



**Government Response to the Second Report of the House of Lords  
Select Committee on Adoption Legislation of Session 2012-13:  
Adoption: Post-Legislative Scrutiny**

Presented to Parliament  
by the Secretary of State for Education  
by Command of Her Majesty

October 2013

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## Introduction

The Government is extremely grateful to the Select Committee for their diligence and thoroughness in their scrutiny of the Adoption and Children Act 2002 and the wider issues around children who are in the care of local authorities. The Committee's conclusion that the Adoption and Children Act 2002 is fit for purpose is welcomed and the Government agrees with the Committee's findings that it is practice issues that need to be addressed.

Making a difference to the lives of children and their welfare is central to the Government reforms on early help, adoption, fostering, children's homes, care leavers, social work and family justice. Removing unnecessary barriers and speeding up the process to find secure alternative families for those looked after children who cannot return home to their parents is a priority; this might be through a family and friend placement, long-term fostering, special guardianship or adoption. There is no placement hierarchy. What is important is that the placement is right for the individual child.

The Government is raising the quality of social work practice by improving the recruitment and retention of the social work workforce, through programmes such as Frontline and Step Up to Social Work. Isabelle Trowler has been appointed Chief Social Worker to provide visible professional leadership and the College of Social Work is being supported to professionalise social work and bring it in line with other professions, such as teaching. The College is helping address workforce needs around social work practice prior to and during court involvement, adoption, fostering and child protection. Newly qualified social workers are supported in their first year of practice through the Assessed and Supported Year in Employment.

Improving the quality of social work assessments and other evidence local authorities put before the courts is important if unnecessary delays in care cases are to be eliminated and more efficient decision-making for children is to be achieved. A range of work and training has been set in train to help address the problems. Particularly important has been the joint work with the Association of Directors of Children's Services, the Family Justice Board and the judiciary to articulate more clearly what constitutes high quality evidence and other essential good practice by local authorities before and during proceedings. That has helped shape the further training and guidance for local authorities which has recently been rolled out. It has also been reflected in the more streamlined processes for care and supervision cases laid down in the new Public Law Outline which is being piloted across all court areas ending March 2014.

The Government is addressing the shortage of adopters and improving adoption support. To make an immediate and transformative difference to children waiting to be adopted, the Government is giving £150 million to local authorities in 2013-14, a £1 million grant to the Consortium of Voluntary Adoption Agencies and a further £16 million of funding to the voluntary sector over 2013-16.

The Government is committed to taking action to improve adoption support to meet adopted children's needs. The Government will be investing £19.3 million for 2015-16, with on-going funding, to create an Adoption Support Fund to make support more easily accessible, timely and of high quality. The Adoption Support Fund will pay for therapeutic services such as attachment-based therapy; therapeutic parenting training; and intensive family interventions.

National data and research evidence will help social worker professionals understand the causes of a relationship breakdown between an adopted children and their adoptive family.

The adoption clauses in the Children and Families Bill will reduce the delays faced by children awaiting adoption and create a system more focussed on the needs of children with more actively involved and supported adopters.

The Government has accepted or partially accepted all but 13 of the Committee's recommendations.

Responses have been made to each of the recommendations made by the Select Committee. The paragraph number in brackets at the end of each recommendation refers to the paragraph in the Select Committee's Post-Legislative Scrutiny Report.

# Adoption in context

## Adoption and permanence

**Recommendation 1:** We recognise the unique nature of adoption and its potential to enhance the lives of children by providing a life-long, permanent route out of the care system. We agree with the Government that there is scope to increase the number of children benefitting from adoption. (Paragraph 24)

**Recommendation 2:** Adoption is only one solution for providing children in care with the love, stability and support that they need. Long-term fostering, kinship care and special guardianship play a significant role in meeting the needs of many of the children who cannot be cared for by their birth parents. These permanency options merit equal attention and appropriate investment, both by Government and by agencies working at the national and local level. Improving the outcomes for all looked-after children should be the objective. (Paragraph 34)

### **Recommendations 1-2: Accept**

All children deserve stable loving homes in order to thrive. Adoption is the right option for some children, but for others returning home to live with their parents, living with wider family or friends, long-term foster or residential care will be the right option for them. The Government has a significant programme of reform underway in all these areas which aims to ensure that all children are able to benefit, as early as possible, from a permanent home that meets their needs, whatever option is right for them.

### **Family and friends**

The Government recognises that it is preferable for a child to be brought up by a family member they already know and trust, rather than experience the additional upheaval of going to live with a stranger. Children benefit from the continuing support of other family members, and from having a sense of belonging. The Children Act 1989<sup>1</sup> requires local authorities to seek to place looked after children with their wider family first if it is not possible to return to the birth family and to support the upbringing of children by their families wherever possible, if it is the most appropriate way to safeguard and promote their welfare.

Local authorities are required also to demonstrate that they have considered family members and friends as potential carers at each stage of the decision-making process both before and during care proceedings. The Government is currently developing ways to ensure all local authorities have a family and friends care policy in place which sets out the support and services available for family and friends carers in the local area across all legal statuses. This should enable potential family and friends carers to come forward.

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<sup>1</sup> [www.legislation.gov.uk](http://www.legislation.gov.uk)

The Government recognises that improvements are required to the level and type of services received by family and friends carers. That is why the Government will be holding two national sector training days for Directors of Children's Services, senior managers, family and friends carer designated leads and social workers in autumn 2013. These sector learning days will support the development of local policies and guidance; clarify the primary legislation and how it is being implemented.

The Government will be commissioning an information resource containing basic facts, entitlements, services and advice available to family and friends carers that will increase the knowledge base of the carers and front-line practitioners such as GPs, and those in education settings and child care settings who are often the first point of contact for new family and friends carers. This information resource will be available by summer 2014.

### Special Guardianship

The Government values the role of special guardians who provide a stable and safe home for children who cannot live with their parents. The number of Special Guardianship Orders (SGO) has increased rapidly since they were first introduced in December 2005, suggesting that they provide a suitable arrangement for children who cannot live with their parents, but for whom other permanency options are not appropriate.

The Government wishes to understand better how special guardianship has developed at local level and more importantly what the long-term outcomes are for children. The Government has commissioned the University of York to carry out research to establish how local practice has developed, investigate the extent of, and reasons for breakdown following the making of an SGO as well as the outcomes for the children and their special guardians. The final report will be available by summer 2014 and its findings will inform further policy development work in this area. The Parliamentary Under-Secretary of State for Children and Families, Edward Timpson MP, and the Parliamentary Under-Secretary of State for Schools, Lord Nash, have also met with special guardians together with children subject to SGOs to better understand their experiences of being subject to such orders.

### Fostering

The Government launched the *Improving Fostering Services Programme*<sup>2</sup> in May 2012 following discussion with around 300 individuals from all parts of the sector about what works and what could be done better. The programme focuses on six areas:

- recruitment and retention of foster carers;
- the assessment and approval of foster carers;

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<sup>2</sup> [www.education.gov.uk](http://www.education.gov.uk)

- delegation of authority to foster carers;
- long-term foster placements;
- return home; and
- training and support for foster carers and social workers.

Research evidence suggests that children who experience long-term, stable foster care can do as well as their adopted peers. Work to improve long-term fostering includes ensuring local authorities have access to data to benchmark their practice in this area; and improving the statutory framework for long-term fostering so these arrangements are formally recognised, foster carers have the appropriate delegated authority and social work intervention is flexible and appropriate.

Recruitment of foster carers with the potential to meet the often complex and challenging needs of looked after children is an urgent Government priority. Government-commissioned research indicates that over half a million people think they are ‘very likely’ or ‘certain’ to consider fostering in the future. The Government wants to remove the barriers to these people coming forward to foster. The Fostering Network is being funded to support local recruitment of foster carers; and consortia of local authority and independent fostering agency partnerships are being commissioned to develop innovative solutions to recruiting foster carers from a broader range of backgrounds.

To further support people to foster, the Government has improved the assessment and approval process for foster carers and amended requirements around delegation of authority to foster carers. New Regulations<sup>3</sup> and statutory guidance<sup>4</sup> on the approval process and delegation of authority came into force on 1 July 2013.

In addition, in December 2012, an education ‘aide memoire’ was published to help those who support foster carers to address the information they need to have about the education system as part of their training.

The Government is also funding the roll-out of evidence based interventions for children in foster care, including Multidimensional Treatment Foster Care (MTFC) and KEEP. MTFC offers an intensive treatment programme to children and young people with the most challenging difficulties that are related to their developmental stage. It is based on social learning theory, and is delivered by the foster carer with skilled support from a professional team. KEEP stands for ‘keeping foster and kinship carers trained and supported’ and is based on similar principles to MTFC but is delivered as a 16-week preventive group-based parenting programme to increase the parenting skills and

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<sup>3</sup> The Fostering Services (England) Regulations 2011 as amended by the Care Planning, Placement and Case Review and Fostering (Miscellaneous Amendments) Regulations 2013 [www.legislation.gov.uk](http://www.legislation.gov.uk)

<sup>4</sup> *Delegation of authority: Amendments to the Children Act 1989 Guidance and Regulations Volume 2 Care Planning, Placement and Case Review* [www.education.gov.uk](http://www.education.gov.uk)

confidence of foster and kinship carers in responding appropriately to the needs and behaviours of the children and young people they care for.

The Government wants everyone involved in fostering to enter into discussion about what works and how fostering can be improved. In November 2012, the Fostering Information Exchange was launched. This is a secure online platform which facilitates this debate. It was developed in partnership with organisations representing foster carers, local authorities and independent fostering providers and provides a forum for people to exchange views and share good practice.

## The rights of children and families

**Recommendation 3:** We strongly endorse the importance accorded to the right of a child to be raised within his or her family of birth whenever possible. This right is similarly enjoyed by the birth parents. However, the right of the birth parents must not be secured at the expense of the child's safety, health and development. The welfare of the child is, and should remain, the focus of concern. (Paragraph 40)

### Accept

The paramountcy principle is enshrined in the Children Act 1989<sup>5</sup> and means that the child's welfare is paramount when making any decisions about the child's upbringing. The Government published revised statutory guidance *Working Together to Safeguard Children (2013)*<sup>6</sup> which came into effect from 15 April 2013. This reiterates that effective safeguarding systems are those where "*the child's needs are paramount, and the needs and wishes of each child, be they a baby or infant, or an older child, should be put first, so that every child receives the support they need before a problem escalates*". The guidance is also very clear that assessments of children in need must be based on the needs of individual children and where there is a conflict of interest, decisions should always be made in the child's best interests.

