SCOTTISH EXECUTIVE

ADOPTION POLICY REVIEW GROUP –REPORT PHASE I
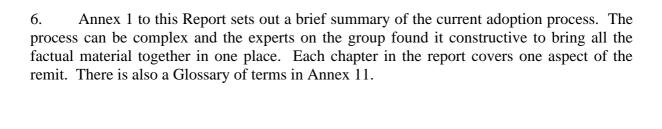
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INTRODUCTION

1.   Scottish Ministers attach a high priority to improving the life chances of children 'looked after' by local authorities and would wish to achieve a stable family placement for all children who might benefit from this. Adoption is one means of achieving a stable family placement. The number of adoption applications in Scotland, by persons unrelated to the adoptee, has been relatively stable over the past 5 years, but there were 29 fewer such applications for which an outcome was reached in 2000 compared to 1999. To address questions surrounding the place of adoption in securing permanence for 'looked after' children, the Minister for Education, set up a review group under the convenorship of Graham Cox, formerly Sheriff Principal of South Strathclyde, Dumfries and Galloway. The group included representatives from local authorities, legal and court interests, specialist adoption agencies, the Children's Hearings system and independent experts.   Adoptive parents and young adults who have been through the adoption process were also members of the group.   Full group membership is shown in Annex 2.

Group Remit

2.   The group's remit for this phase of the review was:

   ·   the place of adoption services within the spectrum of services considered for children and young people looked after by authorities

   ·   the recruitment, selection and assessment of prospective adopters

   ·   the provision of post-adoption support for families

   ·   the case for Scotland joining the proposed UK National Adoption Register

3.   The scope of phase 2 of the review is set out in paragraphs 33 and 34. It will examine the broad issues of the rights of birth parents; arrangements for contact; timescales within court procedures; the role of Children's Hearings and legal processes relating to adoption and fostering.

Working Methods

4.   The review group met 9 times. Sub-groups were also set up to deal in more depth with complex issues. The sub-groups looked at research and statistical information; the case for a national adoption register; methods of assessing children's needs; recruitment issues including consideration of sharing of resources amongst authorities; revision and adaptation of national standards to suit Scottish needs; and an examination of post-adoption services. Membership of the sub-groups is shown in Annex 3. Graham Cox also heard views from three members of the general public who, having written to either the Minister or the Department, accepted his invitation to discuss relevant issues with him.

5.   The group felt it would be beneficial to share its emerging conclusions with other key stakeholders. A workshop covering the 4 areas of the remit took place in Glasgow on 21 November. Invitations to attend were issued to relevant individuals and organisations. Those who attended the workshop are listed in Annex 4.

6.   Annex 1 to this Report sets out a brief summary of the current adoption process. The process can be complex and the experts on the group found it constructive to bring all the factual material together in one place. Each chapter in the report covers one aspect of the remit. There is also a Glossary of terms in Annex 11.

EXECUTIVE SUMMARY

1.   The group considered a number of wide-ranging and detailed issues. A clear overall feature of the resulting recommendations is the need to raise the profile and scope of existing services across Scotland, for:

- all 'looked after' children for whom adoption/permanence needs to be considered, and other children affected by adoption

- all adopted people, including adopted children and young people

- all adopters and prospective adopters

- all members of birth families who have had a relative adopted

There is also a need to tackle drift and delay in the current system.

2.   The group recognised the considerable amount of good service provision that exists in adoption services in Scotland. However, it also considered that some provision might be enhanced if services were provided on a Scotland-wide basis. For example a national recruitment strategy, a national Adoption Support Network, a Scottish service to match children and adopters and a national system of information collection and collation. The group considered a Scotland-wide consortium of agencies or an existing national organisation could deliver these services. The group considered and rejected the case for a national adoption agency. It was feared such an agency would reduce resources in front line social work teams, which could not be replaced.

3.   The group noted that some recommendations involve adjustments in practices or the development of new standards and guidance whilst others have resource implications.

The Place of Adoption Services Within the Spectrum of Services Considered for Children and Young People looked after by Local Authorities

4.   This issue is dealt with in chapter 1. The group highlighted the difficulties faced by the 1% children who are 'looked after'. Their small number exposes them to the risk of exclusion from policies designed for all children, or even for those who are socially disadvantaged. An even smaller percentage of children may need an adoptive family. Their needs should be recognised and responded to in a coherent way. The report focuses on the needs of those children 'looked after' within the public care system.

5.   The group recognised and accepted permanence as essential for healthy growth of children. This is the need to provide continuity of care throughout childhood and into adulthood. It can be delivered within the birth family, with adopters, with foster carers or, for those who find living in a family difficult, in residential care. Planning for permanence should be consistent with the key principle of the Children (Scotland) Act 1995, that the welfare of the child is paramount. A "whole systems" approach should be taken to planning and delivering permanence.

6.   The group found that outcomes for children who grow up while 'looked after' away from home by local authorities are very poor. Additionally, the longer the child is 'looked

after' away from home, the higher the chance that child would remain in care. Children 'looked after' in Scotland have a high number of moves within each period away from home with a third moving on a least four occasions. These findings pointed to the need to plan early for permanence and deliver stability quickly. All Councils are encouraged to give permanence, including adoption as well as rehabilitation in the birth family, a higher profile in Children's Services Plans.

7. The outcomes for adopted children, in contrast, were as good, if not better, than those of the general population. Indications from qualitative studies showed that children generally preferred the sense of security that adoption gives them over longer-term foster placements and that adoption brings a lifelong resource to children. It will not, however, be suitable for some, usually older, children who do not welcome the absolute legal break with their birth families. The next phase of the review should consider new arrangements such as special guardianship, which could make adoption more viable for older children who have needs for greater contact with their birth families.

8. An increasing number of children are awaiting permanence and not placed after a year. There is an unmet and increasing demand for families to adopt children. The group found that more older children now need adoptive families. But there is a much better chance of being matched with a family at age 2 than at age 5. The odds get even worse by the age of 9. Delays carry very real risks for children. They suffer more disruption and change and more emotional damage. So permanence must be implemented quickly.

9. The group looked at the adoption process and identified four stages at which drift for children can occur.

> (a)   between becoming 'looked after' away from home and a review decision to seek permanence
>
> (b)   between the review and the adoption panel
>
> (c)   between the panel and lodging the court application for adoption or freeing
>
> (d)   during the court and matching processes.

10. The group found that resources within local authorities' children's and families' teams had become very strained and that this contributed to delay. In particular there was a shortage of timely assessments of children's needs. A clear assessment framework is needed which dovetails with the information for planning and review. It should promote early collection of key information and analysis of need. A new assessment framework will require investment in continuous professional development as well as specific input during the proposed third year courses for social work students.

11. To address further the problems of instability the group welcomed new twin-track or parallel planning approaches and the development of concurrent planning.

12. The group found that children were not often consulted about options for permanence and that discussions on adoption were rarely held. The group supported findings that children and young people wish to have their views about adoption and possible placements listened to and respected.

13.   The group found that data on 'looked after' children was not widely available or robust. It was not collected routinely and not collated between local authorities, the Scottish Executive and courts. The group considered it a high priority that this need for information is met.

The Recruitment, Selection and Assessment of Prospective Adopters

14.   This issue is dealt with in chapter 2. There was acknowledgement of an identified unmet demand for families for children; and also of the good work already carried out by agencies. The information set out includes: the current recruitment process and potential problems; the stages of the recruitment process - enquiry, application, assessment, approval and matching; charging and inter-agency fees; whether there should be a National Recruitment Agency; and basic principles for informing practice.

15.   The group found that there are a number of stages in the process when potential adopters might be 'lost' or discouraged from continuing with their enquiry or application. At the enquiry stage there was much variability in the amount and quality of information provided by agencies and an inaccurate or discouraging response could deter applicants. The need for standard basic information about adoption and the adoption process was identified.

16.   Some prospective adopters might be deterred by misconceptions that there is a bias in favour of middle class or professional adopters and the group concluded that all agencies should explicitly recognise and publicise the wide variety of successful adopters. The group also found that some agencies recruit, prepare and assess prospective adopters only according to their own needs and capacity. This means that some potential adopters are lost because their local agency may not recruit regularly. The group concluded that agencies should assess all applicants prepared to consider children against the profile of children typically awaiting adoption in Scotland.

17.   The group also found that each agency has its own pre-assessment criteria. Some of these may be unrealistic and enforcing them may reduce the number of successful applicants.

18.   The group also found that methods of assessment differed between agencies and considered that a common framework would guarantee consistency of preparation and assessment. A common assessment framework would also assist those families who moved area during the course of their assessment. An independent appeals process would assist those applicants assessed by an agency as unsuitable to adopt.

19.   Some approved families do not find a match. Further research is required to clarify the link between un-matched families and children available for adoption.

20.   Looking after a child away from home may quickly become more expensive for an authority than paying a placing fee to another agency to cover recruitment, assessment and some post-adoption support costs. The group considered that resources should be managed with authorities in a way that enables these policy changes to be met. This would also reduce the prevalence of children from outwith Scotland being placed with Scottish families whilst children here still await a placement.

21.   The group considered and rejected the case for a new Scottish recruitment agency partly because it was felt that setting up such an agency would further reduce resources in social work teams as staff moved to join such an agency and could not be replaced.

The Provision of Post-Adoption Support Services For Families

22.   This issue is dealt with in Chapter 3. It looks at questions about current services from the perspective of the 3 parties in adoption – adoptees, birth families and adopters; asks 5 key questions; and lists 9 principles about post-adoption support that should form the basis of future services.

23.   The group started its consideration from the duty on local authorities to provide counselling and assistance to adopted children and adopters, after placement and adoption. There is also a duty to provide counselling to others affected by adoption, including birth relatives. The duties on the local authority where the individual lives lie with the whole local authority, not just the adoption agency. In particular, the need for a service contribution from education and health authorities was highlighted.

24.   In considering the support required by children, young people and adults who are adopted, the group noted that it is important to prepare children and family well for adoption. A particular need by adopted people for access to confidential counselling and advice services was highlighted. Good quality general information about adoption was needed as well as readily available services that offer more specific advice. It was noted that BAAF produce a range of helpful information leaflets and services such as TALK ADOPTION provide confidential assistance to help meet this need. Post adoption support services must also be developed to meet the increasing challenge of maintaining contact between adoptees and those who are important to them prior to adoption.

25.   The group identified several areas where adopters needed more support. In particular in the planning of contact, so that it is clear who is responsible for initiating and maintaining links. When adoptive families experience difficulties there is a need for earlier advice and assistance in developing practical strategies and providing support to assist in the upbringing of the child. This requires knowledge, skill and resources in the area of mental and physical health, education and other services. Adoption leave from employment was seen as valuable to help the adoptive family establish a new set of relationships.

26.   The group noted that birth parents have found that services for them are inconsistent and variable. Birth parents need support. More resources should remain available to birth parents beyond the point when an adoption plan is made.

27.   In response to key questions the group found that national standards for post-adoption services for children, birth families and adoptive parents are seen as necessary. Expert help and support could often be provided by voluntary agencies. Adoption allowances are seen as a key component of post-adoption support by families. There is support for a uniform system across Scotland and for a payment of allowances without means testing. A survey of adopters, birth parents and adoptees would help to clarify where there are gaps in service provision around the country and highlight models of good practice.

The Case for Scotland Joining the Proposed UK National Adoption Register

28.   This issue is dealt with in chapter 4. The group considered whether it would benefit Scotland to join the proposed Register in England and Wales, making it a UK National Register. Such a Register would match children and families across the UK. The group looked at how the proposed Register in England will work, the current position in Scotland, the possibility of a Scotland-wide consortium and how that would operate with the Register, the issue of inter-agency fees and the need to have the Scottish system properly recognised in the Register's processes.

29.   The group found that where agencies cannot find a match within their own area, a range of consortia and ad hoc arrangements are used to match children and families. But there is no formalised Scotland-wide consortium which means some authorities are not able to maximise the potential matches between families and children. The group also found a lack of reliable Scottish-wide information about the children awaiting adoption and the numbers of prospective adopters. There was some suggestion that Scottish children were 'losing out' compared with English counterparts. The group considered that given the existing range of family-finding mechanisms, the variability of these, the impact of an adoption register in England and Wales and the number of children who continue to wait for a family, the status quo in Scotland should not be maintained.

30.   It is widely recognised that a local match is likely to be in the child's best interests in most cases. Examples of exceptions, where placement at a distance might be sought, include the need to remove a child from a seriously abusive birth family, the need to find a match for children from a particular ethnic background or the need to find a match for children with a particularly challenging combination of disabilities. The group considered whether a Scotland-only register would meet all the needs, particularly those for a wide and varied pool of potential adopters. Whilst recognising that joining the UK register would not automatically result in matches outwith Scotland the group examined how maximising the opportunities for a local match could be reconciled with membership of a UK register.

31.   The group proposed that a Scotland-wide consortium would maximise the chances of a local match. The consortium should seek a match during the 6-9 month time-scale allowed by the Register for such work. Scotland should join the Register.

32.   To enable the operation of the Register in Scotland to run smoothly the group considered that the issue of inter-agency fees needed to be addressed. Without an undertaking to meet changes, Scottish families ready and able to take a placement would be swiftly approached by agencies south of the border who were willing to meet the charges incurred by the family's agency in recruiting and assessing them. It will also be necessary to ensure that the Register takes proper account of the Scottish legal and administrative arrangements for adoption.

Part 2 of the Review and Future Issues

33.   The second phase of the Review is expected to consider a wide range of possible reforms to the law on adoption. Some possible topics for consideration may flow from the ideas and Recommendations in this Report. Others may focus on issues which the group has not yet considered.

34.   In particular, the group suggests the following outline agenda:

- legal options for permanence for children including potential new 'special guardianship' arrangements
- the role of the Children's hearing system in permanence
- delays in adoption, including the court processes
- the rights of birth parents, including unmarried fathers
- contact in adoption
- fostering provisions for 'looked after' children and private fostering
- curators in permanence proceedings
- appeals processes.

A Report on these and other issues will be made.

SUMMARY OF RECOMMENDATIONS

Chapter 1

1.   **The welfare of the child, taking account of all factors, must determine how permanence should best be achieved for the 'looked after' child.**

2.   **A plan for permanence should be made as soon as a child is 'looked after' away from home.**

3.   **Where Care Plans consider or address permanence, discussions should be held with all children on a basis appropriate to their level of understanding and their views heard and properly taken into account.**

4.   **Authorities should consider parallel and concurrent planning where appropriate.**

5.   **Proposals for services to secure permanence for 'looked after' children should be set out in local authorities' Children's Services Plans. These should show the links to other related services.**

6.   **The Scottish Executive should draw up national standards for adoption. Standards should set out clear timescales and arrangements for consulting stakeholders including children.**

7.   **Local authorities should have one panel to consider all decisions about permanence away from home, including adoption. The panel should decide whether adoption has been appropriately considered.**

8.   **Permanence panel members should be provided with and undertake ongoing training.**

9.   There should be clear rules and guidance about how panels operate and the role of the agency decision-maker.

10.   The Scottish Executive should draw up a national assessment framework for children and families.

11.   An information system should be developed. This may allow systematic collection, collation and sharing between authorities, the Executive and courts of information about Scottish children 'looked after' away from home. An individual identifier for children would help track their progress.

12.   Urgent consideration needs to be given to resourcing effectively recruitment and retention of frontline social work staff and their managers in children and families teams.

13.   Both pre and post qualification social work education should take account of adoption. Preparations for the new Scottish Social Services Council and 3-year Diploma in Social Work should take account of these demands.

Chapter 2

1.   A system should be developed for systematically sharing accurate and reliable information on the numbers and needs of children awaiting adoption nationally. (see also Chapter 4). A consortium or existing national organisation could deliver this service and the others recommended here.

2.   A national recruitment strategy should be devised, based on the profile of children requiring adoption, to target potential families.

