

## **National Adoption Service for Wales**

### **Purpose**

The content of this paper, submitted in response to the draft Social Services (Wales) Bill 6.1, 'Establishment of a National Adoption Service' has been primarily sourced from a document developed and submitted by WLGA, ADSS Cymru and BAAF Cymru to Welsh Government Officials in February 2012. It will be noted that the context of this document sets out in its broadest terms the aggregated functions of a NAS which in principle underpin the recommendations as set out in 6.1bb. It is however important to note that with any proposals for change first and foremost we must not lose sight of the child and that realignment of adoption functions must be with the central premise of improving outcomes for that child. We are committed to achieving a consistent national approach to adoption, with a strong focus on the recruitment and preparation of adopters and on adoption support. We believe that the adoption system in Wales is not broken, but we need to ensure that it is a system that delivers consistency, efficiency and effectiveness to all those affected by the adoption process. Let us not forget that there are examples of excellent practice across Wales that we can all learn from and embed into adoption reform. Furthermore we do recognize the complexity of the system which requires a complex set of solutions at different levels, to support sustainable change and improvement.

We feel that these reforms set Wales at the forefront of the agenda, recognising how complex adoption services are, and maintaining a rights based approach in line with the UNCRC. Indeed we would go as far as to say we would caution against any radical reforms to 'nationalise' the whole service which undermine the role and function of the local authority and risk an accountable delivery, and a loss of the voice of the child.

We welcome the Deputy Minister's view that Social Services remain an integral function within local government. As part of the delivery of social care local government has responsibility for adoption services and we welcome the continued support from Welsh Government that adoption functions remain a core part of the social care role of local authorities. We also recognise the unique expertise the voluntary sector brings to adoption and adoption support in Wales and it is imperative to work collaboratively together to scope out the detail of any proposed implementation of adoption reform and learn from best practice.

The proposed structure of a Welsh national adoption service is aligned to 10 principles for adoption services devised by BAAF (December 2011), and takes into account the key policy drivers in Wales of:

1. Improving the experience for adopters and children
2. Increasing the voice of the child
3. Maximising collaborative advantage

#### 4. Efficient and sustainable use of resources

In order to deliver improvement and maintain safety, we understand that the proposed model recommended in the draft Social Services Wales Bill would be structured on the basis of Local Authorities retaining local responsibilities for the child and coming together to discharge certain adoption functions through the National Adoption Service (principally delivering services to prospective adopters and adoptive families) that could be aggregated to a national, regional and local level. It is also important that due consideration is given to other adoption functions presently carried out by 22 Local authorities such as intermediary services, Inter Country Adoption and step parent Adoption. In order to achieve such reform we welcome the establishment of the Expert Working Group facilitated by Welsh Government, representing WLGA and statutory and voluntary sector membership to consider the remit and functions of the National Service and determine necessary legislative changes required to deliver the reform agenda.

#### **Case for Change**

Much media attention has been recently given to the need to reform the adoption process, to increase speed and better reflect the needs of the child. Any reforms in Wales must reflect evidence, practice and be driven by the need to deliver improved outcomes for both prospective adopters and children in the care system. Fundamentally we must demonstrate that these are the principles underpinning reform and ensure that in Wales we are not open to the charge of producing oversimplified solutions to an extremely complex issue.

Since 2007 there has been an increase in the number of Looked after children by 16.7% with the inevitable consequence of more children requiring adoptive families across Wales and it is critical that Adoption Services and the Courts are able to meet this increased demand for placements and support services. This is the key driver for reform to ensure a responsive and sustainable service is in operation in Wales, determined by the needs of those using the service.

In developing proposals for reform we must not be driven by 'data' alone, as this can often provide a misleading picture, and can easily be misinterpreted. It is crucial that any new proposals maintain the primacy of rigour in ensuring the assessment, matching process and placement are carried out appropriately and effectively leading to the right decision for the child, and should therefore not be subject to arbitrary statutory timescales. We are clear that there are changes required at each stage of the adoption process to remove unnecessary delay - from decisions made to place children for adoption, if that is the plan, to recruitment and approval of potential adoptive families and matching and placement of vulnerable children with their 'forever' family - but not at the expense of depth and quality of analysis,

assessment and professional judgement that could increase the risk of adoption breakdown.

The role of the Courts must also be considered in constructing proposals for change, and recognised as outside of local authority control. However we are aware from MOJ stats published in January 2012 that courts in Wales are taking on average 55 weeks for court proceedings to be finalised. A process that is timely in terms of children's timescales must include judicial continuity and be normally completed within a 6 month timeframe. We note the recommendation in 6.1.4 of draft Social Services (Wales) Bill that legislative changes arising from the Family Justice Review will be taken forward. This will be welcomed in respect of minimising judicial delay but the recommendation to remove the adoption agency's 'should be placed for adoption' decision needs to proceed with caution in order that the final decision remains firmly within the jurisdiction of the Local Authority. The decision to embark on the life long journey of adoption is not one that should be made by the court alone.