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<sup>5</sup> [www.legislation.gov.uk](http://www.legislation.gov.uk)

<sup>6</sup> [www.education.gov.uk](http://www.education.gov.uk)

# Speeding up adoption for the benefit of the child

## Impact of delay

**Recommendation 4:** In light of the latest research about the impact of abuse and neglect on a child's physical, emotional, intellectual development and wellbeing, it is imperative to enable all children for whom adoption is the plan to join their new families as soon as possible. We note especially the very significant and sometimes life-long impact which abuse and neglect has on the very young. We recommend that Directors of Children's Services should ensure that social workers in safeguarding and adoption teams are kept aware of relevant research findings as part of their continuing professional development. (Paragraph 46)

**Recommendation 5:** We commend the Government's aim to reduce delay in placing children with their new adoptive families and to minimise the risk of harm caused by moving children between foster placements. (Paragraph 47)

### **Recommendations 4-5: Accept**

The Government welcomes the Committee's advice that social workers in safeguarding and adoption teams are kept up to date with research findings as part of their continuing professional development, and is pleased that the Committee recognises the responsibility of Directors of Children's Services in matters of practice. *Working Together to Safeguard Children (2013)* is clear that professionals working in universal services – health, education, police and early years – have a responsibility to identify the symptoms and the triggers of abuse and neglect, and to provide children and their families with the help they need. To do this, practitioners need to develop their own knowledge and skills. They need to have access to the latest research, guidance and training to identify neglect, respond early and to know what types of interventions are the most effective.

There is much research on neglect which should be used to inform practice. The Government has produced training materials which are intended to equip the workforce to identify and respond early to neglect, and to know what types of interventions are the most effective. The Government has also set up a panel of experts with backgrounds in paediatrics, clinical guidance, neuroscience, social work and family law to bring together the evidence concerning indicators of neglect associated with a likelihood of future harm. The panel will examine the factors in relation to babies, pre-school children and school-aged children, with a view to informing new guidance for social workers focusing specifically on thresholds for social work action. This work will report in February 2014.

Ofsted have now carried out fieldwork around thresholds for intervention in cases of neglect and will be publishing their thematic review in autumn 2013.

Effective early help relies on all agencies working together to identify the early signs of abuse and neglect. Local agencies should have in place effective ways to identify

emerging problems and potential unmet needs. Local Safeguarding Children's Boards should monitor and evaluate the effectiveness of training, including multi-agency training, for all professionals. The training should cover how to identify and respond early to the needs of individual children.

## **Delays caused by care proceedings and delays in bringing children into care**

**Recommendation 6:** We welcome the Government's plans to reduce the time taken by care proceedings but we are deeply concerned that achieving the Government's new time limit of 26 weeks will depend heavily on the quality of assessments submitted by social workers. Poor quality assessments may need to be repeated and can lead to an over-reliance on outside experts, increasing delay for the child. Unless the quality of social worker assessments is urgently and comprehensively addressed there is little hope of the new time limit being met. This has resource implications both centrally and locally. (Paragraph 55)

**Recommendation 7:** The timeliness of decision-making about whether or not to remove a child from home is crucial. This is especially the case for the very young. Where there is no capacity for parental change robust decision-making is needed to ensure that other permanency options, including adoption, are pursued. (Paragraph 59)

**Recommendation 8:** Decisions to delay entry into care need to be accompanied by targeted intervention to address a family's problems, with a timetable for review which takes into account the child's need for stability. (Paragraph 60)

### **Recommendation 6: Partially accept**

### **Recommendations 7 and 8: Accept**

The Government agrees that high-quality assessments and timely decision-making are an essential part of effective social work with children and families. It also agrees that robust local authority assessments and supporting evidence will be important in ensuring that care cases are progressed with the minimum delay for children.

The Government has already demonstrated its commitment to working with the sector to help strengthen practice across all these areas.

To facilitate the shift to an assessment process which brings continuity and consistency for children and families, *Working Together to Safeguard Children (2013)* has removed the requirement to conduct separate initial and core assessments. This is to make the process of assessment a continuum for children, building on the history of the case which research shows is crucial for informing quality assessments. It removes an artificial

barrier in the assessment process and allows for children to have continuity of social worker, removing the need for them and their families to have to repeat their stories over and over again. The Government expects the changes to make the assessment process more timely, transparent and proportionate for individual children and families.

*Working Together to Safeguard Children (2013)* also reiterates that professionals should be wary of being too optimistic and that timely and decisive action is critical to ensure that children are not left in neglectful homes. The guidance states that it is the responsibility of the social worker to make clear to children and families how the assessment will be carried out and when they can expect a decision on next steps. Plans should set out what services will be delivered and what action is to be undertaken, by whom and for what purpose. Many services provided will be for parents or carers. The plan should reflect this and set clear, measurable outcomes for the child and expectations for the parents, with measurable, reviewable actions for them to avoid cases drifting and to make sure there is robust understanding of parental capacity to change.

The Government is funding the NSPCC to develop a best-practice model of pre-birth assessment to support the timeliness of assessment for any child but particularly for babies and the very young. This is to build on existing research on pre-birth assessment and include the perspectives of families and professionals; and develop a new model for pre-birth assessment, which can be rigorously tested and evaluated to demonstrate whether improvements can be made to: the administrative process, through which these assessments are undertaken; the effectiveness of professional decision-making and the subsequent outcomes for children and families.

In relation to local authority assessments and other evidence provided for the courts, a range of action has been set in train.

The Government has commissioned research and knowledge distillations to provide a firmer knowledge base for social workers when working with and assessing children on the edge of care. The suite of new studies will be available in early 2014.

It has funded work through the College of Social Work to ensure that the specific knowledge and competences required for high quality inputs to the courts are captured and made clear to all responsible for designing and delivering continuing professional development for social workers. The College of Social Work published this summer the new curriculum guide, "*Curriculum guide for continuing professional development (CPD) on pre-proceedings and court-related skills in cases concerning the care and protection of children*"<sup>7</sup>.

It has lent support to the Children's Improvement Board which, in partnership with Research in Practice, has delivered regional conferences and training workshops for local authority staff focusing on the skills which social workers need in drawing together, analysing and presenting evidence and assessments in care cases.

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<sup>7</sup> [www.tcsw.org.uk](http://www.tcsw.org.uk)

The Government has also worked closely with the Family Justice Board, the Association of Directors of Children's Services (ADCS) and the judiciary to define more clearly what constitutes high quality evidence and other essential good practice by local authorities before and during proceedings. That work has helped shape new provisions on the quality and timeliness of evidence submitted by local authorities in care cases contained in the recently published pilot Public Law Outline (PLO).<sup>8</sup>

The pilot PLO, which is being implemented across all court areas between July and October 2013, streamlines case management processes. Its aim is to ensure the right processes are put in place to support more timely decision-making and earlier permanence for many more children involved in care cases. Extensive work is underway across the family justice system to support introduction of the pilot PLO and to help all parts of the system prepare for the proposed 26-week time limit.

It is acknowledged that not every local authority, currently, is able to deliver the more concise, analytical and focused assessments that will be needed. For some, the pilot PLO's requirements will mean a step-change in practice. However, all local authorities are now working in partnership with their Local Family Justice Boards and their local judiciary, with many areas arranging further targeted or inter-disciplinary training to help secure the improvements needed.

Complementing local initiatives, follow-on training, reflecting the pilot PLO and new guidance for local authorities which has been issued to support it, is also being provided by the Children's Improvement Board and Research in Practice. These regional "Train the Trainer" workshops, which ran until late September 2013, were designed to equip representatives within each local authority to become expert in court-related work and to cascade the training to others within their local areas.

More widely, the Government is improving the calibre of entrants to social work, the training they receive, and the support they are given as they begin practice.

In the light of the national and local training and broader improvement work already underway, the Government does not believe that a further, centrally-funded programme of training in this area is warranted. It will, however, keep progress under review, working closely with local authorities, the ADCS and the Family Justice Board, which has an on-going role in monitoring and driving progress in this critical area.

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<sup>8</sup> [www.justice.gov.uk](http://www.justice.gov.uk)

## Early intervention

**Recommendation 9: Where there is parental capacity to change, the arguments in favour of early and intensive intervention to address the parents' problems are compelling: enabling children to live safely within their birth families reduces the number of children in care and the numbers waiting for an alternative permanent placement. We are concerned, therefore, that adoption reform is being funded by taking money from the Early Intervention Grant. We urge the Government not to undermine further the importance of preventative programmes by focusing on adoption at the expense of early intervention. (Paragraph 67)**

### Partially accept

The Government entirely agrees with the Committee about the importance of investment in early intervention. To support local authorities in this, the Government is increasing the overall funding for early intervention, from £2.2 billion in 2011-12 to £2.5 billion in 2014-15. This funding will enable local authorities to support early intervention provision, as well as funding the early education for two-year-olds from low-income families, which evidence shows is one of the most important types of early intervention.

In addition, a Government contract was awarded on 5 February 2013 to the Early Intervention Foundation Consortium, which was formally launched on 15 April. The Foundation is intended to operate independently of central government, to support the needs of commissioners in implementing early intervention programmes and practice in their local areas. One of its key tasks will be to build a solid evidence base using the best available information about what works in early intervention.

Early intervention can also mean action early in a child's life to improve his or her life chances. Evidence shows that children who come into care early and are placed swiftly with loving and capable adoptive families go on to enjoy the best chances in life. Successful adoption is a very effective form of early intervention in the life of a child and can prevent the need for later and costly interventions. For this reason the Government allocated in full to local authorities the £150 million Early Intervention Grant top-slice to support adoption reform. This funding will help local authorities to address the structural problems with adopter recruitment and to find adopters willing and able to adopt children who tend to take longer to place, and so tend to wait longer for new families.

The Government will, as the Committee suggests, carefully consider the best use of any future funding.

**Recommendation 10: A balance needs to be struck between giving parents time to address their problems and respecting the child's need for a secure and loving attachment. Robust assessment of parental capacity to change, by social workers and their managers, is essential to ensure that early intervention programmes are appropriately targeted. It is imperative to ensure that a child's need for secure**

**attachment, especially when very young, is not compromised by prolonged attempts to rehabilitate the family. (Paragraph 71)**

### **Accept**

*Working Together to Safeguard Children (2013)* is very clear about the importance of putting the needs of the individual child at the heart of the process. Social workers and other professionals must work to the child's timeframe. A good assessment is one which investigates the child's developmental needs, including whether they are suffering or likely to suffer significant harm; a parent's capacity to respond to those needs; and the impact and influence of wider family, community and environment factors. Any plan for the child should set out clear measurable objectives for the child and expectations for the parents or carers with measurable reviewable actions for them. This plan should be reviewed regularly to analyse whether sufficient progress has been made to meet the child's needs. The test is always whether any improvement in parent or carer behaviour is sufficient and sustained. The child's safety and welfare must always be paramount.

## **Delays after entering care**

**Recommendation 11: We reiterate the support we gave in our previous report for early decision-making after children enter care, and for permanency planning to be prioritised one month after entry into care. To support this we reiterate the recommendation in our earlier report to review the Statutory Guidance on Adoption. (Paragraph 74)**

### **Reject**

The Government agrees that permanence planning should take place at the earliest opportunity for each child. As the Committee is aware, it is already a regulatory requirement<sup>9</sup> that the local authority must review a child's case within 20 working days of the date on which the child becomes looked after. The child's permanence plan should be agreed no later than the second statutory review (three months after the first review) or earlier if it is clear what the appropriate permanence plan should be. The Government considers that this strikes the right balance between timely decision-making for the child, and the work that is required to determine the full facts of the case and assess how the child's particular needs can best be met.

The Government recognises that there are some cases where it is highly unlikely that the child will be able to return home, or to their wider family. In those circumstances, *Fostering for Adoption* may be the best placement for the child: the child will be placed with foster carers who are also approved adopters and who could go on to adopt the child if adoption becomes the plan and the court agrees to make a placement order (or parental consent is given). These are fostering placements until and if parental consent is given or a placement order is made.