3.   Ongoing general campaigns are needed to increase public awareness about adoption.

4.   There should be clear, standard, basic information about adoption for answering enquiries. Agencies should manage enquiries effectively and quickly. An 0800 information line should be established.

5.   Agencies should assess potential adopters who are willing to consider a child reflecting the profile of children typically awaiting adoption in Scotland. A child need not be identified before assessment begins.

6.   It is reasonable for agencies to charge to recover the cost of assessing potential adopters. Financial resources should be managed within authorities in a way that enables these charges to be met.

7.   Pre-assessment criteria and the materials and issues to be covered during assessment should be standardised.

8.   Agencies should develop independent appeals procedures to cater for applicants assessed by them as unsuitable to adopt.

Chapter 3

1.   Comprehensive, multi-agency post-adoption support services need to be promoted actively.

2.   Expertise in the area of adoption is a vital consideration but the availability of such expertise around the country is variable. Adoption professionals working in the area of post-adoption support should be fully trained and accredited.

3.   The Scottish Executive should consider drawing up national standards for post-adoption services for children, birth families and adoptive parents

4.   Adoption support services should be explicitly available to all parties. Proposals for services should be set out in local authorities' Children's Services Plans, as part of their adoption services. This duty should be emphasised to authorities and publicised.

5.   The agency placing the child and the parties involved should draw up a post-adoption support agreement detailing what services are available or will be offered to meet the identified needs of all parties.

6.   Some local authorities have developed service level agreements with voluntary agencies to extend the range of services for all parties. All local authorities should consider the benefits of partnerships between local authorities and voluntary agencies to deliver post –adoption support services.

7.   Additional resources should be allocated to current services offering confidential advice to young people including those under 16 years of age, to ensure that adoptees are aware of services and that those providing them have adequate knowledge and skills.

8.   It is proposed that an Adoption Support Network for Scotland be established. This could be delivered through a consortium of all Scottish adoption agencies including the 32 local authorities.

Chapter 4

1.   The benefits of local consortia in matching children and families should be extended. A Scotland-wide consortium should be established and should seek to match children awaiting placement and adopters.

2.   Scotland should join the National Adoption Register. In the six months before the UK Register seeks to identify a match, local and the Scottish wide consortium should seek to match children with local families.

3.   There should be input to the UK Register's processes by a social worker with a knowledge of Scottish legal and administrative systems.

4.   A Scotland-wide inter-agency charging agreement to pay inter-agency fees should be developed.

CHAPTER 1

THE PLACE OF ADOPTION SERVICES WITHIN THE SPECTRUM OF SERVICES CONSIDERED FOR CHILDREN AND YOUNG PEOPLE 'LOOKED AFTER' BY AUTHORITIES

Values

1.   The children the group focused on are children in public care in the 'looked after system'. Their need is both simple and complicated – a need for permanence.

2.   Permanence is essential for healthy emotional growth. For most children, the best place to develop their identities, values and relationships is within their family network and every effort should, therefore, be made to maintain this situation.

3.   If this is not in the child's best interests and their needs cannot be met in this setting, an alternative family should be found which can provide continuous care for the child and the commitment into adulthood. Such a family should be sensitive to the child's ethnic, religious and cultural heritage, acknowledge and respect their family of origin and maintain important ongoing links in relationships for the child. For a small number of children, particularly those who are older or who have strong family loyalties, or those who find living in a family difficult, residential care can be the best option for permanent care.

4.   At the heart of the Children (Scotland) Act 1995 is the principle that the welfare of the child is paramount and is central to any decisions about his or her future. Duties, consistent with this, are explicitly placed on local authorities in s17(1), on Children's Hearings in s16(1), and on courts in s11(7) and s16(1).

5.   The purpose of this Chapter is to place adoption within the context of permanent outcomes for children. In addition, s6 of the Adoption (Scotland) Act 1978 states that it is the duty of a court or adoption agency to safeguard and promote the welfare of the child when planning adoption throughout his or her life. This report considers the place of adoption and how to improve the adoption process against this background.

Children Prioritised in This Report

Outcome of application in calendar year…..	Applications involving a birth parent, relative or step parent	Other applications	Total number of applications	% adopted by 'strangers'
2000	201	202	403	50
1999	221	231	452	51
1998(1)	271	190	476	40
1997(2)	220	214	443	48
1996	326	218	544	40

(1)   no details available for 15 of the 476 cases
(2)   no details available for 9 of the 443 cases

Information provided by the Scottish Executive

6.   This table shows that around half of the adoptions in Scotland involve a relative, typically adoption by a step-parent and that the drop in overall numbers is mostly accounted for by a reduction in step-parent adoptions. In these cases, children are not in a family which is unable to provide safe or adequate care, or in need of a 'match' to a new parent. This report aims to focus instead on the needs of those other children for whom their birth family is unable to sustain an environment providing adequate care.   Their numbers are small. Only 1% of children in Scotland do not live within their family, for whatever reason. The small size of the group puts them at risk of being excluded unwittingly from measures designed to tackle exclusion.   It is particularly important that there are clear policies, practices and procedures that meet the welfare needs of these children.
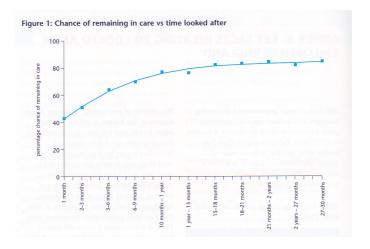
The Value of Permanence: The Place of Adoption

7.   A 'looked after' child may be at home, or placed away from the home with relatives, foster carers, or in a residential home or school.   If the decision is taken that the child may not safely or sustainably live at home, another permanent option may need to be sought. It can be long-term foster-care, adoption or a residential unit or school place.

8.   Department of Health research [Jones (1999) Strategic Planning in Children's Services London] shows that, compared to the general population, children who grow up while looked after by local authorities:

- are 4 times more likely to be unemployed;

- are 60 times more likely to be homeless;

- constitute a quarter of the adult prison population.

9.   These outcomes are very poor and may be attributed to the many changes that children experience in care. They point to the need to keep children in a stable environment.

10.   Being 'looked after' away from home does not in itself confer stability. In Scotland, for example, children 'looked after' away from home have an average 3.07 placement moves in each period 'in care'. Only 7% of young people stay in the same placement. A third move on at least 4 occasions [York University Residential Study]. Placement stability has been associated with improved outcomes in education, career and relationship skills [Biehal et al,1995].

11.   Early experiences are very important for children. Changes and moves can affect psychological and emotional development. There is research that shows that moving a child from his or her birth family or carers causes trauma, which of itself can be damaging and may affect the outcomes for the child.   Balanced against this is research which suggests that:

- where families are abusing or neglectful a very high degree of focused effort is required for preventative services to avoid the need for alternative placements;

- return to birth parents can have positive outcomes, but the transition can be very difficult. Success depends on conditions in the home and the quality of care;

- there is no clear evidence that returning home of itself necessarily or automatically delivers better outcomes than placement for fostering or adoption.

[Rushton (1999) Adoption as a Placement Choice: Agreement and Evidence, London, The Maudsley. Also Gough (1993) Child Abuse Outcomes, London, HMSO]

12.   This suggests that returning or maintaining a child to or in the birth family should not always be the automatic and/or sole aim. Consideration of the welfare of the child as paramount is how a decision on permanence must be made.

13.   A major benefit associated with adoption, compared with other forms of care, is that it may bring a lifelong resource to children. There is good evidence that adopted children do as well, if not better, than those of the general population (see for example, Tresiliotis et al (1997) Adoption: Theory, Policy and Practice, London, pp19-28; also Parker (ed) (1999) Adoption Now: Messages from Research, London, DH). This is in marked contrast to the poor outcomes for children who grow up in the care system. There are indications from qualitative studies that children generally prefer the sense of security that adoption gives them over long-term foster placements. However, for some, usually older, children, the absolute legal break with their birth family that adoption creates is not welcome.

14.   Research in England has shown that the longer a 'looked after' child is accommodated away from home, the higher the chance that the child will remain in care. Once a child has been looked after and accommodated for 12 months the chances of remaining away from home are as high as 80%.   If this pattern is repeated in Scotland, it suggests that rehabilitation plans or alternative permanence planning permanence should start as soon as a child is 'looked after' away from home

Figure 1: Chance of remaining in care vs time looked after

15.   By the time a decision for permanence is made a child could have had several moves, only then to be removed from foster carers with whom they have formed an attachment and placed with adoptive parents.

16.   In recent years a number of developments have sought to avoid sequential approaches and associated drift. Twin-track or parallel planning involves agencies exploring permanent solutions for children while maintaining a programme aimed towards rehabilitation with the birth parent.

17.   In concurrent planning, the same process is adhered to in terms of care proceedings and assessment of the birth family, but right from the start the child is placed with a carer who would adopt them if that is the outcome. This model, originating from Seattle Social Services, USA, is now established in some areas of England. The model is radical and requires highly skilled practitioners. It requires active partnership between the birth parent and potential adopters. Emerging evidence suggests it can lead to better outcomes as children are not damaged by successive moves.

18.   Part II of the Review should examine whether increased contact arrangements or other legal changes could make adoption a more viable option for those children, mostly over 12, who do not wish to break all links with their birth families. New arrangements, such as special guardianship, should also be considered.

Views of Children

19.   Who Cares? Scotland conducted an exercise to interview children with experience of the care system to ascertain whether adoption had been discussed with them. The full report is at Annex 5. The sample of 26 was limited in size. Thus its findings should not be regarded as statistically significant or representative of the population as a whole. However, the work did show that adoption had only been discussed with one child. Options for permanence were not discussed routinely with children who had been 'looked after' away from home. Residential units and fostering were discussed in half the cases. However, the young people had a reasonably clear understanding of the nature and consequences of adoption.

20.   The group concluded that where Care Plans addressed permanence, discussions should be held with all children, appropriate to their level of understanding. In all cases there is a duty to take account of children's views. All options, including adoption, should be discussed.

21.   This is supported by the consultation with children and young people in England about the proposed National Adoption Standards, carried out by the Thomas Coram Research Unit and published in March 2001. The children and young people recommended that their views about adoption and possible placements should be listened to and respected. They should be given emotional as well as factual information on adoption and the best match possible should be sought out, with the emphasis on the quality of parenting.

Local Authority Planning for Permanence, Including Adoption

22.   The survey by BAAF Scotland (2001) "Achieving Permanence for Children in Scotland - the Place of Adoption" found only 6 authorities had explicit criteria in relation to recommending adoption or other forms of permanent family placement for children. Fifteen authorities set out timescales for some or all parts of the process. Nine had no timescales. 30 out of 32 authorities responded to the survey.

23.   The group recognised that some authorities include planning for permanence, including adoption, as part of their Children's Services Plans. All councils have a statutory duty to do this.

24.   Longer-term planning must be a feature of all Care Plans for 'looked after' children. For children 'looked after' away from home, Care Plans must cover the expected duration of the placement and arrangements for rehabilitation.

25.   The decision that adoption is in the best interests of the child must be recommended by an adoption panel. Panels are established by adoption agencies. There is no common practice across agencies about the appropriate role, remit and composition of the adoption panel.   In some local authority agencies there are separate panels to consider adoption and other forms of permanence, such as fostering.

26.   Some authorities have panels which consider all options for permanence. The group supported these initiatives. The group concluded that decisions in relation to all forms of permanence should be considered by one panel. The panel should decide whether adoption has been appropriately considered. Permanence panel members should be provided with and undertake ongoing training and the role of the agency decision-maker should be clearly laid down. This would help to ensure that quality assurance issues are addressed.

Assessment of Children

27.   At the moment, the pressure on the heart of the system i.e. the social workers and their managers, and the planning and co-ordinating of the assessment of children's needs, is too great. Not only are the needs of children being considered for adoption more complex, but, critically, the birth families supported in the community have increasingly demanding needs. These are particularly influenced by levels of poverty and chaotic lifestyles often associated with drug and alcohol abuse. Faced with this pressure, workers are finding it more difficult to carry out the skilled and detailed assessments required to make long term plans for children's futures. Resources within authorities may skew the outcome of assessments of the needs of children. As a result, children are staying longer in the 'looked after' system and this leads to additional pressure on resources, imposing extra demands on overworked frontline staff. This area competes for resources with other social inclusion objectives and is not always regarded as a priority.

28.   A report (at Annex 6) was prepared for the group relating to assessment of children's needs and wishes. Given:

- the emerging research which shows that continued attempts at rehabilitation of children within the birth family may not produce the best outcome;

- the suggestion that absence of or the protracted nature of assessments are leading to delays in achieving permanence;

- the difficulties in obtaining information on children and lack of skills to assess the different options for permanence

there is a need for a national multi-agency assessment framework that meets the needs of children.

29.   The group recommends that the Scottish Executive should draw up a national assessment framework, linked to clear service standards. Permanence planning should form part of the assessment framework.

30.   An enhanced role for permanence planning and the new assessment framework will require an increase in continuous professional development as well as consideration of training during the third year of courses for social work students. There is a need for urgent consideration of a 3rd year of training for social work students.

Information about 'Looked After' Children and Adoption

31.   Annex 7 sets out some detailed figures and information about 'looked after' children, those placed for or potentially affected by adoption, and some background on the nature of children awaiting adoption. The information particularly looks at:

- Numbers of 'looked after' children

- Trends in numbers and placement of 'looked after' children

- International figures for comparison

- Children awaiting permanence, including adoption and the un-met demand for places for children

- Sources of placements for children

- Nature of children awaiting adoption.

32.   Whilst total numbers of 'looked after' children have fallen slightly over the last 10 years, numbers in foster care have risen steadily. This would suggest a latent demand for permanence away from the family home, some of which may be a need for adoption. When compared internationally we can see that a higher proportion of children are adopted from care only in the USA. Scotland is in line with the UK average for adoptions for children 'looked after' away from home.

33.   An increasing number of children are awaiting permanence and not placed after a year. In 1999-2000 the number increased to 272 from the previous year's total of 117. This shows there is an unmet and increasing demand for families to adopt children. The age profile of children awaiting adoption has changed and more older children now seek new families. The peak age for waiting for adoption is now 5-8 years old, but the peak age for placement is younger: 2-5 years old. This shows the importance of identifying the need for permanence early.

Delays in the System

34.   The group considered that there is anecdotal evidence that some children wait too long to be adopted. They looked at the adoption process and identified 4 stages at which 'drift' for children can occur:

      (a)   between becoming 'looked after' away from home and a review decision to seek permanence
      (b)   between the review and the adoption panel
      (c)   between the panel and lodging the court application for adoption or freeing
      (d)   during the court and matching processes

Chart 1 overleaf shows these stages.

CHART 1 – SIMPLIFIED ADOPTION PROCESS FLOW CHART

Potential Areas of Delay

Care Planning should address permanence Looked After Review recommends permanence	**Delay 1: Between becoming 'looked after' away from home and a review decision to seek permanence.** There are no timetables, regulations or rules about timescales before a permanence review decision is made or between that decision and the case going to the adoption panel. However, agencies increasingly have procedures that recommend 2 to 3 months only between review decision and panel. Even if these procedures are not stuck to rigidly, an expectation of proceeding quickly reduces the opportunities for drift.

Adoption Panel	**Delay 2: Between the review and the adoption panel**. It is crucial that legal services are involved at an early stage in the planning process, particularly in difficult cases and/or strongly disputed ones. Involvement earlier than immediately pre-panel is recommended. The process should not be unnecessarily delayed because a written report goes back and forth between legal services and social work. Legal services may need more information and will need to prepare in detail before any court proof, but it is important that the momentum of the case is maintained at this stage.

Adoption Agency decision Notification and consent certificates issued Reporter notified if child on a supervision requirement Hearing convened and advice provided Application to Court	**Delay 3: Between the panel and lodging the court application for adoption or freeing**. Once the adoption panel has recommended adoption for a child, with or without a freeing order, the statutory timetables begin. It is the panel's recommendation for the child which triggers the timescales, not the matching recommendation, even if they are made at the same panel. If a matching recommendation is made later, it does not trigger timetables again.