## **Existing Picture**

Local Authorities in Wales have the statutory duty to deliver services that safeguard and promote the well being of children looked after and to secure permanency for them by the most appropriate route. Adoption is one route by which permanency can be achieved for children looked after and the statutory responsibility for developing and managing their individual care plans rests with Local Authorities. Any analysis of cases where adoption is the agreed plan for children looked after concludes that the adoption system needs to start from the fact that currently more than 80% of all adoption work is conducted by local authorities and more than 80% of prospective adopters recruited are done so by local authorities.

### **(A) Legislation**

The existence and restrictions of current legislation, and the use of the terms in the legislation, particularly in relation to 'Agency' must be considered as a precursor to reform....

The Adoption and Children Act 2002 and associated statutory regulations placed a statutory duty upon every local authority in Wales to become a Registered Adoption Agency and are prescriptive in how these services must be delivered. In addition to local authorities being a registered adoption agency, voluntary organisations in Wales can be registered as an Adoption Agency. These regulations may need to be assessed against agreed proposals to determine any necessary changes although we note in 6.1.11 (draft Social Services Wales Bill) that the National Adoption Service will not operate as an 'adoption agency' under The Adoption and Children Act 2002 Act and 2005 Regulations but the new body will however be inspected under the Care Standards Act 2000. We need to ensure therefore that any

proposed changes have the right level of regulatory governance to ensure they are fully fit for purpose.

National Minimum Standards (2007) are in place in England and Wales and set out a range of standards adoption agencies must meet when providing a service pertaining to a child's welfare, needs of prospective adopters and expectations regarding the matching process.

The Adoption Agencies (Wales) Regulations 2005 and accompanying statutory guidance (2006) sets out the adoption agency's duties in respect of considering adoption for a child, prospective adopters and proposed placement. These regulations and guidance will require significant amendment if the functions in respect of proposed adopters are to be aggregated to a regional or national level.

The Adoption Support Services (Local Authorities) Wales Regulations 2005 and accompanying statutory guidance (2006) sets out the local authority's duties to assess the needs of all those affected by adoption (including birth parents and siblings, children, adult adoptees and adoptive parents) for adoption support services. This includes the statutory duty of other agencies, such as Health and Education to be included in any assessment for adoption support. The Welsh Government proposals are to leave some discrete support services to the adoption agency (e.g. contact) but to commission other adoption support services on an aggregated basis. The new regulatory framework will have to determine which body is responsible for which specific duties as well as ensuring that other agencies are very clear of their duties in respect of support services.

## (B) Performance

At the outset it is important to understand where we are in Wales in terms of local authorities' performance on adoption. These figures were taken from the 901 stats (March 2011 .. stats for March 2012 available Sept 2012)

- There has been an increase of 16.7% in all Looked After Children since 2007 with the greatest increase of over 10% in 2009. 5416 children were LAC at 31<sup>st</sup> March 2011.
- 252 children were legally adopted during 2010/11 and represents 3.8% of all LAC; a further 183 children were placed for adoption at the year end.
- Another 85 children had their permanence secured legally through a Special Guardianship Order.
- Over 85% of those children adopted had been subject to Placement Orders, whereby the plan for adoption had been challenged in court by his/her parents. Only 29 children were adopted with consent.

- After the making of a Placement Order (note; no agency can place a child for adoption without a placement order or the consent of the birth parents) the average time for a child to move to their new family can vary from between 3.7 months to 9 months. Some of the children who wait the longest for a family have specific needs such as defined medical needs or are part of a large sibling group. It can take an average of over 10 months for an adoption order to be granted.

## **Structures**

In recognition of the specialist nature of adoption services and in order to deliver adoption services within the resources available, different management and delivery arrangements have developed in Wales.

Regional collaboratives operate across South East Wales, Mid & West and North Wales, and it is crucial that the best practice and progress derived from these collaborations informs continued service development and aggregation of appropriate functions.

These include:

- North Wales: A single adoption service
- West Wales: A single adoption service delivers an adoption service to three local authorities operating a joint panel
- South East Wales: A single adoption service hosted by Blaenau Gwent delivers an adoption service to three local authorities and has established a single Adoption Panel, in accordance with regulations
- South Wales: ten local authorities deliver a collaborative arrangement in the exchange of placements

It is critical that the difference in an Adoption Agency and Adoption Consortium are acknowledged and there are different configurations of Adoption Consortia across Wales. For example The South Wales Adoption Agencies Consortium (SWAAC), established in 2002 which facilitates a linking function between nine Local Authorities for children awaiting families and adopters approved by those member agencies and two associate voluntary adoption agencies.