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<sup>9</sup> The Care Planning, Placement and Case Review (England) Regulations 2010 [www.legislation.gov.uk](http://www.legislation.gov.uk)

If the child enters care in an emergency and is not previously known to the local authority, time will be needed to undertake assessments and possibly provide support to the parents before reaching a decision about the most appropriate permanence plan for the child, including that adoption is the most appropriate. For this reason, the Government considers that the current statutory framework provides the appropriate flexibility to make speedy decisions where possible and time for assessments and planning in other circumstances and does not consider it necessary to review the statutory adoption guidance<sup>10</sup>.

**Recommendation 12: We urge Directors of Children's Services to ensure that adoption is integrated fully into child protection: good communication between adoption and safeguarding teams is essential to reduce the delay for those children who are not able to return to their birth families. We support the revised Ofsted reporting regime in its aim to promote more integrated working between local authority teams providing services for all looked-after children. (Paragraph 76)**

### **Accept**

The Government agrees with the Committee's recommendation though it is for local authorities to decide the structure and integration of their adoption and child protection services. We do agree that good communication between adoption and safeguarding teams is essential.

Ofsted's new single inspection framework for local authority child protection and looked after children services and local authority adoption and fostering functions should enable a more effective examination of the integration of services and the contribution of each to meeting the needs of children and young people as they move through the system. The Government has made clear to HM Chief Inspector that the focus on adoption and fostering is not to be lost within a new broader framework while acknowledging that it is sensible to look at the services as part of a single framework.

## **Early placement**

**Recommendation 13: Concurrent planning provides significant benefits in terms of enabling early attachments, minimising disruption, and reducing delay. We support its widest possible application. (Paragraph 79)**

**Recommendation 14: We welcome the Government's proposal to impose a new duty on local authorities to consider a fostering for adoption placement when considering adoption for a child. We are concerned, however, that there is a risk of challenge under the European Convention on Human Rights, unless the local authority has taken all reasonable steps to explore reunification of the child with**

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<sup>10</sup> *Statutory Guidance on Adoption For local authorities, voluntary adoption agencies and adoption support agencies July 2013* [www.education.gov.uk](http://www.education.gov.uk)

**the birth family at the earliest opportunity, and the parents have been able effectively to participate in the decision-making process. We are concerned that this may inhibit the extent to which local authorities will choose to place children in fostering for adoption placements. (Paragraph 86)**

**Recommendation 15: We strongly urge the Government to issue clear guidance to local authorities on how to satisfy their obligations under the ECHR when applying the new duty on fostering for adoption. (Paragraph 87)**

### **Recommendations 13-15: Accept**

The Government agrees that concurrent planning provides significant benefits for children in enabling early attachments, minimising disruption and reducing delay and we would like to see it applied more widely. The Government views concurrent planning as a form of *Fostering for Adoption*, but knows that it is only applicable in specific circumstances. *Fostering for Adoption* extends the number of children for whom these benefits could apply to children for whom the model of concurrent planning would not be appropriate.

The Government will issue guidance to local authorities on their obligations under the European Convention on Human Rights when applying *Fostering for Adoption*.

## **Delays caused by kinship care assessments**

**Recommendation 16: We are persuaded of the benefits of friends and family care as alternatives to local authority foster care, where a suitable carer is available. To avoid delay such carers should be identified as early as possible, ideally pre-proceedings. (Paragraph 92)**

**Recommendation 17: We recommend that it should become normal practice where possible for local authorities to convene a family group conference, or similar arrangement, with family members and friends, before a child becomes looked-after, or as soon as possible after entry into care, to enable identification of alternative carers before any decision about the child's future has been made. It is essential that the child is involved either directly or via an advocate in such conferences. (Paragraph 93)**

### **Recommendations 16-17: Accept**

The Government is committed to the use of Family Group Conferences (FGCs) at all stages of the involvement of children's services with families.

FGCs have an important role, enabling the wider family network to come together to make effective plans to safeguard and promote the welfare of their children. The Government has provided a Family Group Conference Toolkit as a guide to setting up,

managing and sustaining such a service. Statutory guidance<sup>11</sup> highlights the importance of the use of FGCs at key stages in the decision-making process for children and good practice guidance recommends six weeks to complete and agree a care plan. The Government would not, however, wish to make them compulsory as they will not be suitable for all families in all circumstances – not least because the families themselves must agree to one.

The Government has funded the development of a framework of accreditation for FGCs to ensure quality and consistency in their use. During 2013-15 the Government will be funding the roll-out of the accreditation and will look at increasing FGCs at the pre-care proceedings stage.

## **Delays in matching children with prospective adopters**

**Recommendation 18: We reiterate the recommendation in our earlier report that it is vital for Directors of Children's Services to address the current practice among some local authorities of delaying family finding until a placement order has been granted. (Paragraph 98)**

### **Accept**

The Government agrees that local authorities should not delay family-finding until a placement order has been made. The statutory adoption guidance<sup>12</sup> already makes clear that local authorities should begin family-finding at the earliest opportunity and no later than the decision of the agency's decision maker that a child should be placed for adoption.

The delay in family-finding is clearly a significant issue on which the Government expects local authorities to make improvements. Indicator A2 in the adoption scorecards is designed in part to ensure that local authorities do not delay family-finding, and the Government will continue to focus hard on progress in this area following the next scorecard publication in autumn 2013. The Government is considering what further action it needs to take to ensure that family-finding is commenced at the earliest opportunity. The Government is funding the British Association for Adoption and Fostering in 2013-14 and 2014-15 to support and develop an increase in adopter-led matching, including the provision of adoption activity days across the country.

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<sup>11</sup> *The Children Act 1989 Guidance and Regulations Volume 1 Court Orders* [www.education.gov.uk](http://www.education.gov.uk)

<sup>12</sup> *Statutory Guidance on Adoption For local authorities, voluntary adoption agencies and adoption support agencies July 2013* [www.education.gov.uk](http://www.education.gov.uk)

## **Social work culture and practice**

**Recommendation 19:** Social workers perform a vital role in protecting the most vulnerable children in society; the status, training and reward of social workers are therefore extremely important. We invite the Government to give this further consideration. (Paragraph 104)

**Recommendation 20:** We support the findings of the Munro Review, in particular, the focus on improving the knowledge and skills of social workers and their supervision; and the proposal to retain experienced social workers in front-line services after promotion. (Paragraph 105)

**Recommendation 21:** We recommend that social workers' training on adoption, alongside other forms of permanence, is strengthened. We also recommend that permanence planning, including adoption, becomes part of a post-qualifying specialism for social workers, with a particular emphasis on the importance of timely decision-making. (Paragraph 107)

**Recommendation 22:** Improving the training and supervision of social workers will, of course, have cost implications. However, we believe that this is an area of work of such importance to society as a whole that under-resourcing it would be a false economy. (Paragraph 108)

### **Recommendations 19-22: Accept**

The Government continues to work to raise the quality of social work practice through improving the recruitment, retention and calibre of the social work workforce.

The Government is already running funded programmes to attract the best candidates to social work and ensure they get the most relevant training (Step Up to Social Work and the new Frontline initiative). The Government is also funding an induction programme to ensure those entering the profession get the support, supervision and on-going skills development they need. Further, Sir Martin Narey is reviewing initial social work training and his report is expected in late 2013. The Government will give full consideration to the Committee's recommendation in the context of Sir Martin's report.

The Government supports the College of Social Work to professionalise social work overall and bring it in line with other professions, such as teaching. The College is helping address workforce needs around specific subjects, including social work practice prior to and during court involvement, adoption, fostering and child protection.

The College of Social Work is developing continuing professional development curriculum guidance for social workers covering adoption and fostering. The guide will be published later this year. The College is also developing specialist capability statements for social workers who are working in the adoption and fostering sector. These set out

how capability should build through the career levels. The statements will be published early in 2014.

The Government has awarded a contract to a consortium, led by Research in Practice, to develop and deliver new social worker training materials on adoption and fostering. These will be implemented via regional “Train the Trainer” sessions from January to March 2014. All social workers must undertake continuous professional development, which the Health and Care Professions Council oversees. Employers and social workers themselves have the responsibility of keeping up to date with best practice in undertaking assessments and deciding on the best tools for this part of their work.

# The voice of the child

## Independent Reviewing Officers

**Recommendation 23:** We are concerned that some Independent Reviewing Officers (IROs) are charged with reviewing the care plans of too many children, when statutory guidance suggests that they should handle no more than 70 cases at any one time. We believe that excessive workloads prevent IROs from carrying out their statutory duties to promote the best interests of the child. We recommend that the number of cases handled by IROs should be monitored more robustly by IRO managers, and that action should be taken, where appropriate, to reduce workloads. Local authorities are currently under a duty to appoint IROs to review children's cases and should appoint a sufficient number to enable IROs effectively to carry out their statutory duties. (Paragraph 120)

**Recommendation 24:** We believe that IROs could discharge their duties more effectively if they were employed outside the local authority. It would be necessary for a sufficient number to be appointed to deal with relevant case loads. We recommend that the Government implement Section 11 of the Children and Young Persons Act 2008 to achieve this. (Paragraph 124)

**Recommendation 25:** We believe that it is essential that IROs undertake regular reviews of the circumstances of children subject to placement order but not yet placed for adoption, as they are required to by statutory guidance. Where appropriate, IROs need to ensure that an application to the court for revocation of a placement order is made. IRO managers and Directors of Children's Services need to ensure that the guidance on children subject to placement order but not yet placed for adoption is always followed. (Paragraph 128)

**Recommendation 23: Partially accept**

**Recommendation 24: Reject**

**Recommendation 25: Accept**

The Government fully agrees that IROs should be supported and be encouraged to do their job effectively on behalf of looked after children. However, the Government believes that what matters is not where IROs are employed, but that IROs have the support of Directors of Children's Services to effectively challenge practice and decisions and the Directors ensure their IROs have manageable caseloads. Neither the Family Justice Review<sup>13</sup> nor Ofsted's thematic review of IROs<sup>14</sup> found that the location of the IRO to be an issue, and children said that the priority should be to improve the quality of IROs'

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<sup>13</sup> [www.gov.uk](http://www.gov.uk)

<sup>14</sup> *Independent reviewing officers: taking up the challenge?* (June 2013) [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

function<sup>15</sup>. Consequently, the Government has no plans to implement section 11 of the Children and Young Persons Act 2008.

On caseloads, this is an issue being monitored nationally and addressed in Ofsted inspections. The Government believes the way forward is to encourage a more transparent approach and supports Ofsted's recommendation in their thematic review of IROs that annual reports by the IRO service are published and contain information on caseloads. The Government is committed to standardising practice so that IROs provide looked after children with a top quality service. As part of that commitment the Parliamentary Under-Secretary of State for Children and Families, Edward Timpson MP, held a roundtable discussion in May 2013 with IRO Managers, local government and voluntary sector partners to consider the role of the IRO in light of Ofsted's thematic review of IROs. Edward Timpson MP wrote on 5 June 2013 to all Lead Members and Directors of Children's Services<sup>16</sup> recommending they review and improve their services, including manageable caseloads, in line with the recommendations in Ofsted's thematic review of IROs.

