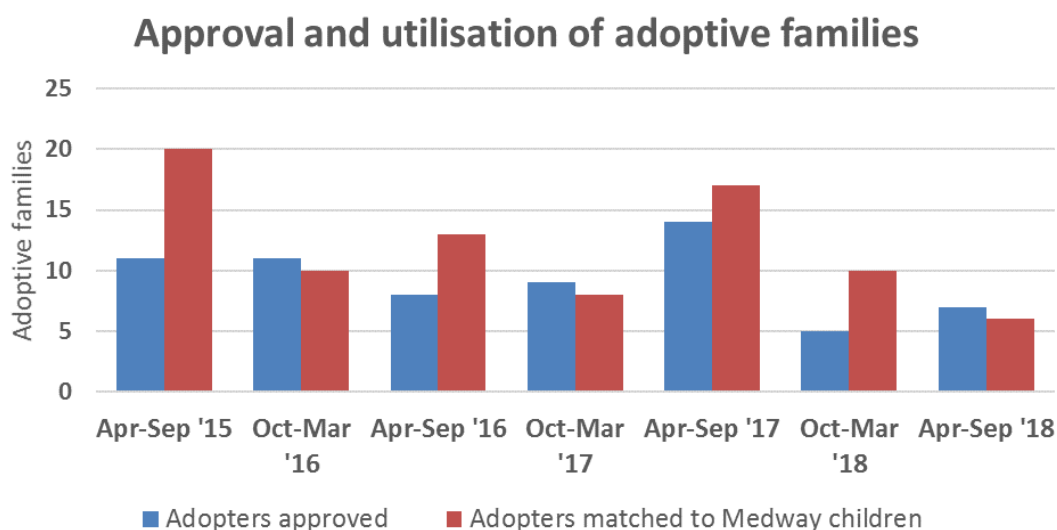


Data Source: Children Services, Medway Council

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 2018) there are 10 children for whom Medway Council has Placement Orders and for whom the team are actively family finding. These comprise four single children, two of whom are part of a larger sibling group but are to be placed alone; and three sibling groups each of two children. All except one 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 a year to 5 years of age and on average to date they have been waiting 251 days since Placement Order was made with the longest waiting 395 days. These timescales reflect the challenge, which is shared nationally, in finding suitable placements for children with complex medical and developmental needs, given the current shortage of adopters.

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.



Children Services, Medway Council

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 latest figures indicate about 1100 children available nationally for adoption and only 370 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. The local authority has changed the plan for eight children recently from adoption to long term fostering, and five of these children are placed with a family who are prepared to commit to fostering them through to adulthood. It is likely that at least six of those for whom a family is being sought currently will also be subject to a change of plan. These changes of plan bring additional pressures to the fostering placements and budgets.

### **4.3 Independent Adoption & SGO Support Services**

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

4.3.2 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.

4.3.3 The individual elements of the service are:-

- Support Services to adoptive and Special Guardianship families who have identified a need and require help. 34 new requests for assessment of need have been received in the last year, which reflects increased demand. 18 of these requests were from adoptive families and 16 were from those who have a Special Guardianship Order. 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 £500,000 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 18 new requests for access to adoption records within the last 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 148 active 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 currently contracted out and is provided by Family Action, a national charity. The Children's Services Management Team considered the future of this service in October 2018 and agreed that this service will be brought back in-house from April 2019. The social workers currently providing the service will transfer under TUPE arrangements and will be based in the Adoption Team. They will continue to offer counselling sessions and group support sessions with birth parents who have lost a child to adoption.
- Support groups for Special Guardians run every 3 months, with speakers on topics of interest such as therapeutic parenting.
- 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. This service has been provided for a number of years under a service level agreement. However it is considered that this service can be more effectively resourced through shared services under the RAA. It is therefore unlikely to be re-commissioned from April 2019.

#### **4.4 Work towards a Regional Adoption Agency**

- 4.4.1 Funding of £800,000 has been made available from the Department for Education to progress the Regional Adoption Agency.
- 4.4.2 An independent report was commissioned by the three local authorities to inform discussions and to determine the benefits for each authority of joining the RAA and the potential risks involved. This report also examined the potential models that could be adopted by the RAA. Although this work has delayed the implementation of the RAA, it is anticipated that this will provide information to enable the local authorities to agree the best model for progressing into an RAA with the maximum benefits for the children being placed for adoption.



## 5. 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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## 6. Consultation

- 6.1 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.
- 6.2 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.

## 7. Children and Young People Overview and Scrutiny Committee – 10 January 2019

- 7.1 The Children and Young People Overview and Scrutiny Committee considered the Annual Adoption Report on 10 January 2019 and its comments are set out below:
- 7.2 The Area Manager, Adoption and Fostering introduced the annual report of the Adoption Service. She explained that there were a number of older children with complex needs who were hard to find adoptive families for and therefore they often ended up with a change of plan to long term foster care. She added that recruitment of potential adoptive parents remained a challenge nationally but that Medway currently had ten families being assessed for adoption. It was also explained that there had been an increase in the support needs of adoptive families. Furthermore, Members were updated on progress with the Regional Adoption Agency, with confirmation given that work on this was continuing, with a target date of March 2020.
- 7.3 Members then raised a number of comments and questions, which included:
- **Thanks to staff** – The Committee thanked the staff in Adoption Services for their hard work and commitment.
  - **Impact of changes to the benefits system** – A Member asked if the changes to the benefits system in relation to the ‘two child cap’ had had

an impact on potential adoptive families coming forward, due to confusion around access to funding. The Area Manager confirmed that she did not believe this to be a significant factor. She added that it could be a factor for special guardianship families but additional financial support was provided to families where required and where need was demonstrated.

- **Information availability** – in response to a question about how people can find out about adoption services, the Area Manager explained that most people got in touch via internet searches or social media signposting. Other advertising did take place, such as on the local radio, but it was costly and the most cost effective way appeared to be through ensuring Medway Adoption Services featured high on internet search engines.

7.4 The Committee then recommended the Annual Adoption Service report to the Cabinet.

## **8. Implications for Looked After Children**

8.1 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.

## **9. Financial implications**

9.1 Funding of £800,000 has been awarded to the three local authorities to develop the RAA.

9.2 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. However traditionally Medway is a net exporter of adopters and entering into the RAA may result in a short term pressure against the approved budget.

## **10. Legal implications**

10.1 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.

10.2 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.

10.3 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.

- 10.4 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.

## **11. Recommendation**

- 11.1 The Cabinet is asked to note the comments from the Children and Young People Overview and Scrutiny Committee, as set out at section 7 of the report.

- 11.2 The Cabinet is asked to note the Annual Adoption Report.

## **12. Suggested reasons for decision**

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

### **Lead officer contact**

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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>