## **Changes proposed**

The delivery of a National Adoption Service for Wales service is a priority action set out in '*Sustainable Social Services: A Framework for Action*', and the broader proposals for reform are now outlined in the draft Social Services (Wales) Bill.

It is clear that there is appetite for reform that will strengthen existing adoption services and provide greater consistency across Wales, resulting in services being delivered that enable some of the most vulnerable children in

our communities being able to live with a permanent family. Adoption is only one means of securing permanency for children and is a complex process which can only be successful if it remains part of the management and delivery of children's social care services.

The placement of a child in a secure, stable and loving family is what drives the adoption system, and central to our proposals is the need to ensure that permanence plans are implemented with appropriate urgency and are based on a full understanding and assessment of the child's needs for family life .. It is a local authorities' responsibility to ensure that the system that delivers this is effective and efficient to secure that objective.

The model of Adoption Services that is proposed to meet the needs of the most vulnerable children will only be achieved by Government, Local Authorities and the Voluntary Sector working together to share knowledge, experience and resources. It is essential that the different elements that make up an effective and efficient adoption service are appropriately aligned within structures that can effectively and consistently deliver adoption services across Wales. Prior to the publication of the draft Social Services Wales Bill, BAAF in partnership with WLGA and ADSS conducted a functionality review of all regulated functions and services associated with the adoption process. The functions have been assessed against a set of ten principles in adoption recently devised by BAAF to determine where they 'best fit' in a restructured service model. Although some of the structuring proposed in the Bill differs in respect of having a two tiered approach, Local Authority Adoption agency and discharge of some functions to a National Adoption service, the realignment of services as set out in this paper is a relevant and useful starting discussion point about where each function of the service may most appropriately fit. It is however anticipated that the finer detail of any arrangements will be developed through the Expert Adoption Advisory Group.

The ten principles by which the regulated functions and associated services have been assessed are set out briefly below to contextualise the proposed functionality of the suggested new model.

1. Adoption and Permanence - Adoption must be seen in the broader context of planning for permanence and as part of an integrated system of services for children in care. Children in care need permanence plans that consider the full range of permanence options and are implemented with appropriate urgency. For example research indicates that Special Guardianship or permanent fostering arrangements provide children, for whom adoption is not appropriate, with that sense of belonging within a family .

2. Availability of adoption - Adoption must be available for every child for whom it is the right plan. There is strong evidence that Adoption as a means of securing permanency for children is not consistently used across local

authorities in Wales. Delay in implementing plans for adoption damages children's development.

3. A belief in the positive life changing impact of adoption - Adoption is a life changing event for all involved. It should offer a positive, stable and nurturing family life for a child and a rewarding and fulfilling experience for an adoptive parent who is enabled by effective adoption support to parent their child/ren.

4. The value of evidence, research and analysis - Adoption is rooted in a rich evidence base informed by some empirical studies and much good practice. There is also important evidence of poor and damaging outcomes for children where there have been shortcuts and poorly informed practice. Evidence and analysis should underpin each stage of the adoption process.

5. The value of independent scrutiny and quality assurance - Any system of decision making in adoption should be underpinned by independent scrutiny of crucial decisions that includes a depth and breadth of relevant adoption experience.

6. Legal Proceedings and the Judicial Process – Delays in Court are damaging children and the variation across Wales in the length of time a case takes to conclude in Court is not acceptable.

7. Adopters need to be valued - For adoption to work well, we must have a well managed welcoming and inclusive first response to enquiries from prospective adopters followed by a safe and comprehensive assessment process. There is no reason why preparation and assessment cannot be conducted within 6 months, but practice experience suggests that most adopters need about 6 months to come to terms with the nature and consequences of this life-long commitment to a child. It is also important to note that a responsive inclusive service should extend well beyond the preparation and assessment stage to post approval and post placement of the child.

8. Matching - Matching matters because the child chosen through adoption will become part of the adoptive family forever. Prospective adopter(s) need to be actively involved in the matching process and be honest about the issues and needs they can and cannot accommodate. This is a life changing decision for all involved but is also just another step on the lifelong journey of adoption.

9. Adoption Support - The process that leads to the placement of a child with an adoptive parent is the beginning of the adoption story. Access to an available, appropriately resourced range of adoption support services including financial support, Health, Education and CAMHS must be provided, consistently across Wales, whenever it is assessed as a need within an appropriate timeframe.

10. Workforce - Adoption is complex and its impact upon children and adults is profound. It is essential that those charged with managing and delivering adoption services have the necessary skill, experience and support.

In developing the model as set out below consideration was given to the different aspects of adoption services and each was aligned to one of the tiers of service. In some cases functions may sit across two tiers.