The Government will closely monitor the performance of local authorities through Ofsted inspection reports. Ofsted has been asked to shine a light on the quality of IRO services in their revised inspection framework which came into force in September 2013.

## **The role of CAF/CASS**

**Recommendation 26: We welcome the fact that CAF/CASS is proving successful in allocating guardians to all children; this is commendable given the significant increases in care proceedings over recent years. We are concerned, however, that the quality of this provision can sometimes be variable. (Paragraph 135)**

### **Accept**

Ensuring consistency of practice is a high priority for Cafcass. A programme of work is underway, led by the Cafcass Quality Committee, to achieve greater consistency across all service areas. Cafcass continues to allocate care cases to an appointed children's guardian on day one, exceeding the performance target set by the Secretary of State.

**Recommendation 27: We recommend that CAF/CASS continue to ensure consistency of practice. The Government should ensure that CAF/CASS has sufficient resources to allow for guardians to be allocated to all children subject to**

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<sup>15</sup> *Children on Independent Reviewing Officers (July 2011)*. A report of children's views by the Children's Rights Director for England. [www.rights4me.org](http://www.rights4me.org)

<sup>16</sup> [www.gov.uk](http://www.gov.uk)

**care and placement proceedings, and for those guardians to have an appropriate amount of time available to allow them to discharge their duties effectively.  
(Paragraph 136)**

**Accept**

Over the last few years Cafcass has consistently met its key performance indicators within its allocated budget, and the Government is confident that it will continue to do so this year. The recent reduction in the stock of open care cases has helped ensure that guardians have sufficient time in which to discharge their duties effectively. Guardians are increasingly able to vary the time they spend on cases according to the level of demand and the resources available, and research due to be published by Cafcass later this year shows that guardians now tend to “frontload” their work – ie invest more time and resources during the earliest stages of proceedings. This is what is being asked of Cafcass under the terms of the new pilot Public Law Outline which was issued earlier this summer. It will be in operation across all court areas by October 2013, with the pilot running to end March 2014.

## **The structure of adoption services**

**Recommendation 28:** The fragmentation of adopter recruitment and the small scale of some local authority operations can result in prospective adopters being turned away by their local authority, even though there are children waiting for adoption in other areas. We consider that this position is unacceptable, given the shortage of adopters. (Paragraph 149)

**Recommendation 29:** We recommend that a greater number of councils should move towards joint working and integrated management of adoption services, including recruitment, as has already been achieved by some smaller local authorities. This will help to address the systemic disincentives to greater adopter recruitment and speedier matching. (Paragraph 150)

**Recommendation 30:** We recommend that the Government should encourage and facilitate further joint working by:

- Developing a single Ofsted inspection for a unified service, rather than separate inspections of each local authority;
- Publishing joint scorecard assessments;
- Issuing guidance on employment law to facilitate the merging of services. (Paragraph 151)

**Recommendation 31:** The Government is proposing to give the Secretary of State the power to direct local authorities to outsource adopter recruitment. This would constitute a significant reform of adopter recruitment in England. We understand and share the concerns of the Government about the fragmentation of adopter recruitment, and the national shortage of adopters to which this contributes. We therefore urge local authorities and partners to work together to make progress on these issues, particularly in light of concerns that outsourcing adopter recruitment risks isolating adoption from other services for looked-after children. We strongly encourage the Government to allow sufficient time for the sector to develop viable and achievable alternative proposals, before using the new power. (Paragraph 155)

**Recommendation 35:** We believe that local authorities should explore as early as possible all potentially appropriate matches for children in care, including those provided by voluntary agencies. We recognise the important role that voluntary adoption agencies play in finding families for harder-to-place children. (Paragraph 176)

**Recommendation 36:** The operation of the inter-agency fee presents a barrier to greater involvement of voluntary agencies in providing adoption services, and leads to unnecessary delay in placing children. We welcome the discussions that are taking place on this matter, and urge the Government, local authorities and the voluntary sector to reach an agreement which removes the financial disincentives currently present within the system. We encourage the Local Government Association to facilitate discussion amongst its members on the equalisation of fees. (Paragraph 177)

**Recommendation 38:** We believe that the length of time many children wait to be adopted in some local authority adoption services is unacceptable. The Government must take quicker and firmer action against repeated poor performance identified through monitoring processes; where appropriate, using Section 14 of the Adoption and Children Act 2002. (Paragraph 198)

**Recommendation 39:** We recommend that more thought should be given to the design of these monitoring processes. The adoption scorecards should be revised to provide a greater level of contextual information, and to recognise fully the complexity of a local authority's care population. Measures of speed and timeliness should recognise the performance of the courts and legal processes, as well as that of local authorities. (Paragraph 199)

**Recommendations 28, 31, 35-36, 38: Accept**

**Recommendation 29: Partially accept**

**Recommendations 30 and 39: Reject**

Given the national shortage of adopters, the Government agrees that it is unacceptable for any local authority to turn away prospective adopters because they are not needed locally. More local authorities working together is one way of addressing the problems with the current adopter recruitment system. The funding the Government has provided through the Adoption Reform Grant gives local authorities the flexibility to explore different ways of working, including merging and sharing services that would help address one of the problems identified – that of small scale recruitment. It would not, however, address the other problems which include an unnecessary prioritisation of adopters recruited by the local authority or its partner authorities which artificially narrows that range of possible matches for children and introduces unnecessary delay. Indeed, there is a risk that joint working or consortia arrangements could create more delays and bureaucratic barriers to finding a suitable adopter for a child quickly by introducing an additional level of sequential decision-making. When local authorities do work together, it is important that they take adopters regardless of which organisation approved them and remain individually accountable for their own performance.

The Government believes that one of the best ways to recruit and approve adopters sustainably is through independent organisations operating in a flexible way to respond

quickly to meet need. The Government is helping local authorities to spin out their adopter recruitment and assessment functions, either separately or jointly, to create new adoption agencies which Ofsted would register as Voluntary Adoption Agencies (VAAs). The Government held a joint seminar in July 2013 for more than 30 local authorities which had expressed an interest in the opportunities offered by spinning out their services as mutuals. The Government is supporting public servants who want to form mutuals with a £10 million Mutuals Support Programme.<sup>17</sup>

The Government welcomes the local authority sector's response to the Government's proposals for improving adopter recruitment, assessment and approval. The Government is pleased that the sector has committed to take action to encourage the equalisation of the inter-agency fee as this is an important first step in removing some of the disincentives within the system. The Government is not currently persuaded that all of the problems identified in *Further Action on Adoption: Finding More Loving Homes*<sup>18</sup> have been addressed sufficiently and have some concerns about the deliverability and sustainability of the sector's proposals. In particular, the sector's response does not adequately address the role of VAAs in ensuring the best match for a child is made in the shortest time from the widest pool of prospective adopters. The sector also needs to demonstrate that any reforms and improvements are sustainable. The Government has invited the sector to consider further how to address its concerns. The Government will continue to work with the sector over the coming months to monitor the impact and implementation of their commitments. The Government has told the sector that it will reach a decision in January 2014 about any further action it intends to take.

In addition to this work with local authorities, the Government is working to strengthen and grow the VAA sector. A grant of £1 million was awarded to the Consortium of Voluntary Adoption Agencies (CVAA) for 2012-14 to secure an additional 200 children placed with VAA-approved adopters by July 2014 on top of the 20% year-on-year increase already committed to by the CVAA. This will lead to 1,000 children being placed with prospective adopters approved by VAAs. This funding has encouraged VAAs to grow through hiring additional staff and opening new branches with the number of prospective adopters approved by VAAs growing to 624 approved prospective adopters in 2012-2013 from 435 in 2011-12. To maintain and accelerate this growth for future years the Government announced on 8 August a further £16 million of funding<sup>19</sup> for the VAA sector. The funding will support the growth of the VAA sector over 2013-16 through expansion grants, start-up grants and business development support, which will help VAAs to develop strategies to scale-up sustainably.

The Government agrees that too many children wait too long to be adopted. The Government will continue to monitor local authorities closely through the adoption scorecards and other available data and, where their progress gives cause for concern,

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<sup>17</sup> <http://mutuals.cabinetoffice.gov.uk/>

<sup>18</sup> [www.gov.uk](http://www.gov.uk)

<sup>19</sup> [www.gov.uk](http://www.gov.uk)

will take the appropriate action. The adoption scorecards for 2012-13 will be published in autumn 2013.

The Government does not agree that the adoption scorecards should be revised. The scorecards have been carefully designed, with significant local authority input, to include contextual information including data on local court performance, and it is important that the format remains stable if local authorities are to use the scorecards as a tool to understand their own performance. The Government is also publishing adoption maps to help make scorecard data more accessible. They will particularly focus on the number of children waiting and the number of approved adopters, emphasising the need for more adopters.

**Recommendation 32: We support the establishment of the National Adoption Gateway as a first port of call for anyone considering adoption. Delivered properly, the gateway offers the potential to increase the number of adopters coming forward, which will be vital if the Government is to meet its aim of increasing the overall number of adoptions. (Paragraph 160)**

### **Accept**

The Government recognises the potential of the National Gateway for Adoption, now operating as First4Adoption. It operates a telephone and online service for anyone interested in adopting in England and is run under a Government contract by a consortium of the Coram Children's Legal Centre, Adoption UK and Coram. The telephone service opened in January 2013 and this was complemented by a website in April 2013. The service, and the website in particular, has considerable scope for development and the Government will work with First4Adoption to meet the information needs of potential adopters to increase the number of adopters.

## **Approving adopters more quickly**

**Recommendation 33: We support the Government's proposals for speeding up the assessment and approvals process for adopters. We believe that the opportunity for an applicant-initiated break during the process will provide suitable time for reflection. A faster process will allow children to be provided with new parents more quickly; it may also help to retain some adopters who, at present, drop out of the approval process. (Paragraph 166)**

**Recommendation 34: We support the Government's proposal for a fast track procedure for previous adopters and approved foster carers. Those who have been approved for adoption should not have to repeat the same assessments when looking to adopt for a second time. They should be subject to an abridged approval process which focuses on their capacity to adopt an additional child and an assessment of any significant changes in their circumstances. (Paragraph 168)**

### **Recommendations 33-34: Accept**

The Government welcomes the Committee's support for the new two-stage adopter approval process. Regulations covering the process<sup>20</sup> include the capacity for the prospective adopter to request that the process is delayed at any point and have the capacity to have a break between Stages One and Two to allow additional time for self-reflection. Prospective adopters may take a break of up to six months between the stages. A break of over six months will mean the prospective adopter will start the Stage One process again since personal circumstances may well have changed during that period. The ability to fast-track some prospective adopters who have already adopted and approved foster carers is also included in the Regulations.

## The National Adoption Register

**Recommendation 37: We support the proposal to move existing requirements relating to referral of children and adopters to the National Adoption Register from statutory guidance into regulations. We would, however, stress the importance of avoiding delay. We therefore recommend that adoption agencies are required to make referrals as soon as possible: once an adoption decision has been made for a child, or once an adopter has been approved; as long as no local match is actively being considered. Three months should be considered the very latest point at which to refer. (Paragraph 182)**

### Accept

The Government welcomes the Committee's support for the proposals to strengthen the requirement to refer children and approved prospective adopters to the National Adoption Register. These proposals were consulted on through *Adoption and Fostering: tackling delay*<sup>21</sup> and were widely supported.