Adoption matching and placement if not done before	**Delay 4: During the court and matching processes**. Section 25A of the Adoption (Scotland) Act 1978 states that where there is a dispute about consent in freeing or adoption, 'the court shall, with a view to determining the matter without delay' draw up a timetable for the case and give directions to ensure this is kept to. Unfortunately, there are no detailed court rules to back up this provision. Many disputed cases do not have timetables or they are not kept to. Many cases take a long time in court, despite the wording of Section 25A.

35.　　The group considered (c) and (d) should be looked at in Part II of the Review. This Chapter makes recommendations to tackle (a) and (b). Chapter 4 addresses drift in the matching process.

Requirement for Information System

36.　　The group found that data on 'looked after' children was not widely available or robust. In particular, information on adoption was not collected routinely and not collated between local authorities, the Scottish Executive and courts. Most authorities and agencies collect data at different stages of the adoption process. Many of them do not hold records electronically, resulting in laborious manual extraction of data.

37.　　This means for example there is no systematic collection of Scottish information about

- how many children are being considered for adoption, or awaiting families

- how long children wait before adoption (the average for England and Wales is 2 years and 10 months from permanence panel approval to placement)

- which children wait longest

- the mismatch between children awaiting families and vice versa

- ways of identifying trends and changes in need.

The group considers it a high priority that this need for information is met by development of a new system. An individual identifier for children would help track their progress.

The Children's Hearing System

38.　　The group did not consider in detail the role of the Children's Hearing system in permanence. They appreciated that the Hearing system is primarily concerned with decisions about the short-to-medium term future of the children it deals with and that permanence cases form a small part of Children's Panel members' experience. The group suggests that the role of Hearings in permanence is scrutinised in Part II of the Review.

Framework for Developing Permanence in Adoption

39.　　Adoption is a complex system. All parts of the system should be addressed for it to work effectively. The group suggests a Framework for Developing Permanence and Adoption with a chart and notes and this is laid out in Annex 8.

Recommendations

1. The welfare of the child, taking account of all factors, must determine how permanence should best be achieved for the 'looked after' child.

2. A plan for permanence should be made as soon as a child is 'looked after' away from home.

3. Where Care Plans consider or address permanence, discussions should be held with all children on a basis appropriate to their level of understanding and their views heard and properly taken into account.

4. Authorities should consider parallel and concurrent planning where appropriate.

5. Proposals for services to secure permanence for 'looked after' children should be set out in local authorities' Children's Services Plans. These should show the links to other related services.

6. The Scottish Executive should draw up national standards for adoption. Standards should set out clear timescales and arrangements for consulting stakeholders including children.

7. Local authorities should have one panel to consider all decisions about permanence away from home, including adoption. The panel should decide whether adoption has been appropriately considered.

8. Permanence panel members should be provided with and undertake ongoing training.

9. There should be clear rules and guidance about how panels operate and the role of the agency decision-maker.

10. The Scottish Executive should draw up a national assessment framework for children and families.

11. An information system should be developed. This may allow systematic collection, collation and sharing between authorities, the Executive and courts of information about Scottish children 'looked after' away from home. An individual identifier for children would help track their progress.

12. Urgent consideration needs to be given to resourcing effectively recruitment and retention of frontline social work staff and their managers in children and families teams.

13. Both pre and post qualification social work education should take account of adoption. Preparations for the new Scottish Social Services Council and 3-year Diploma in Social Work should take account of these demands.

CHAPTER 2

THE RECRUITMENT, SELECTION AND ASSESSMENT OF PROSPECTIVE ADOPTERS

Introduction

1.   Chapter 1 shows that there is a current unmet demand for families for children awaiting adoption. It also shows that insufficient adoptive families continue to be recruited.

2.   The group recognises the good work that agencies engage in as they strive to meet the needs of children and acknowledges current good practice in this area. This Chapter considers how the different stages of the recruitment process could be improved and a greater number of suitable adopters found.

Current Recruitment Process

3.   Chart 2 shows the current recruitment process and outlines some reasons why potential adopters may be 'lost'.

Chart 2

CURRENT RECRUITMENT PROCESS	POTENTIAL PROBLEMS
Potential applicant seeks information about adoption from local authority or voluntary agency.	A poor response or unclear information deters applicants.
Potential adopter applies to local authority or voluntary agency.	Agencies do not always recruit unless they have children for placement, so some prospective adopters may be 'lost'.
	Agencies do not apply standard screening criteria, so some applicants may be lost
Agency may assess applicant to consider suitability to adopt.	Assessment standards are variable, but less so than criteria. There is no independent appeals procedure
If applicant is successful, matching process begins.	This can be slow. Some families are not matched.

Enquiry Stage

4. Stage 1 in the recruitment process commences with an enquiry about adoption. Enquiries may be made to:

- Local authorities

- Voluntary Adoption Agencies

- British Association for Adoption and Fostering

- Citizens Advice Bureaux

- General Practitioners

- Fertility Treatment centres

- The internet

5. Each agency also has its own method of dissemination. Methods may include:

- sending out information by post

- telephone discussions

- one-to-one visits with a specialist worker

- small/large group information sessions

The content and relevance of this information will often determine whether an enquirer continues along the recruitment process.

6. Enquiries revealed there was much variability in the amount and quality of information provided by different agencies throughout Scotland. Written information was not easily understood and often used jargon, such as 'siblings' or 'support network', which was off-putting. Some enquirers had been misinformed about adoption by sources other than agencies, eg general practitioners. This pointed to the need for a source of accurate information, which could be easily accessed by enquirers.

7. Enquirers considered they often received off-putting, negative and non-encouraging responses. Even agency staff workers who felt they were tackling enquiries in an honest, open, realistic and encouraging way were not always perceived as so doing.

8. Enquirers also found it difficult to be open and discuss hesitations, concerns, doubts or to express naivety with an agency for fear it might go against them at the application stage.

9.   The group concluded that this showed the need for standard basic information about adoption and the adoption process which

- is accurate and relevant

- is encouraging and facilitating

- is easily understood

- does not disadvantage anyone

- provides information on the types of children needing placements. This should include information on the numbers and locations of children and the difficulties they face medically and developmentally. It should explain the need for contact with other family members.

- details the agreed criteria that applicants must meet

- sets out the general adoption process that applicants will follow highlighting variations in different areas

- includes case studies of individuals who have been through the adoption process

- is available in a range of mediums including spoken, paper, newspaper and television advertising, video, CDROM, 0800 information line and in relevant community languages

- sets out information about and contact details for all adoption agencies

- enables enquirers to gather relevant information and discuss any questions they might have in a way that will not compromise any future application they may make

- provides enquirers with the opportunity to talk with someone who has relevant knowledge, skills and experience.

Application Stage

10.   At stage 2 an enquirer has decided to apply. The boundary between enquiry and application is not always clear. Some potential adopters may apply to more than one agency.

11.   There are specific legal criteria about who can adopt (see Annex 1). The group recognises that there are public pre-conceptions about the types of families who might be considered unsuitable for placement. If these perceptions were widespread in the population it could deter applicants. There is evidence to demonstrate successful placements with single people, single parents, unmarried and married couples, members of same gender couples, separated or divorced people, those over 40 years of age, unemployed people, families with disabilities, families who need financial support, families who own their own homes and families in rented accommodation. Our conclusion is that all agencies should explicitly recognise and publicise the wide variety of successful adopters and by so doing dispel any pre-conception that there is a bias in favour of middle class or professional adopters.

12.   The group found that some agencies recruit, prepare and assess prospective adopters according to their own needs and capacity. This can mean that only if there are known to be children in the area waiting for placements does the assessment of prospective adopters

begin. Consequently, some potential adopters are lost to the system because their local agency may not recruit regularly. For example more children are awaiting families in Glasgow than in rural areas or in the North East. Potential adopters in some areas are unlikely to be assessed unless their own council/agency has a local child to place.

Recruitment by agencies is generally undertaken:

- totally for local children and therefore determined by local needs

- or within consortia arrangements (see Annex 9)

- or to meet service level agreements between voluntary agencies and local authorities.

13. Good, and full information is needed about the numbers and needs of children for whom permanence by way of adoption has been recommended as well as details of those already registered and freed for adoption and awaiting placement. In addition, the group would wish to encourage agencies to assess potential adopters to meet the shortfall of families. Assessing potential adopters who wish only to care for a baby is unlikely to meet the needs of older children waiting for families. However, agencies should assess all applicants prepared to consider adopting children matching the average profile identified in this report ie over 4 years old, potentially with siblings and requirements for birth family contact, and with potential health or attachment problems.

14. The group also found that each agency has its own pre-assessment criteria. These incorporate regulatory and legislative requirements, but are in the main determined by local needs. For example, an agency may set criteria which require applicants for young children to be under 40 years of age as a way of controlling the number of applicants for a decreasing number of babies and very young children. Some criteria may be unrealistic and enforcing them may reduce the number of successful applicants.

Assessment Stage

15. The third stage involves the detailed assessment of applicants who have been assessed to this point. The group found that practice varied by agency. There are different methods of homestudy such as psychodynamic, systemic, or competency based assessment and the length of time taken to assess applicants can also vary. Police and financial checks might be carried out on applicants at different stages of the process. Approved applicants can move to a new area without a need for re-approval as there is a process of checking and familiarisation. However, the group felt that a standard process for transfer of approved families would be helpful.

16. The group felt that a common framework could be established to guarantee consistency of preparation and assessment, but with local content and delivery. This would enable agencies across the country to place children for adoption with confidence. The group also noted that although agencies have developed their own appeals procedures, there is no regulatory independent appeals process for applicants who are assessed by an agency as unsuitable to adopt.

17.   The group also considered whether a duty should be placed on agencies to assess all applicants. This was rejected. Assessment is a lengthy and resource consuming process and, of itself, raises expectations that a match will be found. It is reasonable that some applicants, either through their own lack of health and vigour, or through their wish to adopt only a baby, will not be assessed because a match would not be found for them

18.   However, it is recognised that there may be increased costs if agencies recruit and assess prospective adopters to match the general profile of children needing adoption. The increase will be acutely felt by voluntary agencies in particular. The group considered that agencies should be encouraged to charge fees to cover their assessment costs (see below).

Approval Stage

19.   At the end of the assessment stage, applicants are put forward for approval or non-approval. The agency's adoption panel considers the assessment reports and the applicants are invited to the panel. The panel then makes a recommendation for approval or non-approval. The agency decision-maker must make the decision to approve or not approve. At this stage, successful applicants become approved adopters.

Matching Stage

20.   Some families do not find a match. This may suggest they have been inappropriately assessed and are not able to meet the needs of those children requiring adoption. We suggest that when information becomes available about the children awaiting adoption and un-matched families, the reasons for a failure to match can be established.

Charging

21.   In England and Wales one agency pays another agency a fee when it places a child with a family approved by that agency. The fee covers recruitment, approval and some post placement work. The fee paid to a local authority agency is £10,539 and to a voluntary agency £14,931. In Scotland, charging by voluntary agencies is common so they can recover their costs. Some authorities such as Aberdeenshire have also started to charge.

22.   Whilst the needs of the child override financial considerations, it may be helpful to look at the cost to authorities of adoption compared with other options for children.

	£'s per week
Foster care	643.92
Residential home	1213.14
Residential school	899.67

These are average figures taken from Local Government Finance Statistics, Development Department, Scottish Executive.

23.   When the length of time spent in one 'looked after' period is considered it can be seen that a placing authority still makes economies if a successful adoptive match is found.

24.   Despite this, the group found evidence that in some parts of Scotland, adoptive parents are being matched with children from England because most Scottish local authorities do not pay fees when placing a child. This is thought to be partly because there is no tradition of doing so in Scotland, unlike England and Wales, and also because funds that would otherwise be spent on children 'looked after' away from home are not available to that part of the authority responsible for finding adoption placements.

25.   Resources should be managed within authorities in a way that enables these charges to be met.

A National Recruitment Agency?

26.   The group considered whether a Scottish Recruitment Agency should be established. Concerns were raised that directing front-line staff from local authorities' children's teams would unduly increase the pressure on resource levels in authorities.

The group considered, however, that some national arrangements could be taken forward. A consortium of all authorities working together or an existing voluntary body acting nationally might take on some of the national roles identified in this report.

Basic principles which should inform practice in relation to recruitment, preparation and assessment

- Those enquiring about adoption have the right to receive relevant accurate information.
- Recruitment should be informed by good, accurate information about the needs of children locally, nationally and UK wide.

Recommendations

1. A system should be developed for systematically sharing accurate and reliable information on the numbers and needs of children awaiting adoption nationally. (see also Chapter 4). A consortium or existing national organisation could deliver this service and the others recommended here.

2. A national recruitment strategy should be devised, based on the profile of children requiring adoption, to target potential families.

3. Ongoing general campaigns are needed to increase public awareness about adoption.

4. There should be clear, standard, basic information about adoption for answering enquiries. Agencies should manage enquiries effectively and quickly. An 0800 information line should be established.

5. Agencies should assess potential adopters who are willing to consider a child reflecting the profile of children typically awaiting adoption in Scotland. A child need not be identified before assessment begins.

6. It is reasonable for agencies to charge to recover the cost of assessing potential adopters. Financial resources should be managed within authorities in a way that enables these charges to be met.

7. Pre-assessment criteria and the materials and issues to be covered during assessment should be standardised.

8. Agencies should develop independent appeals procedures to cater for applicants assessed by them as unsuitable to adopt.

CHAPTER 3

THE PROVISION OF POST- ADOPTION SUPPORT SERVICES FOR FAMILIES

Introduction

1.   Local authorities have a duty to provide counselling and assistance to adopted children and adopters, after placement and adoption. There is also a duty to provide counselling to others affected by adoption, including birth relatives. The duty is on the local authority where the individual lives and is on the whole local authority, not just the adoption agency.

2.   The sub-group (see Annex 10) considered post-adoption services from the perspective of the three parties in adoption – adoptees, birth families and adopters. They considered 5 questions relating to current services and identified principles on which future services should be based. There are a number of recommendations consistent with these principles.

CURRENT SERVICES

Adoptees – Children, Young People and Adults Who Are Adopted

3.   Adoption support does not begin with the granting of an adoption order. The way in which children and families are prepared for their adoption sets the tone for expectations thereafter. For the adopted child issues will arise or re-emerge at different developmental stages and at different stages of placement.   For example, when the depth of a child's unmet needs becomes apparent or when adoptees wish to search for their birth family members, or when changes to contact arrangements need to be considered.

4.   Services for adoptees seeking information about their origins are usually provided to children and young people aged around 12 or over or, when children are younger, in consultation with their adopted parents. In some cases, the practice regarding the disclosure of records to adoptees varies. The practice of sending written information to an adopted person without personal contact is not seen as helpful.

5.   Adoptees should have access to confidential counselling and advice services. The sharing of information requires skilled approaches particularly with regard to young people. For example, in responding to approaches from birth family members of young people aged 16 & 17, Barnardo's Scottish Adoption Advice Service uses a degree of discretion. For those under 16, the Service shares information with adopters. It is recognised that some adopted young people do not wish to respond to initiatives from birth families.

6.   Children, young people and adults who are adopted need access to good quality, general information about adoption and to readily available services that offer more specific advice. There are models of good practice, for example BAAF produces a range of helpful information leaflets and adopted persons can make use of Talk Adoption which is a unique national free and confidential helpline for those who want to talk about anything to do with adoption.

7.   As contact between children and young people who are adopted and those who were important to them prior to their adoption is increasingly maintained, either directly or indirectly, post-adoption support services must develop to meet the challenges this presents.

Adopters

8.   Adopters report that the provision of post-adoption support services is variable and is often dependent on where people live.

