

HAMPSHIRE COUNTY COUNCIL**Report**

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| Committee/Panel: | Children and Families Advisory Panel |
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| Title: | Hampshire County Council Adoption Services |
| Reference: | 2584 |
| Report From: | Director of Children's Services |

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1. Summary

1.1. The purpose of this paper is to update the Panel on current issues in Hampshire County Council Adoption Services.

2. Adoption Issues

2.1 There has been significant recent government – and consequent media – focus on adoption issues.

2.2 Tim Loughton, Parliamentary Under Secretary of State in the Department for Education, has written to set out his concerns about national adoption performance and practice. These concerns have been subject to further analysis in the media, and one such example was in the Times on Thursday 16 November, 2010 – “The scandal of children left to languish in council care”.

2.3 This report sets out the position in Hampshire, both in terms of the County Council's policy, its practice, and details of its recent performance, since some generalisations of the national position are not evidenced in Hampshire.

2.4 Hampshire – in line with most, if not all, local authorities – is registered to act as an adoption agency and is covered by a range of legislation, regulation, and the adoption national minimum standards. All adoption agencies are inspected on a three yearly basis by OFSTED. Hampshire's last OFSTED inspection was in January 2009 and was evaluated as “good”.

2.5 The key concerns addressed in Tim Loughton's letter, and developed in the press, are as follows:

- Decreasing numbers of children being adopted (who otherwise remain in local authority care)
- Increasing periods of time ("delays") in the gap between the adoption decision and the child moving to live in an adopted home.
- Social workers "holding out" for improvements in the birth family functioning so that the child waits longer for a final adoption decision.
- Local authorities unwilling to use adoption placements when adopters have been approved by other agencies (particularly voluntary agencies) because of a reluctance to meet the costs.
- Inflexibility of policies as regards – for example – trans-racial placements, and a consequent lack of focus on the needs of the child for a family.

2.6 Adoption practice and policy is a complex arena, and this briefing necessarily cannot address all the complexities in detail. However, I should be happy to provide further information in respect of any aspects not addressed here in the detail that would be helpful.

2.7 Children for whom adoption is the plan are today almost all (more than 95%) children who have been removed from their parents' care and in respect of whom their primary care givers have been responsible for their abuse or neglect. To remove them from their parents' care and achieve the court's agreement and authority for a final care order and a placement order (without which no placement for adoption can be made) requires a lengthy and complex court process. Adoption, being a legal process, is ultimately determined through court proceedings and cannot be finalised in any other way.

2.8 However, there is also a set of processes involving local authority (social work) decision making, and consideration at adoption panel. Every adoption agency is required to establish an adoption panel which must consider and make recommendations to the agency in respect of plans for children, prospective adopters and the matching of individual children with particular adopters. Panels, with a membership of 10, are made up of an independent chair, professionals from the agency and independent members who may have a professional background or may be adopters or adopted people. In a local authority context, an elected members also sits on each panel; Hampshire has four adoption panels. Panel recommendations have to be accepted or otherwise by an agency decision maker. This is the process whereby the authority makes its formal decision as to its plan for adoption and this has to happen before the authority can put its adoption plan as a final care plan to the court in the context of care proceedings.

2.9 The process and the time involved in bringing a child's case to court and putting the case for a care order (care proceedings) through to conclusion is lengthy. The national average is currently 57 weeks, although the target

timescale set for the courts is 40 weeks. In the experience of social workers in Hampshire, the process is often extended well beyond the target timescale for several months or longer by solicitors and guardians securing the court's agreement for further specialist assessments of the parent's ability to resume care. This will often be contrary to the social workers' views as to what would be the best way forward for the child. While we have one or two examples in Hampshire where the timescale of 40 weeks has been achieved these are exceptional. We have a number of cases where the timescale is in the region of 60 – 70 weeks, and one or two where it has been as long as two years.

- 2.10 There is a national review of this court process currently underway – the Family Justice Law Review. Hampshire's Director of Children's Services sits on this committee and Hampshire social workers recently met with a senior representative of the judiciary who is also on the committee to express their concerns about the delays in the system. These social workers reported their experience of many court delays being due to an over concentration on the needs and rights of parents rather than children, and instigated by parents' legal representatives.
- 2.11 The outcome of these processes is that those children who can be placed with adoptive families (or single carers) are often aged 3 to 4 years or more, and as well as having suffered significant abuse or neglect (generally they are the most seriously abused or neglected children of all those in care), they have experienced the uncertainty of temporary care for 12-24 months, may be with more than one carer.
- 2.12 During this time the courts usually require that they maintain significant contact with the birth parents with attendant confusion, uncertainty, and anxiety about their future.
- 2.13 These children are extremely challenging to care for, many have special needs, and while many prospective adopters would be available for "easy" children, far fewer are able to contemplate meeting these children's needs; others need significant training and support in order to take on this parenting role.
- 2.14 Hampshire has at any one time about 1100 children in its care but many of these are likely to return home and some are not to be considered for adoption as they do not enter the care system until they are of secondary school age.
- 2.15 Of the rest, Hampshire staff were – on 30 September 2010 - tracking 125 children who may need to be found an adoptive home in due course. However, experience tells us that some will become cared for by extended family and in some cases the courts will not agree the local authority plan. Currently plans for adoption are made in respect of 60-70 children per annum.