The Government's response to that consultation was published on 3 May 2013 and the Regulations<sup>22</sup> came into force on 1 July 2013. The Government continues to raise the profile of the Register with adoption agencies and reminds them of their duty to refer the details of approved prospective adopters and children to the Register.

There is nothing that prevents referral earlier than three months and indeed this is actively encouraged by the legal framework.

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<sup>20</sup> The Adoption Agencies Regulations 2005 as amended by the Adoption Agencies (Miscellaneous Amendments) Regulations 2013. [www.legislation.gov.uk](http://www.legislation.gov.uk)

<sup>21</sup> [www.education.gov.uk](http://www.education.gov.uk)

<sup>22</sup> The Adoption Agencies Regulations 2005 as amended by the Adoption Agencies (Miscellaneous Amendments) Regulations 2013. [www.legislation.gov.uk](http://www.legislation.gov.uk)

## Measuring outcomes of adoption

**Recommendation 40:** The most important measure of performance is the outcome. Insufficient data exist to measure properly the success of adoption placements. More should be done to measure rates of, and reasons for, adoption breakdown. We recommend that the Government work with the Local Government Association and Association of Directors of Children's Services to consider how this could more effectively be monitored. (Paragraph 206)

### Partially accept

The Government wants every child's adoption to be a success and recognises that insufficient information is available that demonstrates the extent of the issue or explains the reasons why some adoptions, sadly, are not successful. As the Committee is aware, the Government has already begun to take action to rectify this by requiring local authorities to collect data on adoption breakdowns. This began in April 2013 and will be available in autumn 2014. In addition to this data collection, the Government has commissioned the University of Bristol to undertake research into the rate of and reasons for breakdown to obtain evidence of the frequency and causes of breakdown, and how it might be prevented. The report on the research is expected at the end of 2013.

The Government will give careful consideration as to what further action should be taken once it has the research and data findings.

# Post-adoption support

## The case for post-adoption support

**Recommendation 41:** Children adopted from care have a range of needs due to their early life experiences which are not resolved simply by being adopted. As a result adoptive parents face challenges that many other families do not. Adoptive parents perform a vital social function in caring for very vulnerable and often damaged children, and thereby save the state money. (Paragraph 215)

**Recommendation 42:** The failure of adoptive placements can be extremely expensive for local authorities in the short and long term, as well as causing significant harm to the children concerned. Well-targeted support services have the potential to ensure placement stability and to avoid these costs. (Paragraph 216)

**Recommendation 43:** We believe that adoptive parents should receive greater and more consistent and continuing support. Calculations of cost need to take into account the contribution which support services make to preventing adoption breakdown and the associated costs. To support this, we recommend the Government commission an independent cost-benefit analysis setting out the cost of breakdown against the cost of providing support. (Paragraph 217)

### **Recommendation 41-42: Accept**

### **Recommendation 43: Partially accept**

The Government agrees that all adoptive families should receive the support they need whenever they need it, no matter how long after the adoption or where in the country they live. The Government commissioned the Childhood Wellbeing Research Centre to carry out a study reviewing quantitative research to inform the Government's understanding of the benefits to adoptive families, and the costs and cost savings to the public sector, associated with the provision of adoption support. The study, *Supporting adoption and supporting families that adopt: value for money*, shows that adoptive placements are likely to be less costly to the public sector than alternative placements. However, there is currently little existing research evidence on the impact of adoption support, making it difficult to robustly estimate the size of the down-stream savings associated with its provision.

The Government will reflect on the evidence gaps and consider how the evidence base might be improved.

**Recommendation 44:** In addition to enhancing placement security the provision of post-adoption support has been shown to increase the number of adopters coming forward. We believe that the availability of such support would greatly assist with meeting the Government's objective of increasing significantly the number of prospective adopters. (Paragraph 219)

### Accept

The Government agrees that the availability of post-adoption support would assist with the objective of increasing the number of prospective adopters. People who decide to adopt are making a life-changing decision, not only for themselves and their families but for the children they go on to adopt. The Government knows that adoption support can make the world of difference to adoptive families. There are too many adoptive families struggling to get the help they need and the Government is determined to change that. That is why action is being taken to improve adoption support that will meet adopted children's needs.

On 3 May 2013, the Adoption Passport<sup>23</sup> was published, which outlines national entitlements and the statutory services that local authority adoption agencies must provide. It aims to reduce the stigma associated with asking for support and make adopters fully informed about the services they should expect. It addresses the issue of low awareness of the services and entitlements and gives adopters the ability to have a full conversation with their support services about their difficulties and needs.

The Government is stimulating the provision of high-quality, evidence-based therapeutic support so that more families are able to find the right support locally. On 11 September 2013, it announced significant funding for therapeutic services, to make support easily accessible, timely and of high quality for those adopted families that need it. The Government is setting up an Adoption Support Fund<sup>24</sup>, investing £19.3 million in 2015-16, with a commitment to on-going funding. The Adoption Support Fund will pay for therapeutic services such as attachment-based therapy; therapeutic parenting training; and intensive family interventions – the services that are most commonly identified as being needed by adoptive families, yet least often provided.

The Government will be trialling a smaller version of the Fund in a small number of local authorities from autumn 2013 and the full national Fund will be rolled out by early 2015. The test phase will look at how best to design the Fund, particularly exploring how to make the Fund accessible and non-bureaucratic for adopters and how to incentivise local authorities to invest in the Fund.

The Government and local authorities will pay into the fund – the exact tariff and how to motivate local authorities to participate in the Fund will be tested in the trial phase. By paying into the Adoption Support Fund, a local authority would in effect be buying

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<sup>23</sup> [www.first4adoption.org.uk](http://www.first4adoption.org.uk)

<sup>24</sup> [www.gov.uk](http://www.gov.uk)

insurance against the possible costs of paying out a high sum to meet a child's support needs later on. This large 'pool' of money will enable local authorities to reduce the risk of services not being available to adopters and will reassure prospective adopters about the provision of adoption support at an early stage which will aid the recruitment reforms.

The Government is also providing funding in 2013-2014 and 2014-15 to three Voluntary Adoption Agencies (After Adoption, Adoption Matters North West and Coram), that provide evidence-based therapeutic services or parenting programmes. The Government is also extending the successful AdOpt pilots to more local authority areas.

From 2015, adoptive parents will have the same rights in relation to pay and leave as birth parents. They will be entitled to adoption leave from the first day that they start a job; they will be allowed time off work for introductions to the child they have been matched prior to the child moving in with them (placement). Where a couple is adopting a looked after child one of them will be able to take paid leave for up to five appointments (up to 6.5 hours in length each) and the other will be eligible for two unpaid appointments. This is in line with birth fathers' rights to accompany their partner to ante-natal appointments. The rate of adoption pay will be enhanced for the first six weeks after placement to make adoption pay equal to 90% of the prospective adopter's normal salary.

The Government is also increasing the eligibility for the 2-year-old early education offer to adopted children, from 2014. Looked after children have access to this extra early education now and adopted children will also benefit if their adoptive parents decide it is the best thing for them. The School Admissions Code<sup>25</sup> has been revised so that children who were previously looked after but left care through adoption or a special guardianship order or residence order will retain the same priority for school places that they had as looked after children.

The Government has commissioned e-learning materials on the behavioural and mental health issues faced by some adopted children and will use them to raise awareness and understanding amongst health professionals. The e-learning materials will be available in 2014 from the Department of Health's children and young people's mental health e-portal. The Government will also make clear to social workers that information about a child's range of behaviour and health issues must be shared with prospective adopters; this entitlement will be set out in the Adoption Passport. In addition, the National Institute for Health and Care Excellence (NICE) has been commissioned to produce clinical guidance<sup>26</sup> on 'Children's attachment: the attachment and related therapeutic needs of looked after children and children adopted from care' to help increase responsiveness and stimulate referrals where appropriate.

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<sup>25</sup> [www.education.gov.uk](http://www.education.gov.uk)

<sup>26</sup> [www.nice.org.uk](http://www.nice.org.uk)

The Government is giving prospective adopters more information about the range of behaviour and health issues that some adopted children might face, and how these can be handled, backed up by further e-learning materials. The e-learning materials can be used at any time during the process to offer prospective adopters the opportunity to reflect on aspects of their parenting capacity and help them to identify their own training needs.

To help adoptive parents access the support they need, the Government is also proposing to pilot personal budgets for adoption support in a number of local authority areas. Personal budgets will give adoptive parents more choice and will enable them to have a freer hand in getting the right support for their family. Personal budgets could also help to stimulate the market as parents buy the most effective services. The pilots of personal budgets will be incorporated into the trial phase of the Adoption Support Fund, which is due to begin before the end of 2013.

The Government recognises fully the impact that having the appropriate provision of support available to adoptive families can have on adopter recruitment. A number of changes have been made to improve this provision and the Government continues to look at further options to ensure that families are receiving the support they need.

## **The needs of adopted children**

**Recommendation 45: We welcome the new School Admissions Code which gives adopted children, along with children in care, priority access to school places from September 2013. In order to safeguard further the wellbeing of adopted children we recommend that the Government extends the current duty on schools under the Children and Young Persons Act 2008, to appoint a designated teacher to promote the educational achievement of looked-after children, to include adopted children, with a specific remit to educate teachers and children about adoption and its effects. (Paragraph 225)**

### **Reject**

The Government does not underestimate the importance of schools understanding the particular needs of children adopted from care and their families. Raising awareness and understanding amongst all those working with children of the behavioural and other issues that many adopted children face is a key priority for the Government, and is crucial if adoptive families are to receive the support they need. The Government is not persuaded that extending the role of the designated teacher for looked after children is necessary to achieve this. That is not to recognise that the designated teacher will often be well placed to help their colleagues understand how schools can support looked after children who are placed for adoption and go on to be adopted. The statutory guidance on

the role of the designated teacher<sup>27</sup> makes clear that the needs of adopted children do not change overnight.

The Government intends to revise that guidance over the coming year and will explore how the references to adoption can be strengthened. The Government is also aware that some designated teachers work with adoptive families and that some virtual school heads include adoption in their designated teacher training.

**Recommendation 46: We welcome the promised introduction of professional learning material on issues faced by adopted children, and we urge the Government to extend this to all staff working in schools in order to raise awareness amongst teachers and children. (Paragraph 227)**

### **Partially accept**

The Government has commissioned the National Institute for Health and Care Excellence (NICE) to produce materials that will facilitate a better understanding of attachment issues by health professionals.

In working with NICE over the coming months the Government will explore how to share this material, and its key messages, with a wider range of professionals including teachers.

**Recommendation 47: We welcome the Government's proposals for post-adoption support, but we regret that they fall short of a statutory duty to provide the support needs as assessed. There should be a statutory duty on local authorities and other service commissioning bodies to cooperate to ensure the provision of post-adoption support; this should include appropriate access to health, education, and Children and Adolescent Mental Health Services, and other services as necessary. These entitlements should form part of the Adoption Passport. (Paragraph 233)**

### **Reject**

The Government understands why the Committee believes that local authorities should provide support to adoptive families to meet their assessed needs, and to place a duty on local authorities and other service commissioning bodies to cooperate. A duty to provide adoption support services could incentivise perverse behaviour, for example, local authorities might be more likely to under-assess support needs if they had to then find the funding to meet these needs. If this were to happen, adoptive parents would not even have an honest assessment of their needs and have the option to pursue support to meet them independently. Without introducing extra bureaucracy, this would make the experience for adoptive families worse, not better.