9.   The knowledge and skills of professionals working in post-adoption support is also seen as variable. For example, mediation skills, often valuable when placements run into difficulties, are not always available.

10.   At times the perspective of adopters is not seen to be adequately taken into account in the planning of contact between the adopted child and birth family members, whether direct or indirect. Planning of contact is seen as inconsistent. For example, it is often not clear who will be responsible for initiating contact links or who will be available pre- and post-contact. The provision of letter box contact (or other forms of indirect contact) is a skilled task

11.   A significant number of adoptive parents experience difficulties in helping their children to make secure attachment relationships throughout their childhood.   These families are likely to need more extensive post-adoption services in order to support the placement whether these services be focused particularly on the whole family, on supporting the adoptive parents, or on direct work with the children.

12.   Adoptive families very much value advice beyond the focus on 'what went wrong', to the development of practical strategies which are compatible with families' own style and culture.   This implies both knowledge and skill in the adoption field, beyond social work practice, to include professionals working in the areas of mental and physical health, education and other services. For example, services need to acknowledge the feelings of guilt experienced by some adoptive parents when there are problems at any stage in the adopted child's upbringing. There is a need to incorporate the adopter's perspective even in work with adult adoptees.

13.   Adoption leave from employment is seen as valuable. A period of leave allows the household to focus on the transitions involved in the establishment of a new set of relationships during the crucial early months of placement.

Birth Families

14.   In the past, birth parents mostly relinquished their babies voluntarily. Now more complex issues are common, including those of mental health problems, substance abuse and the neglect and abuse of children. Many birth families remain opposed to the adoption plan for their child. This has implications for the notion of establishing birth parents' rights in legislation to contact with their adopted child.

15.   Birth parent groups emphasise that services are inconsistent and variable and dependent on where they live.

16.   Birth parents can benefit from the help of their own support worker from the point that an adoption plan is agreed. Resources should remain on offer to birth parents, beyond the placement of their child for adoption. For example, support to promote effective, direct and indirect contact.

17.	The group does not recommend that there should be any universal method of contacting adoptees as a matter of course when birth families seek information or contact, but rather that good quality information should be readily available in the community.

18.	One birth parents' support group was not in favour of birth parents having a new right to initiate contact. They felt strongly that adoptees should be given information about the birth family's interest but that the initiative should remain with the adoptee.

Five key questions

**1.	Should there be national standards for post-adoption services?**

- National standards for post-adoption services for children, birth families and adoptive parents are seen as necessary.

- There is particular recognition of the value of a post-adoption support agreement between the agency placing the child and the parties involved.

**2.	Are there particular forms of expertise within the voluntary sector that should be harnessed more directly by local authorities (and vice versa)?**

- Voluntary agencies throughout the country provide a range of post-adoption support services on behalf of local authorities.

- Expert help and support around contact is often provided by voluntary agencies. For example, letterbox contact requires considerable input from staff and is a key professional role.

- Birth family members may need to be supported and encouraged to make use of services. Many of these services are provided in specific areas by the voluntary sector. Equitable provision across Scotland is likely to require increased levels of expenditure.

**3.	Are there any specific resource issues to be noted in relation to how post-adoption services should be structured and funded?**

- The extension of post-adoption services has resource implications for social work, health and education services.

- Some local authorities have developed service level agreements with voluntary agencies. This may be a starting point for extending services around the country.

- Adoption allowances are seen as a key component of post-adoption support. There is support for a uniform system across Scotland and for a payment of allowances without means testing.

- There is information on models of current good practice. These should be harnessed in the development of future provision.

- There are strong arguments for the accreditation of professionals working in the area of adoption.

4.   Should the review commission a survey of adopters to establish service users' views on the quality and extent of services?

- Information currently available from adopters' support groups and from the Pilot Post-Placement Support Project run by BAAF suggests that services around the country, both from social work and other agencies, are inconsistent in terms of availability and quality.

- Surveys involving adopters, birth parents and adoptees would help to clarify where there are gaps in provision and highlight models of good practice.

5.   Are there grounds for re-enforcing the statutory duty to provide post-adoption support in order to give the existing legal position more bite?

Half the local authorities were surveyed and supported this. There were 3 caveats:

- such a duty should extend to other agencies, and the fact that the duty already extends to the whole authority must be emphasised and publicised.

- additional funding should be made available to service providers.

- staff in all relevant agencies must be able to develop the skills required.

Principles

The sub-group identified key principles for the provision of post-adoption support that should form the basis of future services. These principles are:

1   Knowledge of the needs of adopted children and their families is a necessary basis for effective post-adoption practice.

2   Effective access to experienced professionals who are knowledgeable about adoption is a vital part of post-adoption services for all parties.

3   Post-adoption support services should be equitable and not dependent on where parties live.

4   The range of post-adoption services available should reflect the requirements of all parties in adoption emerging at different life stages and pay attention also to health, education and housing needs.

5   If contact between the parties is in the interests of the child, relevant support services should be available

6   There should be recognition of the importance of counselling and mediation services at different points in the process for all parties.

7   Services provided at point of disruption of adoptive placements need to be supportive and non-blaming.

8 Services available post-adoption should be family-based in recognition of the context in which adoptees are living. This does not deny the need of parties to information and appropriate individual services.

9 Services should be delivered on the understanding that adoption is of life-long significance, requiring skilled responses and interventions at all stages.

Recommendations

1. **Comprehensive, multi-agency post-adoption support services need to be promoted actively.**

2. **Expertise in the area of adoption is a vital consideration but the availability of such expertise around the country is variable. Adoption professionals working in the area of post-adoption support should be fully trained and accredited.**

3. **The Scottish Executive should consider drawing up national standards for post-adoption services for adoptees, birth families and adoptive parents.**

4. **Adoption support services should be explicitly available to all parties. Proposals for services should be set out in local authorities' Children's Services Plans, as part of their adoption services. This duty should be emphasised to authorities and publicised.**

5. **The agency placing the child and the parties involved should draw up a post-adoption support agreement detailing what services are available or will be offered to meet the identified needs of all parties.**

6. **Some local authorities have developed service level agreements with voluntary agencies to extend the range of services for all parties. All local authorities should consider the benefits of partnerships between local authorities and voluntary agencies to deliver post-adoption support services.**

7. **Additional resources should be allocated to current services offering confidential advice to young people including those under 16 years of age, to ensure that adoptees are aware of services and that those providing them have adequate knowledge and skills.**

8. **It is proposed that an Adoption Support Network for Scotland be established. This could be delivered through a consortium of all Scottish adoption agencies including the 32 local authorities.**

The network could provide

- information on adoption for all parties

- dissemination of best practice, literature and research

- contact details for all parties about local information on support services

- training for professionals in post-adoption work

- a network of experienced adopters

- a contact point for professionals experienced in adoption available to agencies without dedicated adoption specialists

- a consultancy phone line for professionals.

- additional specialist services such as adoption clinics for professionals and family members which could have a multi-disciplinary composition.

CHAPTER 4

THE CASE FOR SCOTLAND JOINING THE PROPOSED UK NATIONAL ADOPTION REGISTER

Introduction

1.   In England and Wales Ministers have decided that a National Adoption Register will help to improve the matching process and tackle delays in finding suitable adoptive families for children. These are also aims supported by the Adoption Policy Review Group. The group considered how the matching process could deliver improved linking in Scotland and provide information about the numbers of children and families. It considered whether Scotland should join the Register established in England and Wales which would then become a UK Register.

How the Proposed Register will Work

2.   Children registered for adoption and approved adopters will be placed on the Register as soon as they are registered or approved respectively. However, the information will not go live immediately, unless the adoption agency asks for it to do so, meaning that the Register will not seek a match straightaway. Agreed periods of time will be allowed to seek a match locally or regionally. For children, three months will be allowed for a local match and a further three months for a regional one if the agency is a member of a consortium. For families, the periods will be six months and a further three months. So, children's information will go live after three or six months; and families' information after six or nine months. Once the information is live, the best options for national matches will be identified and assessed by social workers at the Register before the children's or families' agencies are contacted with match details. Agencies will then be sent the information and have 2 weeks to consider if a link is viable and is to be pursued.. If the link is not pursued, the information will then go live again on the Register. The register is currently being piloted in three areas of England.

3.   The group considered a number of options:

- Status quo: neither join the National Register nor establish a Scottish register

- Establish a Scotland-only register

- Review the pilot stage of the English and Welsh Register before taking a decision

- Decide now to join the National Register making it a UK wide Register.

Current Position in Scotland

4.   In Scotland, there are significant numbers of children 'looked after' away from home who cannot return to their birth families and are awaiting placement with new permanent families. The extent of this need varies on an annual basis, but is thought to be in the region of 500, although not all these children are waiting for adoption. Evidence for this can be found in:

- The information collated by the 2001 survey by BAAF Scotland "Achieving Permanence for Children in Scotland''

- Children on referral to BAAF's Scottish Resource Network

- Children on referral to the West of Scotland Family Placement Consortium

- Anecdotal evidence from local authorities and voluntary agencies

- Inferred information from DoH figures for England and Wales

5.   When a child is identified as needing a new permanent family for adoption, agencies first investigate whether they have approved adoptive parents of their own available or likely to be available in the near future for the child. If they do not, then they must determine what effort and what resources, both human and financial, will be expended to secure a placement. Current available options are:

- Specific local advertising and recruitment. This can be expensive, takes time and does not guarantee that an appropriate family will be found

- Referral to the Scottish Resource Network – referral is not mandatory, charges are made for referral of children to the Network and a fee is payable when a link is made. (See Annex 9, paras 11 and 12 for information about the Network)

- Referral to BAAF Link and/or Be My Parent which gives access to waiting families across England, Scotland and Wales. BAAF Link is a UK wide database of children awaiting adoption placements and approved adopters. There is a fee for referral to BAAF Link and a further fee if a link is made. It is not expected to continue once the National Adoption Register is up and running in England and Wales. Be My Parent is a bi-monthly newspaper published by BAAF. It contains profiles of children waiting for permanent placements, including adoption, and is available to prospective carers throughout the UK. There is a fee to advertise in Be My Parent and a further fee if and when a placement is made

- Using a local consortium to find a match. There are a number of formal and informal resource sharing mechanisms and consortia in existence, none of which is Scotland-wide. See Annex 9

6.   There was some suggestion that Scottish children lose out by current arrangements. Children seeking adoption from England and Wales are routinely included in Be My Parent, which is available in Scotland. They can and do find matches with Scottish parents. Scottish children are not widely considered for placement throughout Scotland, even less in the UK. They are not often featured in Be My Parent because there are restrictions on publishing identifying information (legal constraints about use of photographs) of children 'looked after' under the Children's Hearing system. This means that Scottish staff cannot make maximum use of this facility when seeking a family for a child. The lack of a universally used, comprehensive Scotland wide resource sharing facility means that some children may not be found permanent new families when they are needed. Overall, children may be missing opportunities for a stable family life.

7.   It is widely recognised that a local match is likely to be in a child's best interests in most cases. The environment is more familiar and contact with friends and family will be easier to maintain. It is also more straightforward for adoption agencies to monitor the placement and provide support if problems arise. There is also evidence that placing children in families or communities that reflect their culture, religion and ethnicity is a positive factor. It is a statutory requirement of the Children (Scotland) Act 1995 that consideration be given to a child's culture, religion, language and race. In some instances, such as matching adopters and children from seriously abusive birth families, placement at a distance is sought. Children may also need to be placed at a distance in order to get a match with their ethnic background.

8.   Following local government reorganisation when 12 local authorities became 32, many small units in social work departments developed a range of responses to the issue of sharing skills and resources. A number of different consortia have been established and they play a valuable role in information sharing, training, development of standards and planning for recruitment. There is also some sharing of resources i.e. linking families and children from different agencies. The lack of up-to-date information about waiting children and families across Scotland means that these consortia do not in themselves resolve the problem of securing placements for waiting children. Consortia can and do find matches, but there is no evidence available of an increase in placements being achieved through them.

9.   Some councils are not in consortia, which can limit resource sharing in those areas. There is no Scotland-wide consortium which means that some authorities do not maximise the potential matches between families and children. There is a lack of reliable Scotland-wide information about the numbers of prospective adopters waiting for children.

10.   The group considered that, given the existing range of family finding mechanisms, the variability of these, the impact of an adoption register in England and Wales and the number of children who continue to wait for a family, the status quo should not be maintained.

Scotland-wide Consortia and the National Register.

11.   The question is whether a Scotland only register would meet the identified needs. Joining the National Register would not mean that, in the first instance, children would not primarily be considered for placement in Scotland. The only children whose information would become live immediately on a UK basis would be those for whom there were very strong reasons for looking on that basis straightaway. As all adopters would be on the Register, a match in Stirling would be as possible as one in Skegness. The larger Register would provide a wider pool of adopters and increase the chances of a successful placement. This could be especially valuable for children with specific needs such as disability or requiring a match with a family from a particular ethnic background. The National Register's fixed timetables would also limit drift in the system. However, recognising the benefits and the expressed wishes of agencies to secure local placements, the group agreed that the development of a Scotland-wide consortium would maximise the chance for children to find a match close to home. It should link in with a UK wide Register. The Group proposed the following system:

- Children should be placed on the National Adoption Register when registered for adoption

- Adopters should be placed on the Register as soon as they are approved to adopt

- For children for whom no freeing application is planned, agencies will have 3 months to pursue a local match and a further 3 months to look for a regional match (The Scottish Consortium). After this, the information will go live

- For children for whom a freeing application is planned, the 6 months will not start until the freeing order is granted. The information will go live 6 months after that.

- For families, agencies will have 6 months to pursue a local match and a further 3 months to look for a regional match (The Scottish Consortium). After this the information will go live.

- However, the information can go live anytime after it is placed on the Register if agencies request

This process would provide 6 months for Scottish agencies to find a local/Scottish family for Scottish children.

12.   The group considered whether a final decision to join should be delayed. It was noted that the chances of influencing the final shape of a UK system to meet the demands of working to Scottish legal and administrative requirements were higher if there was agreement to join before arrangements in England and Wales became finalised. As this report sets out, the needs of children in Scotland have been identified by the group and include linking with a UK register. The group concluded there was no reason to delay further a decision to join.

13.   The group considered that two issues in particular would need to be addressed to ensure smooth running of Scottish arrangements in a UK Register:

- Inter-agency fees

- Recognition of the Scottish adoption system by the Register.

Inter-agency fees

14.   Unlike England and Wales where local authorities always charge for inter-agency placements, in Scotland the practice of charging varies. For example, while many inter-agency placements do not attract a fee, some authorities such as Aberdeenshire, East Lothian, Dumfries and Galloway and Moray either currently charge or are in the process of setting up charging systems. There are both positive and negative reasons for charging. These include

Positive Reasons	Negative Reasons
- Encourages resource rich areas to recruit - widens recruitment and therefore more choice for children - provides equal opportunities (to those in rest of UK) for all children awaiting adoption and families looking to adopt - promote standardisation and consistency of practice - leads to a realistic view of costs - introduces "level playing field" between local authorities and voluntary agencies	- Resources would need to be found for fees especially in those areas where there are high numbers of children in the 'looked after' system - Might restrict choice - Uncertainty about the impact on areas 'poor' in the resources of children and /or families

15.   A national charging strategy is necessary to provide equal opportunities for Scottish children and families looking to adopt, equal to those available to children and families elsewhere in the UK. Without this, existing inequalities and the increasing variations in agency practice will be made worse on joining the Register. Scottish families ready and able to take a placement will be swiftly approached by agencies who are able to meet the charges incurred by the families' agency in recruiting and assessing them. Currently this is all English authorities and a minority of Scottish agencies, thereby disadvantaging Scottish children. The group therefore recommends the development of a Scotland-wide inter-agency charging agreement to pay inter-agency fees. The group recognises that this will have implications for local authority budgets, especially for those authorities that do not currently charge, but it believes that, within the context of securing placements for some extremely vulnerable children, the expenditure will be cost effective (see chapter 2, paragraphs 21 and 22).