### **National Adoption Service**

Rationale:

- Improved outcomes for children
- Improved service
- Cost Effectiveness
- Maximising expertise
- Clear public point of contact for all those affected by adoption

This service will need:

- Resources
- Clear governance structures to deliver a unified service in collaboration with regions
- Collaborative tendering process for delivery
- Effective commissioning and procurement strategy

### **National Functions**

Information Service

- Helpline- Any individual affected by adoption (signpost)
- First point of contact for prospective adopters
- Greater information on permanency and support available.
- Advisory Function
- Consistency of advice and information for all aspects of adoption
- Citizen and user friendly
- Legal and professional advice and information on inter country adoption

Public Awareness

- National Campaign awareness strategy
- National Marketing Recruitment strategy reflecting local needs
- Marketing and Communication (Cost effective procurement)

Linking Children with prospective adopters

- National Adoption Register
- Targeted recruitment activity for children with particular needs

Data Collections

- Tracking outcomes for individual children

- Tracking outcomes of prospective adopters from inquiry to placement
- Development of Data to Inform service delivery (SID)

#### Independent Review Mechanism

- Hosted and Managed by National Service

#### Miscellaneous

- Policies and Procedures to increase consistency
- Workforce Development
- Learning and Knowledge Management/Dissemination
- Research

### **Regional Functions**

This term would require legislative and regulatory change, to enable regional agencies to be established as this function is currently the preserve of an individual local authority.

However if regional structures are permitted under new legislation, guidance would need to set out appropriate governance structures.

Risk and logistical difficulties (geography & culture) have been identified should these functions be delivered at a national level that includes:

- Increasing delays for the most vulnerable children
- Lack of consideration of cultural and community needs
- Service unable to be responsive to local need

Our professional opinion is therefore that for the following functions a regional aggregation is most appropriate and aligned to government objectives to increase collaboration.

Benefits identified by aggregating services up to a regional level include:

- Safety of child
- Economies of scale (assessment, training, recruitment)
- Better use of resources
- Increasing placement choice
- Will lead to a more robust sustainable services (high cost low volume)
- Workforce benefits- shared expertise and knowledge
- Earlier and more informed planning
- Recognising benefits of local delivery whilst maximising regional resourcing
- Supports consistency
- Identify gaps in service, knowledge, practice,

**Management and Delivery of regulated adoption service at regional level (some or all of these functions could be discharged to the National Adoption Service as proposed in draft Social Services Wales Bill)**

Recruitment & Assessment

- First stage Counselling for prospective adopters
- Prospective adopters (targeted recruitment/assessment for all)
- Workforce development
- Training of prospective and post approved adopters
- Management of adoption panel to recommend approval

Linking individual children with potential prospective adoptive families

- Knowledge of children
- Knowledge of prospective adopters/ approved adopters
- Knowledge of research/ outcomes
- Matching meetings
- Management of Adoption Panel (see comments above)

Post adoption support service

- Assessment of post adoption service support- linking with local accountabilities
- Management of post adoption contact arrangements
- Collaboration with multi disciplinary colleagues- Health, education
- Facilitate support groups for adoptive families, birth families and children who have been adopted

Intermediary

- Birth record counselling
- Searching & (and or) Reunion

Inter Country Adoption

- Assessment and training of inter country adopters
- Support for families who adopt from abroad

Engagement with stakeholders

- Judiciary
- Statutory agencies
- Voluntary bodies
- Public
- Children and young people

Misc

- Regional accountability adaption of policies and procedures

## **Local Functions**

Children

- Care Planning decision making and judicial process
- Matching Individual Children to named prospective adopter
- Direct Work (pre and post Placement)
- Delivery of assessed post adoption support services (align also to Health / Education) including direct contact arrangements

Prospective Adopters

- Matching with individual children
- Decision making on placement
- Introduction and post placement statutory duties
- Judicial processes / Adoption Order
- Delivery of assessed post Adoption Support Services

Birth Parents

- Care Planning / judicial process
- Direct work with birth parents during and through care planning judicial process
- Delivery of some assessed post adoption support services including assistance in managing direct contact arrangements (counselling though this could be a regional function)

Other family members including siblings

- Direct work pre and post placement
- Delivery of some assessed post adoption support services

Record Keeping

- Local authorities responsible for keeping adoption records in line with statutory duties

## **Conclusion**

Any proposed service model will be derived from a need to improve practice and outcomes for children and all those affected by the adoption process.

It is likely that changes will need to be phased in and an implementation plan developed which sets out the scope of the proposed change, timescale for

delivery, risk analysis and cost benefit analysis. Detailed planning around this implementation plan including resourcing, proposals on commissioning and possible legislative changes required to formalise aspects of the proposed plan will need to take place with Welsh Government following due consideration of the consultation presently ongoing in respect of the draft Social Services (Wales) Bill 6.1.

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