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<sup>27</sup> *The role and responsibilities of the designated teacher for looked after children: Statutory guidance for school governing bodies.* [www.education.gov.uk](http://www.education.gov.uk)

The Government considers that a new duty on local authorities to provide adoption support services is not necessary because the new provisions that have been put in place will deliver real improvements for adoptive families (these are set out in the response to recommendation 44). The Adoption Support Fund has been developed to address the particular issue of local authorities not providing, or not being able to provide, therapeutic services for adoptive families. The Adoption Support Fund will help improve access and provision of support and eradicate the perverse incentives that a 'duty to provide' would create.

By injecting significant extra money into the system, the Fund will help to improve access to, and the provision of, adoption support services. It will enable local authorities to assess properly and consistently in the knowledge that there is enough money available to pay for what the child needs, including more expensive, proven packages of support. In addition, the Fund will help to stimulate and grow the market for adoption support providers. It will also help to incentivise investment by local authorities and, the Government hopes, charitable and philanthropic organisations. These benefits would not be realised through a duty to provide.

Assessments for adoption support will continue to be conducted by local authorities, in line with their existing statutory responsibilities. The Fund utilises the existing local level assessment infrastructure, but because of the presence of the Adoption Support Fund many of the issues with that system will be addressed (such as under-assessment and adversarial relationships between adoptive parents and local authorities). Local authorities are best placed to understand and appreciate their own particular circumstances and the needs of the adoptive parents and children within their area and so will continue to provide the front line services such as counselling, respite care and information and guidance to maintain the strong link with newly adoptive parents.

Whilst the Adoption and Children Act 2002<sup>28</sup> sets out a provision to promote cooperation between services in connection with adoption, the Government recognises that services are often not linked up enough. The importance of cooperation between key bodies, including the local authority, health and education services, and improving access to these services, is understood and steps are being taken to progress this.

Each local authority must appoint an adoption support services adviser to give advice and information to adopters about adoption support services, and to signpost them to appropriate specialist services. It is known, however, that many adoptive parents are unaware that their local authority has an adoption support services adviser. To address this, the Adoption Passport includes information about the role of the adoption support services adviser and highlights that they are there to help adoptive parents access support and other specialist services.

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<sup>28</sup> [www.legislation.gov.uk](http://www.legislation.gov.uk)

The Government is exploring avenues that will improve adopted children's access to health and Child and Adolescent Mental Health Services (CAMHS) services, where that is what they need. Just as they are already recognised as a key group by the NHS Commissioning Board, adopted children are now also recognised in the Department of Health's revised *Statutory Guidance on Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategies*. Local authorities and Clinical Commissioning Groups are working together on the new Health and Well Being Boards and are prompted to think about adopted children by the Joint Strategic Needs Assessments guidance. This will enable commissioners to plan and commission integrated services that meet the needs of their local community and particularly, the most vulnerable groups. The Government expects them to cooperate on the analysis of local need and planning to meet that need without the need for a duty. The trial of the Adoption Support Fund will also explore how the Fund can best work with CAMHS.

## **Support for children subject to Special Guardianship Orders and kinship care placements**

**Recommendation 48: Children in Special Guardianship and kinship placements deserve the same support which we recommend for adopted children. We therefore recommend that our proposed statutory duty on local authorities and other service commissioning bodies to cooperate to ensure the provision of post-adoption support should be extended to include formerly looked-after children in other permanent placements, such as special guardianship or kinship care. (Paragraph 237)**

### **Reject**

The enormous contribution family and friends, and special guardians make to turning children's lives around cannot be under-estimated and there is a strong financial imperative for providing high quality support and services.

It would be difficult to introduce a statutory duty given the wide range of legal statuses and circumstances of placements with family and friends carers. It is important that each case is looked at closely to make sure support meet the needs of the children and their carers.

As part of their family and friends policy, the local authority should have in place clear eligibility criteria in relation to the provision of support services under section 17 of the Children Act 1989<sup>29</sup> to support children living with family and friends carers in informal arrangements.

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<sup>29</sup> [www.legislation.gov.uk](http://www.legislation.gov.uk)

The Government has commissioned further research into special guardianship and their support needs. The Government will give full consideration to the Committee's recommendation once the research findings are published at the end of 2014.

**Recommendation 49: Many parents who have had children removed go on to have subsequent children, who then also become involved with the care system. This adds to the burden placed upon social services and the state. Providing support services to birth families whose children have been removed should be seen as an essential step in breaking the cycle which leads to more children being born into families that are not able safely to parent them. (Paragraph 244)**

### **Accept**

A number of local authorities are now developing new ways of working with parents, particularly mothers whose children have been removed permanently, often at birth, including many who are subsequently adopted. They have recognised the emotional cost to parents of this experience and the financial cost to the local authority when it leads to repeat pregnancies with no change in parenting capacity. In the West Berkshire area local authorities are running pilots which are leading to the development of partnerships with health services, including contraception services, and these services are proving to be effective in delaying subsequent pregnancies and allowing time for work on parenting before another pregnancy.

The Government will consider how best to facilitate the sharing of this good practice more widely.

**Recommendation 50: We believe that resources invested in birth family support in the short-term will produce savings for the state in the longer term. We therefore recommend that the Government should establish a pilot scheme to provide post-adoption support to birth families across a number of local authority areas to establish the benefits and costs of such provision. (Paragraph 245)**

### **Reject**

The Adoption Support Services Regulations 2005<sup>30</sup> make provision for local authorities to provide counselling, advice and information to the birth parents of an adopted child. Some of the work with parents being developed in a number of local authorities (e.g. in the West Berkshire area) includes birth families with children post adoption order, and is being provided as part of an adoption support package.

The Government will consider how best to facilitate the sharing of this good practice more widely.

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<sup>30</sup> [www.legislation.gov.uk](http://www.legislation.gov.uk)

## Innovative funding mechanisms

**Recommendation 51:** We believe the recently launched social impact bond for enhanced family finding is an innovative approach to finding homes for the most difficult to place children. It correctly balances the additional cost of the scheme against the cost of keeping children in local authority care until they are 18. We invite the Government to follow the progress of this social impact bond with a view to establishing what lessons can be learnt and applied more widely. (Paragraph 253)

### Accept

The Government agrees that the Social Impact Bond *It's All About Me* is an exciting response to the need to find homes for harder to place children. The fact that Voluntary Adoption Agencies themselves have taken the lead in developing this approach is an indication of its readiness to innovate and to work in partnership. The Government believes that the Bond will also generate valuable learning about how best to support adoptive families and about the impact of that support on outcomes for children.

The Government is already in touch with the Consortium of Voluntary Adoption Agencies, which is leading on the Bond, and will continue to follow its progress closely.

## Post-adoption contact

**Recommendation 52: Practice in relation to post-adoption contact with birth family members varies considerably. We are concerned that the purpose of such contact may not be fully understood when arrangements are made. Post-adoption contact should be considered only in relation to the needs and best interests of the child, with no presumption for or against allowing contact. (Paragraph 260)**

### Accept

As set out in *Contact arrangements for children: A call for views* (July 2012)<sup>31</sup>, the Government shares the Committee's view that the quality of practice in relation to contact is variable. The Government also agrees with the Committee that the needs and best interests of each child should drive decisions about post-adoption contact.

Clause 8 of the Children and Families Bill sets out new provisions to deal with formal arrangements for contact between an adopted child and their birth relatives, former guardians and certain other people. As well as provision for orders to put in place contact arrangements, the new provisions provide for pre-emptive and enforceable orders of 'no contact', which might be appropriate to stop or prevent unsolicited, harmful or disruptive contact. In all cases, the child's welfare throughout his or her life will continue to be the court's paramount consideration and there will be no presumption for or against contact.

The Government will also be reviewing statutory adoption guidance<sup>32</sup> on contact arrangements in light of the new provisions in the Children and Families Bill.

**Recommendation 53: The maintenance of sibling contact, especially where children have lived together, is extremely important to some adopted children. Adoptive parents should be supported and encouraged by the courts and adoption agencies to maintain contact arrangements with siblings, when the child desires it, and provided it is in the child's best interests. It would be highly regrettable if the new provisions on contact in clause 8 of the Children and Families Bill presented additional barriers to achieving sibling contact. (Paragraph 269)**

### Accept

The Government agrees that contact between adopted children and their birth siblings can often be very important to the children concerned. The Committee's view is entirely consistent with the feedback<sup>33</sup> that the Children's Rights Director, Dr Roger Morgan, obtained from children themselves when he consulted them as part of the Government's call for views on contact last year.

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<sup>31</sup> [www.education.gov.uk](http://www.education.gov.uk)

<sup>32</sup> *Statutory Guidance on Adoption For local authorities, voluntary adoption agencies and adoption support agencies July 2013.* [www.education.gov.uk](http://www.education.gov.uk)

<sup>33</sup> *Adoption with Siblings and Contact with Parents (September 2012).* [www.rights4me.org](http://www.rights4me.org)

Of course, the best interests of the child must be the key factor when determining formal post-adoption contact arrangements, including each child within a sibling group. While such contact can be extremely beneficial in some cases, there are also cases where contact between siblings could be harmful and damaging. It is important that the law caters for both ends of the spectrum.

Clause 8 of the Children and Families Bill maintains the existing position, as currently provided for in section 8 of the Children Act 1989<sup>34</sup>, in relation for applications from siblings for post-adoption contact, and does not create any additional barriers to contact between siblings.

The Government will also be reviewing statutory adoption guidance<sup>35</sup> on post-adoption contact arrangements in light of the new provisions in the Children and Families Bill. As part of the review, the Government will clarify that post-adoption contact arrangements must have regard to the best interest of each sibling.

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<sup>34</sup> [www.legislation.gov.uk](http://www.legislation.gov.uk)

<sup>35</sup> *Statutory Guidance on Adoption For local authorities, voluntary adoption agencies and adoption support agencies July 2013.* [www.education.gov.uk](http://www.education.gov.uk)

## Access to information

### Access to information by descendants of adopted people

**Recommendation 54:** We believe that the exclusion of descendants of adopted persons from the definition of relatives in section 98 of the Adoption and Children Act 2002 creates an unfair anomaly in the legislation. This can be a cause of significant distress. We recommend that the Government amend section 98 of the Act to bring within its scope the direct descendants of adopted persons. The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005 should be amended accordingly. (Paragraph 274)

#### **Reject**

Section 98 of the Adoption and Children Act 2002 and the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005<sup>36</sup> made provision for adults who were adopted before 30 December 2005, and their adult birth relatives, to access information about the adoption through intermediary services. The definition of ‘relatives’ in section 98 excludes the descendants of adopted people. This is a complex and sensitive issue which needs careful consideration before any change to legislation is considered.

The Government is exploring with the Law Commission whether the issue of access to adoption information for the descendants of adopted people might be included within a possible project as part of the Commission’s 12<sup>th</sup> programme of law reform.