Recognition of the Scottish Adoption System

16.   It is necessary to ensure a UK Register takes proper account of the Scottish legal and administrative arrangements for adoption. The group concluded that detailed discussions would be essential to ensure compatibility with the Scottish system. For example, consideration of freeings (see para 11) and how the Register will offer families for linking across the UK. This will ensure that it is possible to take full advantage of the period in which a local match may be sought. The Scottish Executive would need to take account of this and other aspects when negotiating to join the Register. The Group also considered that it was important for the Register to have input from a social worker experienced in the Scottish system, especially in considering matches for Scottish children and families.

Benefits of Joining the National Adoption Register

17.   Joining the National Adoption Register will enable Scotland to be part of UK wide arrangements which will assist the process of finding families for Scottish children by making available adopters throughout the UK. It will also provide:

- UK wide availability of children for Scottish adopters.
- National resource sharing mechanisms
- Improved statistical information to inform and monitor trends and determine appropriate recruitment and funding strategies

The group caution, however, that joining the Register is not a panacea. There will continue to be a need for vigorous recruitment of adopters, maximisation of local resources and effective and available post-placement and post-adoption support.

Recommendations

1.   **The benefits of local consortia in matching children and families should be extended. A Scotland-wide consortium should be established and should seek to match children awaiting placement and adopters.**

2.   **Scotland should join the National Adoption Register. In the six months before the UK Register seeks to identify a match, local and the Scotland-wide consortium should seek to match children with local families.**

3.   **There should be input to the UK Register's processes by a social worker with a knowledge of Scottish legal and administrative systems.**

4.   **A Scotland-wide inter-agency charging agreement to pay inter-agency fees should be developed.**

THE ADOPTION SYSTEM IN SCOTLAND

1.   This is a brief outline of how the adoption system works. Some of the expressions are defined in the Glossary, others are explained in the text.

What is Adoption?

2.   Adoption is a legal process. It replaces a child's birth parents with new adoptive parents.

3.   All adoptions in Scotland are covered by the Adoption (Scotland) Act 1978, as amended by the Children (Scotland) Act 1995. There are also regulations about adoption agencies and adoption allowances, and court rules.

4.   There are four principles which apply to adoption:

-      the child's welfare throughout life is paramount in all decisions by adoption agencies and courts

-      the child's views must be taken into account in all decisions by agencies and courts

-      the child's religious persuasion, racial origin and cultural and linguistic background must be taken into account in all decisions by agencies and courts

-      other options for the child must be considered by agencies and courts and they must only respectively plan for adoption or make an adoption or freeing order if satisfied that it is the best option

5.   Before the court can grant an adoption, everyone with parental responsibilities and rights must either agree to it or have their agreement dispensed with by the court. The court can only do this if it thinks there is the evidence and there are reasons to do so. In some cases, the agreement is dealt with in an earlier, optional court process called freeing. If the court grants a freeing order, parental agreement is not considered in the subsequent adoption.

6.   Where the child is 12 or over, the court must seek his or her agreement to the adoption (and any freeing).

7.   Adoption is one of the 'relevant services' for children which must be covered in Children's Services Plans, produced by all local authorities.

What is Freeing?

8.   Freeing is a court application, which can only be made by a local authority adoption agency. If granted, the effect is to remove all parental responsibilities and rights from the birth parents, and give them to the agency.

9.   A child does not have to be freed before he or she is adopted, so freeing is <u>not</u> mandatory. However, timescales in the regulations mean that a local authority agency often

has to apply for a freeing if the birth parents are not in agreement and the child has not been placed with prospective adopters.

10.   Sometimes local authority agencies choose to use a freeing to deal with parental agreement or disagreement before placing with adopters; or to avoid a disputed adoption case between birth and adoptive parents.

Adoption and 'Looked After' Children

11.   'Looked after' children are those for whom local authorities have certain duties. Children are either 'looked after' at home or placed away from home. The duties are on the whole local authority. Children's welfare is the paramount concern for local authorities when making decisions about them. See Glossary, Annex 11, for information on 'looked after' children.

12.   Where a child is 'looked after' away from home, the local authority has to consider longer-term plans for the child and steps to be taken to end the care, including going home. This type of work is often called 'permanence' planning. If a child is not able to return home safely, plans need to be made about how to secure a long-term permanence plan away from home.

13.   When authorities are planning for a 'looked after' child, they must take account of the principles in the 1978 and 1995 Acts (see para 4 above).   Authorities should cover permanence planning in their Children's Services Plans; and can use s.21 of the 1995 Act to seek co-operation from other authorities and Health Boards etc.

14.   There are 3 legal options for permanence away from home:

  ·   Residence order under s.11 of the 1995 Act. This replaced the old 'custody' order. A child who is the subject of a residence order is not a 'looked after' child, although an authority may pay an allowance. This order can be applied for by anyone claiming an interest in the child and is often used by relatives or friends or foster carers of the child. Birth parents retain most parental responsibilities unless the court thinks there are good reasons for them not to

  ·   Parental Responsibilities Order (PRO) under s.86 of the 1995 Act. This takes the responsibilities and rights away from the birth parents and gives them to the local authority. The child is 'looked after'. The parents retain the rights to consent or not to any later adoption and to go back to court about the PRO. There is an expectation of contact for the <u>child's</u> benefit. PROs can be revoked, unlike adoption

  ·   Adoption. This takes everything away from birth parents and is irrevocable. The child is not 'looked after'.

15.   Adoption is therefore <u>one</u> option for a 'looked after' child who cannot return home. It is <u>one</u> of the options for permanence for such a child.

16.   If an authority decides at a 'looked after' review that adoption is the best option for a child, the case must go to the adoption panel, for it to recommend the plan or not. After the

adoption panel has made its recommendation, the agency decision maker decides whether or not the case will go on to a court application. In all cases, the court makes the decision about whether the adoption will be granted or not. (See below, paras 39-42).

Adoption Agencies

17.   There are two types of adoption agencies:

- Local authority adoption agencies. Every local authority has an agency. From 1 April 2002, these will have to be registered with and inspected by the Commission for the Regulation of Care

- Voluntary adoption agencies, otherwise called approved adoption societies. These are voluntary organisations approved by the Scottish Executive under the 1978 Act. From 1 April 2002, these will be called 'registered adoption services' and will be registered with and inspected by the Commission for the Regulation of Care

18.   Local authorities have a duty to provide an adoption service for their area. They must do so along with the authorities' other social services and approved societies in their area. Every agency must have an adoption panel.

Types of adoption

19.   The Act provides for 2 types of adoption:

- agency adoptions

- relative and step-parent adoptions

20.   Agency adoption is where an adoption agency (see above) places a child for adoption. The child is usually but not always, a 'looked after' child.

21.   Relative adoption is where the child is adopted by a relative. Relative is defined as a grandparent, sibling, uncle or aunt, including those of the half blood. Step-parent adoption is where the child is adopted by the married partner of the birth mother or father with whom the child lives. The step-parent then shares parental responsibilities and rights with his or her partner.

22.   Strictly speaking, no other adoptions should be arranged. However, courts grant adoption orders in other cases, e.g.:

-foster carers may adopt a child who was placed with them under the fostering regulations; or

-the adoption may be an inter-country one.

23.   Legal requirements and processes for all adoptions are similar, although there are some differences. Any adoption which is not an agency one may be referred to as a non-agency adoption.

Who Can Adopt

24.   There is no upper age limit in the Act, although agencies can impose one in their criteria for assessing prospective adopters.

25.   There is a lower age limit: people under 21 years of age cannot adopt (except that a birth parent who is 18 or over can adopt his or her child with the married step-parent, although the step-parent can now adopt on his or her own).

26.   Adopters must _either_ be domiciled in Scotland (i.e. consider Scotland to be their long-term permanent home, even if they do not currently live in Scotland) _or_ have been habitually resident in Scotland for more than one year before applying to the court.

27.   Adopters must be either a married couple or a single person. An unmarried couple, whether heterosexual or homosexual, cannot adopt together; only one of them may adopt, as a single person.

28.   In step-parent adoptions, the step-parent can adopt if he or she is married to the birth parent who cares for the child and who consents to the adoption.

29.   In agency adoptions, adopters must have been assessed and approved by an adoption agency. A full assessment report about the applicants is prepared, with references, background information and details of discussions, training and preparation. All the report except confidential third party information is shared with them. The assessment is then discussed at the agency's Adoption Panel and the applicants are invited to attend. The Panel recommends approval or not, and then the agency decision-maker decides whether to approve or not. Once applicants are approved, any agency can consider placing a child with them.

Who Can Be Adopted

30.   Only an unmarried child, under 18 years of age when the application is made, can be adopted

31.   The child must be a certain age and live with adopters before the adoption is granted. There are rules about how long this period must be, depending on the type of case.

   • If the adoption is an agency, relative or step-parent one, the child must be at least nineteen weeks old and have lived at least thirteen weeks with the adopters or one of them

   • In any other case, the child must be at least one year old and have lived at least one year with the adopters or one of them

32.   If a child is placed for adoption by an agency, that agency's adoption panel must have recommended adoption for the child, and the agency decision-maker must have decided that adoption is the best option for the child. Most children placed by agencies are 'looked after' children, but not all. If a 'looked after' child is adopted, the adoption is usually an agency one, but does not need to be: e.g. a relative or foster carer may adopt without the child's case being considered by the adoption panel.

<u>Pre-court procedures</u>

Non-agency Adoptions

33.   Where applicants want to adopt a child in any non-agency case, they must notify the local authority where they live about their intention to do so. The notification must be at least 3 months before the adoption order is granted. The local authority must prepare a report for the court about the family, the child and all the circumstances of the case.

Agency Adoptions

34.   Where an agency wants to place a child for adoption, with or without freeing, there are complicated regulations about procedures and timescales, for the child and for placement with prospective adopters. An agency <u>cannot </u>place a child with prospective adopters unless they are approved.

35.   The agency has to take the child's case to its adoption panel for a recommendation about the plan. Then the agency decision-maker has to make a decision about the plan, whether to go ahead with adoption or not. The agency has timescales within which to make this formal decision about the child and tell birth parents and other relevant parties. If the birth parents indicate within a certain time that they agree to the plan for adoption, the agency is able to go ahead without further timescales. It can place the child with adopters if this has not already happened, and an adoption application to court can be made in due course.

36.   Where there is no agreement from the birth parents, there are further timescales on local authority agencies within which a court application must be made, for adoption or freeing. A freeing application will have to be made if the child has not been placed or has only just been placed.

37.   If the child is subject to a supervision requirement from the Children's Hearing system, there must be a report from the hearing (usually called 'Advice') for the court dealing with the adoption or freeing. The regulations provide that there must be a hearing to give this Advice and there are timescales for this when the birth parents do not agree to the plan. The Advice is lodged in the court and is one of the reports it has to consider before making the final decision.

Court Procedures

38.   The procedures are similar for all types of adoption, with variations as mentioned below. There are detailed court rules.

39.   Adoption and freeing cases can be dealt with in either the Court of Session or the sheriff court. Procedures are very similar for both types of cases and in both types of courts. Applications are made on forms provided in the court rules. The court needs:

·   a report from the agency when it is an agency adoption; or the local authority where the child and adopters live in all other cases. This covers all the circumstances of the case, including the suitability of the prospective adopters in an adoption application

·   a report from the curator, who is an independent court-appointed person. This covers all the facts and circumstances of the case, and particularly has to consider the best interests of the child as the curator's paramount duty. When the child is twelve or over, it is the curator who asks whether she or he agrees to the adoption

·   if the child is subject to a supervision requirement, the Advice from the children's hearing

·   if the case is <u>not</u> a post-freeing adoption, a report from the reporting officer about whether the birth parents agree or not

There are detailed court rules about the duties of the curator and reporting officer, and what should be in the reports.

40.   After getting the reports, the court usually fixes a hearing. Where there is a dispute about the adoption or freeing, there will be a proof, when evidence will be led, to see if parental agreement is to be dispensed with or not. The court should have a timetable in a disputed case, to avoid delay.

41.   The grounds for dispensing with agreement are that the parent:

-        is not known, cannot be found or is incapable of giving agreement; <u>or</u>

-        is withholding agreement unreasonably; <u>or</u>

-        has persistently failed without reasonable cause *either* to safeguard and promote the child's health, development and welfare *or* to maintain personal relations and direct contact with the child if he or she is not living with him or her; <u>or</u>

-        has seriously ill-treated the child who is not likely to be reintegrated into the same household.

42.   If the court decides to dispense with the agreement, it still has to consider, on the basis of the child's welfare as paramount and the other principles, whether to grant the freeing or adoption.

Effects of a Freeing Order

43.   If a child is freed for adoption, the birth parents have all parental responsibilities and rights removed and the local authority are given them. The child is not a 'looked after' child, but the local authority are expected to provide at least the same level of service and exercise the same level of care as if the child is 'looked after'.

Effects of an Adoption Order

44.   When an adoption order is granted, it gives all parental responsibilities and rights for the child to the adopter(s) as if the child had been born to them. If birth parents have not previously lost all responsibilities and rights after a freeing, they will now do so.

45.   A court order giving contact to a birth relative (a 'contact order') is possible with an adoption order, but is not very common. However, contact, direct or indirect, is often agreed informally, without an order.

Post Placement and Post Adoption

Support

46.   There is a duty on <u>local authorities</u> to provide counselling and assistance to adopted children and adopters, after placement and adoption. There is also a duty to provide counselling to others affected by adoption, including birth relatives. The duty:

- ·   applies to the whole authority

- ·   is on the authority where the person lives

- ·   applies to all adoptions, agency <u>and</u> non-agency ones

- ·   whether the child came from another area or not

- ·   whether the child was 'looked after' or not

- ·   whether the child lives in the area or not, when eg. a birth parent wants help in tracing a child.

Access to Birth Records After Adoption

47.   In Scotland, when an adopted person reaches 16, she or he has an automatic right of access to:

- ·   her or his original birth certificate

- ·   the court process from the adoption case and any freeing

48.   Where an agency placed the child, she or he can also ask the agency for information from its records. It can release information from its records, with or without counselling.

49.   Birth families have no automatic right of access to information. However, they are able to obtain help about ways of tracing family members who have been adopted. The duty on local authorities to provide counselling to those who 'have problems relating to adoption' clearly covers providing help to birth families.

MEMBERSHIP OF THE ADOPTION POLICY REVIEW ADVISORY GROUP

Group members:

Sheriff Principal Graham Cox, Chair

Sally Wassell, Independent Social Work Consultant

Penny Simpson, Chair of Children's Panel, Children's Group

Margaret Campbell, Director, St Margaret's Children and Family Care Society

Ann Sutton, Director, Scottish Adoption Association

Barbara Hudson, Director, BAAF

Harriet Dempster, Director of Social Work, Highland Council

Marian Keogh, Deputy Executive Director, The Glasgow Alliance

Sheriff Elizabeth Jarvie

Michael Sawyer, Head of Social Work, Fife Council

Michael Whittaker, Adopted person

John Fardell, Adoptive parent

Katherine Ashe, Adoptive parent

Mary Gibbons, Adopted person

Scottish Executive members:

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	Margaret Campbell
	Stephanie Stone, Glasgow City Council
	BAAF working group that involved LA members
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	Lexy Plumtree (Legal)

ADDITIONAL CONSULTATION WITH OTHER KEY STAKEHOLDERS

The group ran a workshop on 21 November 2001 in Renfield St. Stephen's Church Centre, Glasgow to discuss its remit and share emerging conclusions with other key stakeholders not directly represented on the group. A number of individuals and organisations were invited to attend the event. The following individuals accepted the invitation.