- 2.16 Again on 30 September 2010, there were 21 children in Hampshire who had not been placed with adopters despite having their adoption plans agreed between 1 April 2009 and 31 March 2010. Of these 21, possibilities were being followed up for 8 and family finding was being actively progressed for all the others (see below).
- 2.17 The national timescale is for the child to be placed with adopters within 6 months of the adoption panel, but this part of the process comes before the final court decision making process, and the timescale is thus not an easy one to achieve. Nonetheless Hampshire achieved this in 53% of cases in the first 6 months of 2010.
- 2.18 Hampshire belongs to an adoption consortium to aid identification of adoptive families; it attends regional meetings where approved adopters can be given information on children waiting; publication and adverts in relevant journals are used on a regular basis, and Hampshire does use adopters approved by other authorities and by voluntary agencies.
- 2.19 In the past the number of adoptive parents that Hampshire has “bought in” from other agencies has been very small, not as a matter of policy, but because Hampshire’s size means that there is a much better range of approved adopters available than in very small authorities. However, Hampshire has always looked at all adoption options for children needing a permanent family.
- 2.20 This authority does not turn down possible families for children in its care on the grounds of cost.
- 2.21 Hampshire’s approach to trans-racial placements is also flexible, but adoption is to meet the needs of children and this encompasses racial/ethnic/cultural needs so these aspects need careful consideration. Sometimes we are able to reflect these needs through the purchase of a placement from elsewhere. Recently a child with one white British and one Japanese parent was able to be placed outside Hampshire with adopters who similarly came from both these backgrounds. In other examples, white British couples can demonstrate close links with, or understanding of, the prospective child’s own background, perhaps through friendships or extended family. We are clear that this must never be about any kind of political orthodoxy but always about assessing and meeting children’s needs “in the round”.
- 2.22 Religious belief is slightly more complex as birth parents are always asked their views as to their preferred religious persuasion of prospective adopters for their children (even if they do not agree with the adoption plan) and the courts do give weight to these views if expressed.
- 2.23 Adoption performance is measured according to the number of children adopted in a year as a percentage of the number of children looked after by the council for more than 6 months. Tim Loughton highlighted the variation in performance between authorities.

2.24 Given the age range of children looked after, the fact that many do return home, that some children legally in care are living with family members or even birth parents, then the figures for adoption performance were considered “good” at about 8%. It is also difficult to evidence sustained improvement in this measurement of performance since it tends to fluctuate around an average level, and even the date of the court hearing when the adoption order is made can affect performance in a given year. Since the introduction of Special Guardianship Orders and their increasing use, adoption performance on this measure has dropped across all agencies as this option is sometimes used instead of adoption; it transfers many legal rights to the carer in order for them to parent the child for the duration of his childhood, but does not permanently remove the legal relationship with birth parents as adoption does.

3. Hampshire’s performance in recent years

3.1 Numbers of children adopted, April 1 – March 31

| | |
|---------|----|
| 2004/05 | 70 |
| 2005/06 | 46 |
| 2006/07 | 51 |
| 2007/08 | 62 |
| 2008/09 | 34 |
| 2009/10 | 60 |

3.2 Children adopted as a percentage of the numbers of children looked after at March 31

This figure is reported to central government as part of the annual statistical return (SSDA903)

| | Figures considered in Tim Loughton’s letter | Figures if Special Guardianship Orders are included |
|---------|--|--|
| 2006/07 | 5% | 8.3% |
| 2007/08 | 6.1% | 10.8% |
| 2008/09 | 3.1% | 7.0% |
| 2009/10 | 5.4% | 9.9% |

On the chart provided at the end of Tim Loughton’s letter, Hampshire’s performance (at 5.43%) was 53rd out of 140.

3.3 Timeliness of placements for Adoption

Percentage of children looked after for whom a decision has been made that they should be adopted placed within 12 months of the decision (this is the agency decision, not the court order which comes after)

Currently this is National Indicator 61

| | |
|---------|------------|
| 2007/08 | 85% |
| 2008/09 | 100% |
| 2009/10 | 83% |
| 2010/11 | 88% target |

This performance rates as better than the English average. All agencies are trying to place complex and needy children often with special needs and / or in sibling groups so this performance is hard to sustain. Use of adopters from other agencies, with attendant costs, is part of what has enabled us to perform this well to date.

4. Conclusion

4.1 The focus of the adoption service remains the imperative to meet the long term needs of several of the most damaged children that we work with and give them a secure and happy childhood wherever possible. Increasingly, focus on the rights of parents alongside the complex and special needs of these children make it a lengthy and skilled process, but Hampshire is rightly proud of its record in adoption, although there is always more that can be done. Hence staff are not complacent, and work hard to maintain their efforts and our performance in this area.

5. Recommendation

That the Panel notes the report.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

| | |
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| Hampshire safer and more secure for all: | yes |
| Corporate Improvement plan link number (if appropriate): | |
| Maximising well-being: | yes |
| Corporate Improvement plan link number (if appropriate): | |
| Enhancing our quality of place: | yes |
| Corporate Improvement plan link number (if appropriate): | |

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

None

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

1.1.

2. Impact on Crime and Disorder:

2.1.

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?