### Resourcing of intermediary services

**Recommendation 55:** We are concerned about the predicament facing birth relatives who are unable to access an intermediary service because of the high level of fees. We urge local authorities who do not provide an intermediary service to birth relatives to consider providing the service as part of their post-adoption support services or through the commissioning of a voluntary sector provider. (Paragraph 277)

#### **Partially accept**

Intermediary Agencies have discretion to charge a reasonable fee to an applicant for processing an application for intermediary services. The fee will be limited to covering any reasonable costs incurred in processing the application, including seeking to identify the appropriate adoption agency, ascertaining its views as to the proposed application, tracing the subject of the application to seek their informed consent, and the provision of counselling. This discretion recognises the additional work Intermediary Agencies are

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<sup>36</sup> [www.legislation.gov.uk](http://www.legislation.gov.uk)

required to undertake, including the requirement to seek the views of any person who may be identified by the disclosure of protected information. Similarly, Intermediary Agencies have discretion to waive the payment of a fee – in whole or in part – such as where an applicant is on a low income or in receipt of state benefits.

## **Disclosure of identifying information in England and Wales**

**Recommendation 56: We are concerned that differences in the Statutory Guidance between England and Wales create an inequality in access to information about an adoption. We invite the Government to draw this matter to the attention of the Welsh Government, with a view to ensuring that adoption agencies in Wales have the same discretion as those in England to disclose identifying information to adopted persons in appropriate cases. (Paragraph 279)**

### **Accept**

The Government has brought this issue to the attention of the Welsh Government. The Welsh Government has advised that it intends to clarify the position via the Codes of Practice which will be developed in support of the Social Services and Well-being (Wales) Bill.

# Intercountry adoption

## Delay

**Recommendation 57:** We recognise the importance of ensuring the best possible start for an adopted child within their new adoptive family. We urge the Home Office to consider the following changes to immigration procedure and practice with regard to children adopted from overseas:

- Applications for visas or British passports for adopted children should be prioritised by the UK Border Agency;
- Specialised training should be introduced for UK Border Agency staff with responsibility for processing visa and passport applications for adopted children;
- Clear timescales for the processing of applications should be established and communicated to applicants;
- Appeals should be dealt with promptly.

**We urge the Home Office to implement a process whereby the merits of a potential visa application can be assessed prior to the prospective adopters travelling overseas for the child to be placed with them. (Paragraph 285)**

### **Partially accept**

The Government understands how distressing it is for adopters and their adopted children to be separated while their visa and settlement applications are being considered. Nonetheless, the Government takes seriously its responsibility to ensure that any application involving children is given the correct level of scrutiny, to safeguard the best interests of the child.

Applications for British passports for adopted children are processed by a specialist team in England. Once a child has been adopted, an application can be made for citizenship and once granted an application can be made for a British passport. The current timescales for processing correctly made applications for citizenship is 12 working days and 10 working days for processing applications for passports. Faster services are available: premier and fast-track. A same-day premier service is available for straight forward applications that require no additional checks and the fast-track service has a turnaround time of five working days. The Government has reviewed its training policy for processing passport applications and has concluded that no additional training is required.

The visa application process has been reviewed to identify any areas that could be improved to prevent undue delay. The Government is satisfied that it continues to apply

and follow the correct procedures, as well as continuing to make every effort to unite children with their adoptive parents in the United Kingdom (UK).

In the period 1 January to 31 December 2012 the Government took on average 16 working days to process an adoption visa application; the Government's customer service standard is to process 95% of settlement applications within 12 weeks (adoption cases are considered to be settlement applications). There were fewer than 100 adoption cases in 2012, and the Government processes over 2.5 million applications in all categories per annum.

The Government has reviewed its training policy for Entry Clearance Officers (who make decisions on visa applications). Entry Clearance Officers are currently trained in how to consider adoption cases and the training unit is kept abreast of any policy changes. This is achieved through a system of Operational Policy Instructions which are disseminated through the department and are stored on the Entry Clearance Toolkit for easy reference by all staff involved in entry clearance work. There is also a London-based Entry Clearance Complex Cases Advice Team, who respond to queries from visa sections on all types of visa applications, including adoption cases where needed. Consequently, the Government is satisfied that no additional training is required.

The Government understands how important it is for prospective adopters to know how long it will take to process their application and would like to be given an indication of the likelihood of their application being successful before they travel overseas. The Government has carefully considered the latter point and has concluded that adding an additional step in the process would slow down the adoption/visa application. It is unlikely that a prospective adopter's visa application would be refused if they have followed the appropriate procedures and provided the relevant evidence. Until the prospective adopter has formally completed the adoption with a competent authority and all other procedures have been completed, no decision on the issuing of a visa can be made.

Intercountry adoption appeals are considered by the Immigration and Asylum Chambers of the First-tier and Upper Tribunals. These appeals are rare, and the Tribunals already give them priority in practice.

Where such an appeal is made, the appellant (through their representative or otherwise) should bring the urgency of the case to the Judge's notice, and may apply for expedition. Alternatively, once they are made aware of the relevant facts the Judges can of their own motion direct that these cases are given priority.

Listing Officers are directed to give priority to cases that concern the well-being of young children. Whilst listing decisions will always turn in part on other factors, such as the readiness of both parties, once the necessary material is in place listing should take place within weeks, rather than months, and the appropriate Case Management Directions given would reflect the expedited timetable.

Nonetheless, measures to further improve performance in these cases are being taken forward. The First-tier Tribunal is reviewing its case management systems, which should further enable the tribunal to identify cases that need urgent consideration at an early stage. Additionally, the Tribunal Procedure Committee is introducing new rules for the First-tier Tribunal's Immigration and Asylum Chamber which would support further improvement.

## Safeguarding children

**Recommendation 58: We are concerned by evidence of a legal loophole created by the designated list procedure which is being exploited by some prospective adopters seeking to evade proper assessment as to their suitability to adopt. We recommend that the Government review the designated list procedure. (Paragraph 287)**

### **Reject**

Where adopters are habitually resident in the British Islands they must comply with section 83 of the Adoption and Children Act 2002. This makes it a criminal offence to bring a child who is habitually resident outside the British Islands into the UK for the purposes of adoption by a British resident, or to bring such a child in within 12 months of an adoption order being made overseas, unless they have complied with the procedures for an intercountry adoption set out in the Adoptions with a Foreign Element Regulations 2005<sup>37</sup>.

Section 83 of the Adoption and Children Act 2002 originally set the limit at six months, but this was raised to 12 months by the Children and Adoption Act 2006<sup>38</sup>. It creates a balance between preventing people being able to avoid the intercountry adoption process, whilst not creating unreasonable barriers for people living overseas and who cannot adopt through that process. The Government has no plans to amend the requirement in section 83.

The Adoption (Designation of Overseas Adoptions) Order 1973 (known as the designated list) recognises certain adoption orders, but it does not govern assessments of eligibility or the requirements for entry into the UK. The designated list has been reviewed and the Government response to a consultation was published on 30 October 2012<sup>39</sup>. The Adoption (Recognition of Overseas Adoptions) Order 2013<sup>40</sup>, which will come into force on 3 January 2014, includes only those countries that have implemented the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption<sup>41</sup> ("the Hague Convention"). Adoptions from countries included in

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<sup>37</sup> [www.legislation.gov.uk](http://www.legislation.gov.uk)

<sup>38</sup> [www.legislation.gov.uk](http://www.legislation.gov.uk)

<sup>39</sup> *Consultation on the Review of Intercountry Adoption Legislation*. [www.education.gov.uk](http://www.education.gov.uk)

<sup>40</sup> [www.legislation.gov.uk](http://www.legislation.gov.uk)

<sup>41</sup> [www.hcch.net](http://www.hcch.net)

the new Order will still need to comply with section 83 of the Adoption and Children Act 2002 (which does not apply if the child is to be adopted under the terms of the Hague Convention). One of the questions in the consultation was an option to withdraw the 1973 Order; this was not supported.

**Recommendation 59:** It is important that the legal position of children placed for adoption from overseas is properly regulated and that someone has legal authority to make decisions regarding important matters such as the child's education and health pending the making of the final adoption order. The Government must ensure that children are not left without a designated person or local authority who can exercise parental responsibility where appropriate. (Paragraph 290)

### **Reject**

Very few children fall into this category: usually children not adopted under the terms of the Hague Convention, or from countries not included in the Adoption (Designation of Overseas Adoptions) Order 1973 (known as the designated list). Prospective adopters must, in these circumstances, wait six months after entry into the UK before they can apply for an adoption order. Prospective adopters can apply for a residence order which will give them parental responsibility for the child. Once the child arrives in the UK they are given access to education and emergency health services. The local authority has a duty to monitor these placements at a frequency that they decide is appropriate, but as a minimum weekly for the first four weeks, then at three and six months, until an adoption order has been made.

The Committee's recommendation implies that parental responsibility is required in order to be able to make decisions for the child. This is not the case. The Education Acts<sup>42</sup> define parent as "including anyone who has care of the child", so prospective adopters can apply for a school place for their adopted child. Section 3(5) of the Children Act 1989 states that a person who does not have parental responsibility but who has care of a child "can do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare", which allows prospective adopters to, for example, consent to a child having routine medical treatment. In an emergency, necessary lifesaving treatment will be administered without requiring consent from someone holding parental responsibility.

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<sup>42</sup> [www.legislation.gov.uk](http://www.legislation.gov.uk)

## Support for children adopted from overseas

**Recommendation 60:** We reiterate the intense vulnerability of children adopted from overseas, many of whom will face serious challenges beyond even those faced by children adopted domestically. We call on the Government to reconsider the changes made to the new School Admissions Code to give priority in the admissions process to children who were looked-after in their state of origin immediately prior to the adoption. (Paragraph 292)

### Reject

The Government notes the view that children adopted from overseas should be included in the School Admissions Code<sup>43</sup> and, of course, understand that some of these children will have difficult and challenging needs. Since February 2006, looked after children have had priority access under the School Admissions Code. The priority access for looked after children applied to those children adopted under the terms of the Adoption and Children Act 2002 (which came into force on 30 December 2005). It is only children who were looked after (as defined in the Children Act 1989) from February 2006 who would have had priority access. Children who were looked after overseas are not considered to be looked after children under the terms of the 1989 Act.

The new School Admissions Code extends priority to those children who leave care under an adoption, special guardianship or residence order. By limiting coverage to those children who were previously looked after immediately before adoption, the intention is that these children continue to benefit from the provision that they have received whilst they were looked after given their particularly vulnerable background. Securing the right school place may be a contributory factor in helping ensure that the child's new home (be it under an adoption, special guardianship or residence order) is sustainable. If the arrangement breaks down, the child will return to care and thus still be eligible for priority under the existing admission arrangements for looked after children.

The Government recognised at the time this change was made that it would exclude a number of children: those with an adoption, special guardianship or residence order who were not previously looked after, which includes those intercountry adoptions. A line had to be drawn somewhere and on which groups had priority access under the new Code and it was decided that the fairest way, consistent with the requirements of the Equality Act 2010<sup>44</sup>, was to confine the change to an existing provision for those children who were previously looked after and unable to return home. This inevitably leads to the exclusion of some children who face serious challenges, but the alternative would have been to accept the status quo and make no provision for those previously looked after children as set out above.