Bill Adam, Principal Officer, Care Management, Social Work Services, Glasgow City Council

Joan Atherton, Project Leader, Barnardos

Ann Blackie, Children's Manager, Children's Services, Scottish Borders Council

Irene Callaghan, Team Leader, Fostering and Adoption, South Ayrshire Council

Lynne Cameron, Acting Manager, Family Placement Services, Dundee Council

Samantha Fiander, Policy Information Officer, Children in Scotland

Margaret French, Service Manager, Children and Families, North Lanarkshire Council

Andy Gallagher, Manager, Children, Disabilities & Substitute Care, East Renfrewshire Council

Beth Gibb, Adoption UK

Francesca Harris, Adoption Counsellor, Scottish Adoption Association

Susan Howell, Secretary, Lothian Adopters Group

Enid Jamieson, Family Placement Team Leader, Fife Council

Maureen Kinnell, City of Edinburgh Council

Liz Lafferty, Child Care Services Manager, South Lanarkshire Council

Kate McDougall, Adoption Counsellor/Social Worker, Birth Link

Sue McFadyen, Senior Practitioner, Family Placement Service, Barnardos

Carol McGinlay, Children and Family Services, South Lanarkshire Council

Donald McIver, Adoption and Fostering Social Worker, Western Isles Council

Fiona Miller, Principal Solicitor, Scottish Child Law Centre

Sandra Moody, Advice Worker, Fostering Network (formerly NFCA)

Cheryl Moran, Senior Child Care Officer – Family Placements, North Lanarkshire Council

Marjorie Morrison, Child Placement Consultant, British Agencies for Adoption and Fostering

Nacha O'Mairthini, Manager, Child Care Resources, Orkney Islands Council

Ada Nidrie, Children's Services, Clackmannanshire Council

Susan Sloan, Senior Social Worker, Adoption and Fostering Service, Aberdeen City Council

Cynthia Smail, Social Worker (Adoption), Aberdeenshire Council

Edith Spencer, Resource Team Manager, Midlothian Council

Bob Stead, SWSI Data Standards Project

Stephanie Stone, Principal Officer, Families for Children, Social Work Services, Glasgow City Council

Robert Swift, Service Manager for Children & Family Resources, East Lothian Council

Graham Tully, Adoptive Parent

Sheila Tully, Adoptive Parent

Deirdre Watson, Director, Who Cares? Scotland

Noel Whyte, Adoption Counsellor, Scottish Adoption Association

WHO CARES? SCOTLAND SURVEY

Introduction

Who Cares? Scotland was asked by the Scottish Executive to provide a snapshot view from young people to contribute to the Adoption Policy Review Group. Broadly speaking the question to be addressed by the young people was whether they had been asked for their views during their time "in care" about the possibility of adoption.

It was agreed that this was a sensitive area both for young people who are currently looked after and accommodated and for those who are in the process of moving on. It was decided that the most effective way to produce a meaningful contribution in the time available would be to engage "older" young people in dialogue by way of a face to face questionnaire interview. Younger children's views are conveyed in this exercise by way of anecdotal information from Who Cares? Scotland young people's workers.

This is not a piece of formal research, but an informal snapshot taken in a sensitive way to provide an initial response to the question posed. The statistics and comments provided by the young people who agreed to take part in this exercise provide some initial insight into how much input they have in life planning. It is perhaps of some significance that amongst this older group only one young person recalls having discussed adoption as an option for her. Although we have not noted the length of time each of these young people spent "in care" it is evident from some of their comments that a number have been looked after long term.

The anecdotal information, whilst admittedly subjective in its content, highlights some of the issues around for younger children currently involved or touched by the adoption process.

A total of 26 young people completed interviews and 4 young person's workers provided anecdotal information. Who Cares? Scotland would like to thank the young people and local authorities.

LIVING AWAY FROM HOME

Please ✓ in ☐ - we can also write down your comments

How old are you? 10-12 (8) 12-16 (16) 17+ (2)

Are you Male (9) Female (17)

Where are you staying just now?

Residential Unit	(17)
Residential School	(5)
Foster Care	(4)
At Home	☐
With Adoptive Parents	☐
Supported Lodgings	☐
Own Tenancy	☐
Somewhere Else	☐

Do you understand what is meant by your Care Plan? Yes (18) No (2) A Bit (6)

Do you feel you have a say in your Care Plan? Yes (15) No (5) Don't Know (6)

For example:
How much of a say do you think you have about where you live?

None (4) Some (9) A fair bit (7) An awful lot (1) Don't know (5)

(Please feel free to add any other comments)

Other Comments Made by Young People During the Course of the Consultation:

"I talk about things in my review but not a lot really happens and I don't know if there are any plans for me"
Male (10-12) (Foster Care)

"I get help to talk about what I would like now, but I didn't know I could get help from someone like Children's Rights or Who Cares? until things went wrong with my last carers.
Female (10-12) (Foster Care)

"I felt I only had some say when I was younger. Now I am older I feel what I say is listened to and taken seriously"
Female (17+) (Foster Care)

During your time in care did anyone ask if you wanted to be considered for any of the following?

Please note that a number of young people ticked more than one category below.

Residential Unit   (13)   Discussed with _____When
_____

Residential School   (6)   Discussed with _____When?
_____

Foster Care   (13)   Discussed with _____When?
_____

Adoption   (1)   Discussed with _____When?
_____

Supported Lodgings   (2)   Discussed with _____When?
_____

Own Tenancy   (6)   Discussed with _____When ?

See page 55 for comments as to 'who' & 'when' options were discussed with young people.

Do you know the difference between being fostered or being adopted?

What do you think some of the differences might be?

If as a person under 18 you have to live away from your family where would you choose and why?

Comments made by young people in response to these questions are recorded on pages 58 and 60.

During your time in care, did anyone ask if you wanted to be considered for any of the following?

❑	Residential unit	13	Responses from young people
❑	Residential school	6	Responses from young people
❑	Foster care	13	Responses from young people
❑	Adoption	1	Response from young person
❑	Supported lodgings	2	Responses from young people
❑	Own tenancy	6	Responses from young people

The comments below relate to *with whom* options were discussed, and at *what stage*. Perhaps the most significant one to note is the solitary instance where adoption was discussed with <u>one</u> young person.

"I have discussed residential units, residential school, and foster care with my social worker. I have also lately discussed my own tenancy with my social worker. I discussed units on March 1st, residential school when I moved there and foster care a year ago or so – last March"

Female (12-16)   Residential school

"I have discussed residential units, residential schools and foster care with my social worker. Also lately, my own tenancy with my social worker. Don't know when we discussed units, it was two years ago when we discussed schools and ages ago when we discussed foster care".

Female (12-16)   Residential school

"I have discussed residential units and foster care with my social worker. I discussed foster care one month ago".

Male (12-16)   Residential school

"I have discussed residential units, schools and my own tenancy with my social worker and independent living worker. I discussed the first two with my social worker after having moved to them and the last one last year with an independent living worker".

Female (12-16)   Residential school

"I have discussed residential school with my social worker but can't remember when. I have both before and today, asked to discuss foster care with my social worker".

Female (12-16)   Residential school

"I discussed residential units, schools, and foster care with my social worker at reviews".

Female (10-12)   Foster care

"I discussed foster care with my social worker and mum at my last review and hearing. I discussed adoption with my carers and my social worker when I was little, four or five"

Female (10-12)   Foster care

" I have discussed foster care with my social worker since I was six years old. I have discussed my own tenancy with my foster mum and Barnardo's worker since I was seventeen".

Female (17+)   Foster care

"I discussed residential units with my social worker prior to reception".

Male (12-16)   Residential unit

"I was told by my social worker I was going to a residential unit. I had no choice".

Male (12-16)   Residential unit

"I have recently discussed supported lodgings and my own tenancy with my throughcare worker. My social worker mentioned foster care at one time".

Female (12-16)   Residential unit

"I have discussed a residential school with my social worker four months ago – threat if I didn't stop running away. Ages ago my social worker discussed foster care".

Male (10-12)   Residential unit

"Staff in the unit discussed foster care at my review".

Female (12-16)   Residential unit

"Social worker told me I was going to a residential unit when I was received into care".

Male (10-12)   Residential unit

"My social worker discussed residential units on the way there"

Female (10-12)   Residential unit

"My social worker discussed foster care with me".

Female (10-12)   Residential unit

NOTE: Five young people maintained that none of the options presented were ever discussed with them by anyone.

Do you know the difference between being fostered or being adopted?

What do you think some of the differences might be?

"Yes – a different mum & dad"	Female (12-16) Residential school
"No – Don't know"	Female (12-16) Residential school
"Yes – adoption is permanent"	Male (12-16)　Residential school
"Yes – adoption is basically for life"	Female (12-16) Residential school
"Just the same a different mum & dad"	Female (12-16) Residential school
"I think to be adopted means they can't just put you out like fostercare. When things go bad I have to move"	Male (10-12)　Foster care
"Yes having my own real family, someone to love me"	Female (10-12) Foster care
"Yes someone who cared for me, had full parental responsibilities, made me feel I belonged, ownership (adoption)	Female (17+)　Foster care
"Yes when you are adopted that's it you are theirs"	Female (12-16) Residential unit
"Don't know	Male (10-12)　Residential unit
"You can't have a social worker if you are adopted"	Female (12-16) Foster care
"Yes adoption means that you stay with a new permanent family. Fostering is just temporary"	Male (12-16)　Residential unit
"No"	Male (10-12)　Residential unit
"Yes – fostering, looked after till you're 16 adoption – they look after you as their own"	Male (12-16)　Residential unit
"Yes – adopted is when you are there for a lifetime and also become a family member. Foster care is when you are there for a period of time"	Female (12-16) Residential unit
"Yes – when you are adopted you stay forever"	Female (10-12) Residential unit

"Yes – you get new parents if you're adopted"   Female (12-16) Residential unit

"Adopted means that the family get to keep you
forever. Fostering is temporary and you get to
see your real parents"   Male (10-12)   Residential unit

"Yes – when adopted you have to stay with
people till you become the age you are
allowed to look for your FAMILY"   Female (10-12) Residential unit

"Yes – fostered is being with some people who
keep you until they find a different place and
adopted is when someone wants to keep you
forever"   Female (10-12)   Residential unit

If as a person under 18 you have to live away from your family where would you choose and why?

"My own house, so I could have freedom like any other teenager" school	Female (12-16)	Residential
"A children's home because you can go in and out when you want. Not as strict as residential schools"	Male (12-16)	Residential
"My own flat"	Female (12-16)	Residential
"My own house, because I can make my own decisions about things"	Female (12-16)	Residential
"Foster care because I want a proper dad"	Female (12-16)	Residential
"I would like to live in a foster family or adoptive family as long as they had animals. I don't mind as long as I don't have to keep moving"	Male (10-12)	Foster care
"In a family with a mum, dad, children and pets – but I really want to live with mum and my brother because that's my real family"	Female (10-12)	Foster care
"I would want to be adopted, that is all I have ever wanted, someone to accept me and live in a normal family. Foster carers get paid to look after you it's just like a job and no matter how good carers they are you are still an outsider"	Female (17+)	Foster care
"I would really want to stay at home with my family, mum and dad, because that is where I am supposed to be	Female (12-16)	Residential unit
"At home with mum & dad"	Male (10-12)	Residential unit
"I would like to stay in foster care"	Female (12-16)	Foster care
"I want to stay in care until my mum can look after me properly"	Male (12-16)	Residential unit
"With my mum is where I want to be"	Male (10-12)	Residential unit
"No comment"	Male (12-16)	Residential unit
"I am 16 so next year I will be looking for my own tenancy so that's what I want to do but if I were younger I would prefer living in a		

residential unit because I have too many past experiences with foster care and it has been bad"	Female (12-16)	Residential unit
" I would be back with my mum and family"	Female (10-12)	Residential unit
"Don't know – silly questions"	Female (12-16)	Residential unit
"No comment to last question"	Male (10-12)	Residential unit
"Nowhere but **<u>HOME</u>!**	Female (10-12)	Residential unit
"Here because I am with my sisters"	Female (10-12)	Residential unit

Anecdotal Information from Who Cares? Scotland Young Persons Workers

Re children aged 7 & 8 years who have younger siblings who have just been through the adoption process.

The children were unhappy that their siblings had been adopted and that there was a good chance they would not see them again.

I discussed the term adoption in terms of their siblings getting new parents. The children were able to distinguish between their foster placement and their siblings being adopted. The foster carer and social worker had also explained adoption to them.

The children were very upset about the process and angry that their family would be split up. They were also very upset about the possibility that they may not see their siblings again. This part of the adoption process they did not understand. They also could not understand why their siblings were getting new parents and they were not.

The children knew the difference between adoption and fostering.

The children did not fully understand the effect of adoption. They could not understand that there was a possibility that they would not be able to see their siblings again. They were worried that their siblings would eventually forget them.

Anecdotal Questionnaire – comments from Young Persons Worker.

Re child aged eight from a large family where 2 younger siblings have been adopted.

I am currently working with the eldest child. I was contacted by the foster carers as they felt that the child was not being listened to by the social work department. They were unsure whether the child wanted to be adopted as planned. The child still has regular contact with relatives. During his time with the carers the child was noted to have made good progress and was making friends at school and settling in well.

The carers were also concerned about contact with the child's siblings. The oldest siblings had been placed with a couple who expressed that at the present time they were finding it hard to facilitate contact between the family.

My involvement with this young person has been to support the child at reviews to try to explain some of the things that have happened and to find out what the child would like to happen.

I have discussed adoption with the child. The child was clear at the time that he/she would like to stay with the current carers rather than be adopted. In the past when no other suitable people came forward for consideration to adopt the child the child became confused and angry his expectations having been raised. The child still maintains that he/she wants to stay with the current carers but when the child is angry he/she says that the carers do not care for her/him and that he/she wants a new mum and dad.

Other anecdotal involvement by Who Cares? Scotland worker

Child of 11 who is now in a residential unit after adoption broke down at a young age apparently due to the lack of support for prospective adopters. This young person has both social and emotional problems.

Child aged 10 now in long-term foster care following adoption break-down due to behavioural "difficulties".

Two children aged under 5 placed with future adoptive parents. Adoption still has not gone through two years later, and the placement appears to be at crisis point.

The anecdotal information from this worker illustrates a few of the recurring problem areas. The length of the adoption process, family contact during and after adoption, and what happens following the break-down of placements, are all areas which cause problems leading to confusion, frustration and anger for young people involved in the process.

Anecdotal Questionnaire – Young Persons Worker.

Re two children between 6 and 10 years of age placed with prospective adopters. The children knew the term adoption. There are other older adopted children in the home and the carers had discussed adoption with them and from the conversation I had with them they seemed to understand what it would mean.

The children told me they thought it was good to be able to get a new family – they knew about their old family and they understood they could see them if they wanted to.

The cares seemed to have put a lot of effort into both the explanations around adoption and the contact arrangements with the birth family. The children said they could 'phone their relatives when they wanted – but they didn't want to.

I am not sure just how much the children were able to comprehend of the difference between fostering and adoption. They did know things would be forever once the adoption went through. I didn't discuss fostering as far as I can recall. I just asked about the differences between then and now.

I was of the opinion that for children so young they understood the effect of adoption fairly well.

The children now seem happy and settled and I think the main reasons are:

    * that the children are fully informed.
    * that they can speak openly about their birth family, but don't feel compelled to
    * the bad things that happened to the children seem to have been talked about but not greeted with disapproval.
    * there are other older adopted children, so being adopted into this family is sort of ordinary.

Anecdotal Questionnaire – Young Persons Worker.

Re young people aged 13 to 17 years of age.

The identified young persons were approximately between the ages of 5 & 7 years when this process started.

My involvement with these young people has been limited to their time in either residential or foster care. These are three young people who suffered placement break-downs prior to being received into either residential or foster care. It is perhaps worrying to note that two of those young people were in fact freed for adoption with families but for reasons that remain unclear adoption never went ahead and the matter appeared to drift for several years.

Three of the placements broke down when the young people were approximately eleven to thirteen years.

It is sad to note that all three have no contact with their pre-adoptive families with whom they had been placed and had lived for quite some time.

All three young people have stated that they were too young to remember very much about the process of being placed with their pre-adoptive families as they were too young to remember exactly what was discussed at what point with them.

ASSESSMENT

1.   Introduction

Problems relating to assessment of children's needs and risks have been raised by the local authorities, SWSI and various working groups such as the LAC Steering group.   Increasingly, local authorities and others are asking the Scottish Executive to take a lead on developing (or co-ordinating efforts to develop) an assessment framework for Scotland's children.

2.   Consequence of poor or inadequate assessments

2.1   Late assessments of children's needs and parental abilities are leading to delays in permanence decisions and thereby, in some cases, removing the possibility of adoption. Inadequate assessments of children's short and long term needs at the time of placement may leave adoptive parents without the support they need when faced with difficulties post adoption i.e. they may be unable to access services to help them.

2.2   Child protection. Lack of assessments and subsequent protective plans increase the risk that abuse will not be recognised or prevented.

2.3   Integrated services for children require integrated assessments with overlaps and gaps minimised.

2.4   Parents who are being poorly assessed in terms of drug or alcohol misuse leave some young children vulnerable to abuse.

3.   Current Developments

3.1   The Department of Health's Assessment Framework has generated considerable interest across Scotland and a number of authorities are either using the framework or are considering its use.   Health and education professionals have also indicated an interest. In discussions with local authorities, it is the DoH framework they refer to when seeking the Scottish Executive to take a lead on developing a framework for Scotland. The Assessment Framework consists of a 'package' of resources.   Firstly there are extensive materials outlining the theory and research, there is guidance, there is an accompanying training programme and finally there is a recording schedule.   Initially there was some hostility to the model in Scotland as being too prescriptive and detailed. Increasingly these objections are heard less although most local authorities would wish to have flexibility in their use.

3.2   IT developments are, to an extent, driving the speed of change in recording practice in some local authorities. Glasgow, for example, has developed a case recording system with integrated assessment elements and other local authorities are seeking to do likewise

3.3   A number of local authorities have commissioned Dundee University to assist them in training staff in assessment and the use of the Dundee University assessment tools for abuse and neglect. The Scottish Executive contributed funding towards these tools. All those authorities that have participated in the project (and all those attending the project's national seminar) have concluded that a national framework is needed for Scotland.

3.4   The development of the post qualifying award in child protection has increased the level of skills and knowledge both in child protection and assessment but the comparatively small numbers of practitioners undertaking the course (and the length of time they stay in child care practice subsequently) means there is not a substantial body of knowledge at practitioner or supervisor level. There is also some concern that the skills and knowledge learned on the course are lost through lack of support back in the work place.

3.5   Some local authority or health board areas are developing more integrated assessment approaches to children, particularly with special needs. This is patchy, is more under development than established and continuation is sometimes dependent on individuals and short term funding.

4.   What needs to be done?

4.1   There is agreement on the problems. Staff need to be more skilled in assessment and the work needs to be integrated with other services such as health and education; there needs to be good mechanisms for recording and these need to be linked with current computerised case records, integrated with other services and reasonably consistent across Scotland; social work services need to put assessment at the centre of practice with appropriate time allowed for the task and teams need to be properly resourced for it.

4.2   The solutions are less clear. Many local authorities are currently arguing that a national assessment framework is needed. Previous experience of developing and promoting the use of frameworks (the Risk Assessment Guidance and Framework for criminal justice services or the DoH Assessment Framework for example) suggest that whilst such frameworks can promote and assist in the development of good practice, successful implementation requires significant investment in practice and management skills. The introduction of frameworks needs to be considered within a longer term strategy which includes training for managers, change management projects, monitoring and evaluation and considerable training and retraining on their use. The preliminary research on the DoH framework suggests there are many problems with the framework's implementation because of lack of staff and management skills and a **framework is not a short term fix.** It is also resource intensive - during the change process, as the work loads increase and as the demand for services increases.

5.   The LAC Steering Group has suggested that a joint Association of Directors of Social Work/Scottish Executive strategy to improve assessment methods is developed in partnership with health, education and other interests (including academics). This is currently being considered within the Executive.
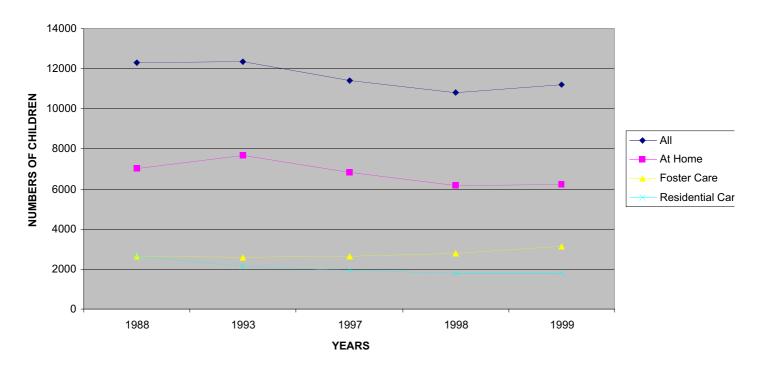
INFORMATION ABOUT LOOKED AFTER CHILDREN AND ADOPTION

Numbers of Looked After Children and Those Placed for Adoption
Numbers of Children Potentially Affected by Adoption

1.   Local authorities send information to the Scottish Executive each year about the numbers of 'looked after' children. Currently just over 11,000 children are 'looked after'. Around 3,000 of these are in foster placements. Just over 1,500 are looked after in residential homes and schools. The majority, 6,500 children, are with families or relatives.

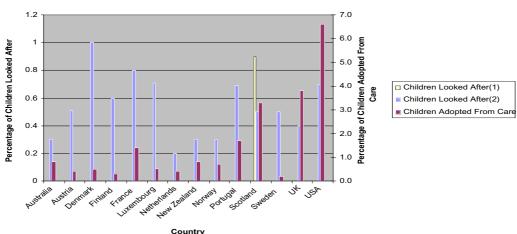2.   The chart below shows the trends in numbers and placing of 'looked after' children.

This shows a marked increase in children 'looked after' away from home, particularly in

CHILDREN LOOKED AFTER AT 31 MARCH

foster care. This would suggest a large demand for permanence away from the family home, some of which may be a need for adoption.

3.   Children become 'looked after' away from home (see para 7 of Chapter 1) for many reasons. They may be made the subject of a supervision requirement by a Children's Hearing either on welfare or offence grounds. They may be the subject of a Child Protection Order. A warrant may be keeping them in accommodation. Often, they will not be away from home for very long, and/or the reasons may not be about their care and safety. It is clear that adoption will never be an option for many 'looked after' children.
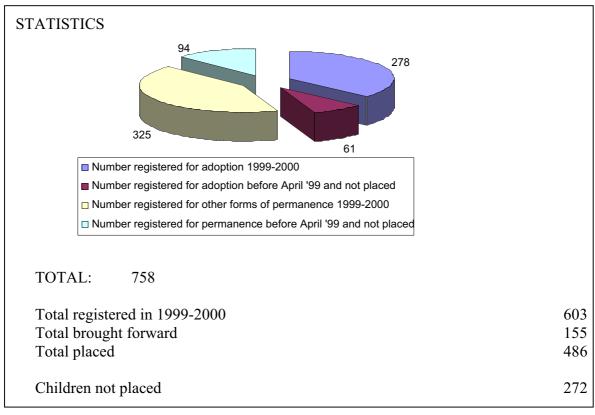
Percentage of Children Looked After Percentage of Children Adopted From Care

(1) – all children
(2) – away from home

4.   The table above shows how Scotland compares internationally both on proportions of children 'looked after' away from home and on those 'looked after' children who are adopted.

5.   This shows that more children are adopted in America where policy favours adoption over other forms of permanence. Few children in EU countries are adopted as policy favours continuing links with birth families. Scotland is in line with the UK average for adoptions for children 'looked after' away from home. When compared internationally, a high proportion of children in Scotland are adopted.

6 .   The BAAF Scotland (2001) Survey "Achieving Permanence for Children in Scotland – the Place of Adoption" provides baseline data on children awaiting adoption in 1999-2000. 30 out of 32 authorities responded to the survey. Of the 758 children awaiting permanence in 1999-2000:

- 61 were registered for adoption before April 1999 and not placed;
- 278 were registered for adoption in 1999-2000;
- 94 were registered for permanence such as foster care before April 1999 and not placed; and
- 325 were registered for other forms of permanence in 1999-2000.

Of these 758 children, 486 were placed in 1999-2000, leaving 272 children not placed – an increase on the previous year of 117.

TABLE 3

STATISTICS

94

278

325

61

■ Number registered for adoption 1999-2000

■ Number registered for adoption before April '99 and not placed

□ Number registered for other forms of permanence 1999-2000

□ Number registered for permanence before April '99 and not placed

TOTAL: 758

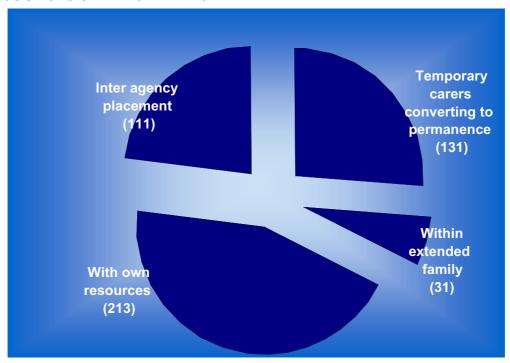|	
Total registered in 1999-2000	603
Total brought forward	155
Total placed	486
Children not placed	272

7.   This shows that there is an un-met and increasing demand for families to adopt children. More potential adopters are needed. There is likely to be further latent demand for adoptive families for children in the 'looked after' system for whom permanence has not yet been considered or for whom adoption was not addressed as an option. Adoption might be an option for some children currently placed for fostering.

8.   The group found evidence that the level of recruitment and approval for both prospective adopters (240) and families approved for long-term fostering (84) are not keeping pace with the number of children being registered.

9.   Less than half of children are placed with adopters recruited by their local authority.

The Nature of Children Awaiting Adoption
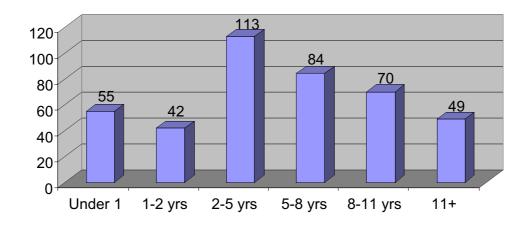
TABLE 4

STATISTICS

SOURCES OF PLACEMENTS

TOTAL: 486

The study also identified the age profiles of children placed for adoption and those awaiting adoption.

TABLE 7

Profiles of children placed or waiting.

Age Profile

10.   Placed

10.1   Waiting

11.   The above table illustrates that the age profile of children placed is considerably older than was historically the case, when many babies were relinquished and adopted.

12.   It also shows that it is easier to find families for younger children. Older children are more likely already to have faced much disruption, both within their birth families and in placement changes while in the 'looked after' system. In consequence they may already be very damaged, making them considerably more difficult to place and for an adoptive family to meet their needs. More birth parents have significant drug or alcohol related problems and their resulting chaotic lifestyles can cause great damage to their children. Children awaiting

adoption are now more likely to suffer from health problems such as ADHD and may have mental health problems. Research in America shows that adoption outcomes can be successful for such children. It is, however, harder to find matching families for such children.

13.   Given that the outcomes of a childhood spent 'looked after' are so poor, and the fact that once children have been 'looked after' away from home for more than a year, they are likely to grow up 'looked after', a need for early permanence planning is shown. Since children are harder to place after the age of 5, it is particularly important to identify adoption as an option for permanence promptly for very young children and to avoid delays in the pre-matching process.

14.   Scottish children may be placed for adoption in sibling groups. There is no evidence to suggest that it is harder to place such children, especially for younger children. There is little or no information on sibling groups where younger children might be considered for adoption, whilst older children wish to retain links with birth family members.

15.   BAAF found in 1999-2000 that 12 children were placed from minority ethnic backgrounds, with 3 still waiting. The children were placed with adopters from minority ethnic backgrounds or mixed ethnicity. The sample was not of sufficient size to deduce if there are particular issues raised by minority ethnic adoption in Scotland.

FRAMEWORK FOR DEVELOPING PERMANENCE

1.   Chapter 1 introduces the concept of a framework for developing permanence. The chart at the end of this annex is a possible framework for developing permanence and adoption and gives a framework a whole systems approach.

Explanatory Notes re "Framework for Developing Permanence"

C.1 – "Level and complexity

2.   Pressures/Issues Relating to Child Protection/Drugs/Alcohol and impact they have. Need for additional resources for core frontline teams to provide framework for quality work.

C.2 – Resources for Core Functions

3.   Methods of funding, eg, Sure Start, Change Fund, etc.

4.   Criteria for success can depend on "competitions" between children requiring permanence and groups of children with more secure lifestyles. Project funding makes it difficult to fund core posts in family and children teams. Needs of children with and affected by disability need to be highlighted.

I.1 - Professional Training of Social Workers

5.   Discussions need to take place with Educational and Academic bodies about the potential content of a third year in Social Work training both in relation to teaching input and practice development.

I.2 – Skills Development of Social Workers, Managers, Authorities and Key (Education; Health)

6.   A balance is needed between local training/development and national frameworks for improving practice and management. Post qualifying training is important.

I.3 - Retention and Staff Recruitment

7.   Recent reports from the Time Intervals Monitoring Group about the Hearing system and the Scottish Executive identify a shortfall in residential childcare and fostering fieldwork staff. Local authorities need to develop pro-active strategies.

I.4 – Support & Supervision for Staff

8.   Managers need to look at case-load weightings, support for staff, the value of Practice Development/Senior Practitioner role, including the use of planning consultants. Involvement of Scottish Social Services Council in these issues.

I.5 – Focus for Children & Family Placement Teams

9.   Managers should consider the need for balance between special teams, eg, family placement/long term teams and generic childcare teams.   Need for clearly identified expertise. Consideration of links with natural partners in Health, Education and Psychology.

I.6 – Partnership/Support Other Agencies

10.   Local authorities need to ensure skilled development of practitioners/managers in all disciplines, and Education and Health in particular.   Training Development requirements need to be highlighted. Effective communications and links with Children's Hearing system and safeguarders need to be addressed.

I.7 – Support for Families

11.   Social workers need skills and resources to prevent family breakdown and identify insecure attachments. Skilled assessment work and clear frameworks are needed.

I8 – Support for Communities

12.   All agencies should support communities of interests (as well as geographic communities).   Links with Health Improvement Fund and Social Regeneration Policies within community partnership are important.   The aim should be to prevent 'looked after' children becoming marginalised.

1.9 – Analysis/Consultancy on Pressures in Local "System" – Workers & Agency

13.   Use of expertise within existing teams and in external agencies should be considered.

P1 – Panel and Consortia

14.   Authorities should address the role of the adoption panel. The panel could review and monitor outcomes and address inter-relations with stakeholders. The role and effectiveness of consortia need to be examined.

P2 – Full & Timeous Assessments

15.   Shared and tested frameworks should be used which incorporate core factors and positive outcomes.   The sub-group felt that work could be done quickly to utilise existing frameworks. This issue was felt to be a key "driver" in bringing about change.

O.1 – Better Decisions About Links/Placements with Families

16.   See Chapters 1, 2 and 4.

O.2 – Better use/Support of People Currently Caring

17.   This issue links to I.9 and O.4.

O.3 – Recruitment of People for Permanence

18.   See Chapter 2.

O.4 – Post-Adoption Support

19.   See Chapter 3.

Q.1 to Q.5 – Home, Residential Care, Foster Care, Adoption, Special Guardianship

20.   The system identified above is about good childcare practice based on quality work leading to quality and timeous assessments and appropriate placements which meet the individual needs of individual children. The group felt that these components equally applied to children whose permanence needs could best be met by residential care/foster care or potentially the new special guardianship option proposed in the Adoption and Children Bill for England and Wales. It would also apply to long-term work that was done with families where it was felt in the child's interests that he or she should be placed either with parents or relatives.