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<sup>43</sup> [www.education.gov.uk](http://www.education.gov.uk)

<sup>44</sup> [www.legislation.gov.uk](http://www.legislation.gov.uk)

Although overseas children do not have priority access, there is scope for admission authorities to use their discretion and prioritise children for social or medical reasons. Where that child is identified as having special educational needs and these are set out in a statement of special educational needs, the adoptive parents have the right to express a preference for any maintained school. The local authority must comply with that parental preference unless the school is unsuitable to the child's age, ability, aptitude or special educational needs, or the placement would be incompatible with the efficient education of the other children with whom the child would be educated, or with the efficient use of resources.

## Costs

**Recommendation 61: We agree that the preparation of a home study report on prospective overseas adopters should be seen as a service for children and part of the local authority's safeguarding responsibilities. We therefore urge local authorities to give careful consideration to the removal of charges for the preparation of home study reports. (Paragraph 294)**

### Reject

Local authorities (and Voluntary Adoption Agencies, which carry out many of the intercountry adoption assessments) have the discretion to decide whether or not to charge a fee to undertake an assessment of suitability for those who wish to adopt from overseas. If they do decide to charge a fee they must comply with the Local Authority (Adoption) (Miscellaneous Provisions) Regulations 2005<sup>45</sup> and Article 8 of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.<sup>46</sup> Both make it clear that no profit can be made from the process.

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<sup>45</sup> [www.legislation.gov.uk](http://www.legislation.gov.uk)

<sup>46</sup> [www.hcch.net](http://www.hcch.net)

# Summary of the Government's action

## Recommendations 1 and 2:

Family and friends carers: The Government is currently developing ways to ensure all local authorities have a family and friends care policy in place which sets out the support and services available for family and friends carers in the local area across all legal statuses.

The Government will be holding two national sector training days for Directors of Children's Services, senior managers, family and friend carer designated leads and social workers in autumn 2013.

The Government will be commissioning an information resource that will increase the knowledge base of the carers and front line practitioners.

Special Guardianship: The Government has commissioned the University of York to carry out research to establish how local practice has developed, investigate the extent of, and reasons for breakdown following the making of an Special Guardianship Order as well as the outcomes for the children and their special guardians. The final report will be available by summer 2014. Ministers have also met with special guardians and children to better understand their experiences of being subject to such orders.

Fostering: Work to improve long-term fostering includes ensuring local authorities have access to data to benchmark their practice in this area; and improving the statutory framework for long-term fostering so these arrangements are formally recognised, foster carers have the appropriate delegated authority and social work intervention is flexible and appropriate.

The Government is funding Fostering Network to support local recruitment of foster carers; and consortia of local authority and independent fostering agency partnerships are being commissioned to develop innovative solutions to recruiting foster carers from a broader range of backgrounds.

Improvements to the assessment and approval process for foster carers and changes to the delegation of authority to foster carers came into force on 1 July 2013.

The Government is also funding the roll-out of evidence based interventions for children in foster care, including Multidimensional Treatment Foster Care (MTFC) and KEEP.

The Fostering Information Exchange provides a forum for people to exchange views and share good practice.

**Recommendations 3 and 10**: The Government published revised statutory guidance *Working Together to Safeguard Children (2013)* which came into effect from 15 April 2013. This makes it clear that assessments of children in need must be based in the

needs of individual children and where there is a conflict of interest, decisions should always be made in the child's best interests and that social workers and other professionals must work to the child's timeframe.

#### **Recommendations 4 and 5:**

The Government has set up a panel of experts to bring together the evidence concerning indicators of neglect associated with a likelihood of future harm. Ofsted have now carried out fieldwork around thresholds for intervention in cases of neglect and will be publishing their thematic review in autumn 2013.

#### **Recommendations 6-8:**

The statutory guidance *Working Together to Safeguard Children (2013)* has removed the requirement to conduct separate initial and core assessments to make the process of assessment a continuum for children and building on the history of the case.

The Government is funding the NSPCC to develop a best practice model of pre-birth assessment.

The Government has commissioned research and knowledge for social workers when working with and assessing children on the edge of care. It has funded work through the College of Social Work, lent support to the Children's Improvement Board to deliver regional conferences and training workshops and has also worked closely with the Family Justice Board, the Association of Directors of Children's Services and the judiciary to define what constitutes high quality evidence. Follow-on training, reflecting the new pilot PLO and guidance for local authorities is also being provided by the Children's Improvement Board and Research in Practice and will run through to September 2013.

**Recommendation 9:** The Government is increasing the overall funding for early intervention, from £2.2 billion in 2011-12 to £2.5 billion in 2014-15.

A Government contract was awarded to the Early Intervention Foundation Consortium to support the needs of commissioners in implementing early intervention programmes and practice in their local areas.

The Government is considering the future uses of the top-slice of the Early Intervention Grant.

**Recommendations 13-15:** The Government will issue guidance to local authorities on their obligations under the European Convention on Human Rights when applying *Fostering for Adoption*.

**Recommendations 16-17:** The Government has funded the development of a framework of accreditation for Family Group Conferences to ensure quality and consistency in their use. During 2013-15 the Government will be funding the roll out of

the accreditation for Family Group Conferences and will look at increasing them at the pre-care proceedings stage.

**Recommendation 18:** The Government will continue to focus hard on progress in the area of family-finding following the next scorecard publication in autumn 2013.

The Government is considering what further action it needs to take to ensure that family-finding is commenced at the earliest opportunity.

The Government is funding the British Association for Adoption and Fostering in 2013-14 and 2014-15 to support and develop an increase in adopter-led matching.

**Recommendations 19-22:** The Government is funding new training approaches for social work entry and a support programme as social workers begin practice. Sir Martin Narey is reviewing initial social work training and reporting in late 2013.

The Government is working with the College of Social Work to develop continuing professional development curriculum guidance for social workers covering adoption and fostering. The College is also developing specialist capability statements for social workers who are working in the adoption and fostering sector. A contract has been awarded to develop and deliver new social worker training materials on adoption and fostering for implementation via the "Train the Trainer" sessions from January to March 2014.

**Recommendations 23-25:** The Government will closely monitor the performance of local authorities through Ofsted's inspection report, in particular the quality of IRO services through Ofsted's revised inspection framework which came into force in September 2013.

**Recommendation 26:** A programme of work is underway, led by the Cafcass Quality Committee, to achieve greater consistency across all service areas.

**Recommendation 27:** Cafcass is participating in the new pilot Public Law Outline which was issued in summer 2013 will be in operation across all court areas by October 2013, with the pilot running to end March 2014.

**Recommendations 28-31, 35, 36, 38 and 39:** The Government is helping local authorities to spin out their adopter recruitment and assessment functions to create new adoption agencies.

The Government will continue to work with local authorities to monitor the impact and implementation of their commitments to address the problems identified in *Further Action on Adoption; Finding More Loving Homes*.

A grant of £1 million has been awarded to the Consortium of Voluntary Adoption Agencies for 2012-14 and further £16 million of funding will support the growth of the VAA sector over 2013-16.

The Government will continue to monitor local authorities closely through the adoption scorecards and other available data and, where their progress gives cause for concern, will take the appropriate action.

**Recommendation 32:** The Government will work with First4Adoption to meet the information needs of potential adopters to increase the number of adopters.

**Recommendations 33-34:** The new two stage adoption approval process and fast track procedure came into force on 1 July 2013.

**Recommendation 37:** The Government will continue to raise the profile of the Register with adoption agencies.

**Recommendation 40:** The Government is taking action to improve its intelligence on why some adoptions breakdown through data collection by local authorities and research commissioned from the University of Bristol.

**Recommendations 41- 43:** There is little research evidence on the impact of adoption support, making it difficult to robustly estimate the size of the down-stream savings associated with its provision. The Government will reflect on the evidence gaps and consider how the evidence-base might be improved.

**Recommendation 44:** The Government is setting up an Adoption Support Fund, investing £19.3 million in 2015-16, with a commitment to on-going funding. The Government will be trialling a smaller version of the Fund in a small number of local authorities from autumn 2013 and the full national Fund will be rolled out by early 2015.

The Government is also proposing to pilot personal budgets for adoption support in a number of local authority areas. The Government is providing funding in 2013-2014 and 2014-15 to three Voluntary Adoption Agencies that provide evidence-based therapeutic services or parenting programmes.

The Government is extending the successful AdOpt pilots to more local authority areas.

From 2015, adoptive parents will be entitled to adoption leave from the first day that they start a job and allowed time off work for introductions to the child they have been matched prior to the child moving in with them (placement). The rate of adoption pay will be enhanced for the first six weeks after placement to make adoption pay equal to 90% of the prospective adopter's normal salary.

The Government is increasing the eligibility for the 2-year-old early education offer to adopted children, from 2014.

The Government has commissioned e-learning materials on the behavioural and mental health to raise awareness and understanding amongst health professionals and prospective adopters.

The Government will make clear to social workers that information about a child's range of behaviour and health issues must be shared with prospective adopters.

The National Institute for Health and Care Excellence (NICE) has been commissioned to produce clinical guidance on 'Children's attachment: the attachment and related therapeutic needs of looked after children and children adopted from care'.

**Recommendation 45:** The Government intends to revise the guidance on the role of the designated teacher over the coming year.

**Recommendation 46:** The Government has commissioned the National Institute for Health and Care Excellence (NICE) to produce materials that will facilitate a better understanding of attachment issues by health professionals and will explore how to share the material with a wider range of professionals, including teachers.

**Recommendation 47:** The Government is exploring avenues that will improve adopted children's access to health and CAMHS services.

**Recommendation 48:** The Government will give full consideration to the Committee's recommendation once the research findings on special guardianship are published at the end of 2014.

**Recommendations 49 and 50:** The Government will consider how best to facilitate the sharing of good practice being developed in a number of local authorities (e.g. in the West Berkshire area) more widely.

**Recommendation 51:** The Government is following the progress of the Social Impact Bond *It's All About Me* being led by the Consortium of Voluntary Adoption Agencies.

**Recommendations 52 and 53:** The Government will be reviewing guidance on post-adoption contact arrangements in light of the new provisions in the Children and Families Bill.

**Recommendation 54:** The Government is exploring with the Law Commission whether the issue of access to adoption information for the descendants of adopted people might be included within a possible project as part of the Commission's 12<sup>th</sup> programme of law reform.

**Recommendation 56:** The Welsh Government has advised that it intends to clarify the position on access to information via the Codes of Practice which will be developed in support of the Social Services and Well-being (Wales) Bill.

**Recommendation 57:** Measures to further improve performance in adoption cases are being taken forward. The First-tier Tribunal is reviewing its case management systems, which should further enable the First-tier Tribunal to identify cases that need urgent consideration at an early stage. Additionally, the Tribunal Procedure Committee is

introducing new rules for the First-tier Tribunal's Immigration and Asylum Chamber which would support further improvement.

**Recommendation 58:** The Adoption (Recognition of Overseas Adoptions) Order 2013 was laid before Parliament in July 2013 and replaces the Adoption (Designation of Overseas Adoptions) Order 1973. The order will come into force on 3 January 2014.



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