FRAMEWORK FOR DEVELOPING PERMANENCY AND ADOPTION

VISION (V): V.1 Promote stability and security for children in the looked after system

CONTEXT (C): C.1 Level and complexity of individual need. Changes in society.
C.2 Proper resourcing of care functions and unintended consequences of resource allocation systems.

QUALITY OUTCOMES (Q)

More children placed in placements appropriate to meet their needs. (Q.1)

Residential (Q.1) → Home (Q.2) → Foster Home (Q.3) → Special Guardian (Q.5)

ADOPTION (Q.4)

OUTPUTS (O)

Better decisions about links/ placements with families. (O.1)

Better use/support of people currently caring. (O.2)

Effective recruitment of people for permanency. (O.3)

Post-adoption support arrangements for carers, children, adopted adults and birth families. (O.4)

PROCESS (P)

Inter-agency resource sharing/register. (new)

Agency permanency panel. (new)
- for children
- for families
- for matching (P.1)

Full and timeous assessment. (P.2)

INPUTS (I)

Professional training of social workers and other key workers. (I.1)

Continuous professional development of social workers, managers and key staff (including Education, Health, Panels). (I.2)

Retention and staff recruitment. (I.3)

Support and supervision for staff. (I.4)

Organisational development of iChildren & Familyî and Family Placement Teams. (I.5)

Partnership/support from key agencies. (I.6)

Support for families. (I.7)

Support for communities. (I.8)

Analysis/consultancy on pressures in local system ñ workers and agency. (I.9)

PERFORMANCE MEASUREMENT AND EVALUATION (E)

E.1 Linked individual and aggregate management information systems.
E.2 iSmartî standards ñ linked to SCRC.
E.3 Effective and accessible feedback and communication systems.
E.4 Occupational standards set by SSSC.

Consortia, Service Level Agreements and other resource sharing initiatives in Scotland

Introduction

1.   A number of formal and informal arrangements exist within Scotland by which Social Work Departments and Voluntary agencies attempt to exchange resources in order to meet the needs of children awaiting permanent placements. Some of the arrangements have a formal administrative basis while others are more informal.

West of Scotland Family Placement Consortium

2.   Membership comprises 12 local authorities (LA) (previously Strathclyde) and 1 voluntary agency. LAs pay membership costs to cover the running costs of this Consortium. BAAF provides administrative input and some placement consultancy. The initial intention was to notify children and families to the Consortium at the point of registration/approval of either permanence plan or the potential family. However, this has not been achievable in practice as it is not mandatory. Current consortium activities include:

- referral of children awaiting placement where agencies cannot meet within their resources

- referral of families awaiting placement where approving agency cannot identify link

- data inputted and possible links identified for consideration by workers

- quarterly meetings to share practice issues, provide peer group support and consider practice and legislative developments

- open day for the public during National Adoption Week

- annual development meeting

- development of web page to provide information to the public and agencies

- small newsletter

Note: Agencies do not charge each other for these services.

Glasgow and West of Scotland Adoption Service (GWSAS)

3.   GWSAS is a consortium of 10 of the authorities formed from the former Strathclyde Region and is essentially a service for children aged 0-2 years old. It was set up in 1997 as the successor to the Centralised Baby Adoption Service (CBAS) which had been established by Strathclyde around 1987. CBAS had been created to address some of the inequities of service provision within the 5 divisions of Strathclyde. For example, Glasgow had large numbers of children to place but a relatively small number of prospective adoptive families whereas there were other areas such as Argyll and Ayrshire where there were so few children that applicants could expect to wait 5-7 years for a placement. The new authorities were keen to avoid reverting to this kind of situation, and also recognised that some were so small that they might have difficulty providing a full service.

4.   This service focuses on recruitment and preparation of families. There are no charges for any of the services. As the major user of the service, Glasgow City Council provides the following administrative and professional services:

·   responding to enquiries from prospective adopters

·   provision of information packs

·   an information meeting

·   preparatory groups

·   registration of approved couples

·   identification of suitable adoptive families for referred children

5.   The home authority provides a worker to interview enquirers and to carry out assessments and the assessments are then presented to the GWSAS panel that meets every 4 weeks. Home authorities can provide 2 of their own panel members to sit on the panel for their cases. The panel approves approximately 30 applicants per year. Approximately 30 placements are made through the service. At least half of these are Glasgow children. Approved couples receive post-approval services e.g. regular meetings of a support group. There is also a post-adoption group.

6.   Each authority has a representative on the GWSAS group, which meets approximately every 4 months. Rules of operation are minimal, and there is no constitution for the group - only for the panel. An annual training event for panel members and others involved with the service is the norm.

Inter Authority Resource Sharing North East Scotland Group

7.   This informal Consortium comprises Highland, Perth and Kinross, Fife, Angus, Moray, Dundee and Aberdeen and meets every 2-3 months. Activities include discussion of practice issues and consideration of any possible links between children and families. No charge is made between agencies. Aberdeenshire was formerly part of this consortium, but introduced charging arrangements that were incompatible with the group's remit.

East of Scotland Permanence Network

8.   This network, which is an informal grouping of Edinburgh, Midlothian and East and West Lothian, Scottish Borders and Fife, meets every 2-3 months. Practice issues are discussed and occasionally joint working on information sessions/preparation groups for applicants is undertaken. There is some sharing of resources. Except for Fife and Borders, all other agencies in this network have a service agreement with Scottish Adoption Association to provide families and charging is involved.

Falkirk, Stirling and Clackmannan

9.   These departments formerly comprised Central Region and have maintained previous working relationships i.e. they undertake joint recruitment activities and share resources. No charges are made and this grouping would probably not identify themselves as a Consortium as such.

10.   Additional arrangements may exist between other LAs as regards the exchange of resources e.g. Dumfries & Galloway have historically had reciprocal arrangements with Scottish Borders.

Scottish Resource Network

11.   This is run directly by BAAF and comprises a database of children awaiting placement in Scotland who have been referred to the Network, and also families awaiting placement who have been referred to the Network. There is no mandatory requirement to notify either children or families but the Network can and is used by any agency in Scotland. A newsletter containing profiles of children is circulated bi-monthly to all agencies and to approved adopters.

12.   An electronic linking service not yet operational. Charges made for referral of children to the Network and for links made are £158 and £495 respectively. Families are also referred to BAAFLink.

Mailshots

13.   Historically a somewhat contentious practice used primarily by English agencies whereby details (including some photographs) of children would be mailed out to all social work departments and voluntary agencies to see if an agency might have a family. This practice, although criticised in Scotland, has begun to develop recently.

Service Level Agreements

14.   These are agreements entered into by two or more agencies to provide a specific service or resource. Typically this is between a voluntary/specialist agency and LA. Examples of these agreements are:

- Scottish Adoption Association providing placements and services to Edinburgh and the Lothians

- St Andrews providing a certain number of placements for Edinburgh

- BAAF providing a service to Edinburgh, Fife, Dumfries & Galloway in relation to the adoption/permanence panels

15.   The charges for resources/services are set by the individual agencies involved and reflect the time of staff involved, management costs and overheads. In general the charges levied for provision of families are set in line with BAAF recommended rates.

Inter-Agency Placements

16.   These are arrangements that are made on a "spot purchase" basis i.e. one agency approaches another for a specific resource and is charged for it on that basis. Some agencies use the inter-agency rates recommended by BAAF which reflect LA pay scales for the worker time involved while other agencies set their own rates. Agencies in Scotland who typically provide 'one off' or specialist resources are primarily providing fostering placements rather than adoption i.e. Barnardos, NCH Action for Children and Jane Moore Trust.

17.   There are situations in Scotland when Local Authorities charge each other for providing a resource, but there is no Scotland-wide agreed process for charges.

England and Wales

18.   There are a number of different consortia in England and Wales and there has been encouragement to develop these mechanisms as a way of trying to meet children's needs locally. Service agreements also exist and the costs and charges involved vary. As regards inter agency placements, there is now established practice for charges to be levied and paid between local authorities as well as between local authorities and voluntary agencies and again the charges are those recommended by BAAF.

WORK OF THE SUB-GROUP ON THE PROVISION OF POST ADOPTION SUPPORT SERVICES FOR FAMILIES

Chapter 3 is based on the work of the Ministerial Adoption Policy Review Group established in May 2001 and its sub-group set up to examine post adoption support services. The work of the subgroup included:

- Consultation through BAAF via their Scottish Committee with representatives from half the local authorities in Scotland.

- Specific consultation with Barnardo's Scottish Adoption Advice Service staff, based in Glasgow and offering post-adoption support to all parties in adoption in a wide-ranging geographical area.

- Review of comments from consultation meetings with support groups for adopted people, birth parents and adopters linked with Barnardo's Scottish Adoption Advice Service.

- Comments particularly from adopters on the range and quality of post-adoption services available to them obtained through the Post-Placement Support Project run by BAAF, through which a questionnaire was circulated to adoptive families, as well as pilot services of consultation, information and support offered.

- Comments from the Lothian Adopters Group via the Scottish Adoption Agency.

- Parker (ed) (1999) Adoption Now: Messages from Research, London, Wiley which collates and analyses current research

GLOSSARY

Acts	the 1978 Act is the Adoption (Scotland) act 1978 the 1995 Act is the Children (Scotland) Act 1995
Adoption	See Annex 1, page 1
Adoption agency	See Annex 1, paras 17-18
Adoption panel	every agency must have a panel of people to consider plans for children, to consider whether or not to approve prospective adopters and matching children with approved prospective adopters. These people are from inside and outside the agency and have relevant experience. Each meeting of a group of them, to consider cases, is also called a panel. Panels make recommendation to the agency decision maker about:-whether adoption is the correct plan for a child; whether applicants should be approved as adopters; and a match between a child and adopters. Panels can also look at other issues such as adoption allowances. Some authority agencies use the adoption panel to consider other types of permanence for children as well, and some panels are called 'Permanence Panels. Some agencies also combine their adoption/permanence panel with their fostering panels, which recommend approval of foster carers.
Adoptive parents	parents whom a child acquires through adoption, as opposed to birth parents.
Agency adoption	an adoption arranged by an adoption agency. See Annex 1, para 20.
Agency decision maker	the person(s) in an agency who make the final agency decisions (about plans for children, approval of adopters and matching) after the adoption panel has made its recommendations.
Assessment	work to determine the needs of a child and/or their family. Also work to determine whether a person should be approved as an adopter or a foster carer.
Birth families	the family into which a child is born. The term covers all members of the family, including birth parents, brothers, sisters and grandparents. If a child is adopted, all legal ties are transferred to the adoptive parents and family.
Child	a child can be 'looked after' or adopted up to the age of 18.

Children's Hearing/Panel system

The Hearing system deals with children who may need compulsory measures of supervision. It deals with children who need care and protection as well those who offend. If a child is made subject to a supervision requirement under s. 70 of the 1995 Act, that child is a 'looked after' child, whether at home or away from home.

The individual decision-making bodies are called hearings or panels.

Children's Services Plans

Every local authority must prepare such plans, covering all 'relevant' services, in terms of s.19 of the 1995 Act. 'Relevant' services include <u>all</u> services for 'looked after' children, including permanence planning, and adoption services

Contact

arrangements to allow someone (eg. a birth parent, sibling) to keep in touch or 'contact' with a child. It can be direct – meeting the child face to face – or indirect – by post or telephone or otherwise through a third party. If a court makes a formal order for contact, this is called a 'contact order'.

Contact is sometimes called access.

Fostering panel

a panel to recommend whether or not to approve foster carers. Every local authority must have one. Some authorities combine their adoption and fostering panels.

Freeing

optional court application by a local authority before an adoption. If granted, it removes all parental responsibilities and rights from birth parents and gives them to the authority. See Annex 1, paras 8-10 and 43.

'Looked after' children

children who are 'looked after' by a local authority.

Children may be 'looked after' at home or placed away from Home. The provisions about 'looked after' children are in the 1995 Act and supporting regulations. Local authorities have duties to these children and their welfare must be their paramount concern in all decisions about them. The duties are on the whole local authority, not just the social work department.

Children are 'looked after' if they are:

(1) accommodated in a place provided by the authority and with the agreement of parents – s.25 of the 1995 Act;

(2) subject to supervision requirements from the Children's Hearing, at home <u>or</u> away from home – s.70 of the 1995 Act.;

(3) subject to warrants, orders or authorisations from a Hearing or the sheriff court, being short term orders including Child Protection Orders;(4) subject to Parental Responsibilities Orders giving authorities parental responsibilities and rights – s. 86 of the 1995 Act;

<table>
<tr><td></td><td>(5) subject to orders made elsewhere in the UK, when Scottish authorities have had responsibilities transferred to them.</td></tr>
<tr><td>Looked after review</td><td>all 'looked after' children, including those at home, must have their cases reviewed by the local authority on a regular basis, usually at least every six months. This review is done in a meeting attended by older children, parents, social workers, and all involved in the individual case. In practice, these meetings are called 'looked after reviews'. Reviews are important to ensure regular monitoring of and planning for children. They are the meetings where local authorities make decisions to go ahead with planning for permanence away from home, including adoption.</td></tr>
<tr><td>Parallel planning</td><td>planning for a child involving two possible alternative routes for the child's future, e.g. rehabilitation and adoption. This is a way of making sure that all future options are thought about together. It is important that this is done in an open way, so that the child and family are aware of future options. This sort of planning is designed to avoid unnecessary drift in planning for children. Twin-track planning is a similar expression.
Concurrent planning is a specialist form of parallel planning used in adoption work, when specific carers, family and professionals agree to work for rehabilitation for a time-limited period, on the understanding that if rehabilitation fails, the carers will adopt the child. It was developed in Oregon, USA and is used by the Goodman Project in Manchester.</td></tr>
<tr><td>Permanence</td><td>sometimes referred to as permanency.   There is no one definition or meaning in the context of planning for children. However it can be described as the long-term or permanent arrangements which <u>best </u>meet the needs of a 'looked after' child who is away from home. So planning for permanence is making the best choice for an individual child, looking at all the options and considering all the circumstances, including a full assessment of the child's needs. The child's welfare must be paramount and the other principles applied as well.
There are four legal options:
(1) going home;
(2) Residence Order under s. 11 of the 1995 Act;
(3) Parental Responsibilities Order (PRO) under s.86 of the 1995 Act;
(4) Adoption.
See Annex 1 para 14 for more information about these. However, legal options are only <u>one</u> of the issues to be considered in permanence planning
Supervision requirements from the Children's Hearing system (s.70) and accommodation by agreement (s.25) are not normally considered good permanence option.</td></tr>
</table>

When local authorities are considering permanence for 'looked after' children, they can use services covered in their Children's Services Plans and request co-operation from other authorities and Health Boards etc. under s.21 of the 1995 Act. See Annex 1, paras 7 and 13.

Placement   when a child is placed away from home by a local authority or adoption agency. For example, a child may have a placement with a relative, a foster carer, prospective adopters, or in a residential home or school. In adoption, placement is the stage when an adoption agency places a child with the prospective adopters, ie the child goes to live with them.

Preparation   an expression used in the process of recruiting and assessing adopters, to cover training, meetings and work with people who want to be adopters. In other words, 'preparing' them for adopting a child.

Principles   the four principles covering decisions made about children under the 1978 and 1995 Acts. See Annex 1, para 4 for a note of all four principles.

Post-adoption support   help provided to all parties to adoption, adoptees, adopters and birth families. See Annex 1, paras 46-49.

Relative adoption   adoption by a relative of the child. See Annex 1, para 21.

Step-parent adoption   adoption of a child by the married partner of the birth parent who is caring for the child. See Annex 1, paras 21 and 28.

Twin-track planning   see parallel planning.