

Report for Scrutiny Committee

Adoption

What is adoption?

Adoption is a way of providing a new family for children who cannot be brought up by their own parents.

It is a legal procedure in which all the parental responsibility is transferred to the adopters.

Once an adoption order has been granted it cannot be reversed except in extremely rare circumstances.

An adopted child loses all legal ties with their first mother and father (the 'birth parents') and becomes a full member of the new family, usually taking the family's name.

Legislative framework

The Adoption and Children Act 2002 received Royal Assent in November 2002 and modernised the whole existing legal framework for domestic and inter-country adoption. It also introduced a new legal order, Special Guardianship, which offers legal permanence for children for whom adoption is not suitable.

The 2002 Act was fully implemented on 30 December 2005.

The Children and Adoption Act 2006 gives courts wider powers to deal with issues around contact and those relating to inter-country adoption.

What is the difference between adoption and fostering?

Foster carers share the responsibility with a local authority and the child's parents.

Fostering is usually a temporary arrangement, though sometimes foster care may be the plan until the child grows up. This long term or 'permanent' fostering cannot provide the same legal security as adoption for either the child or the foster family but it may be the right plan for some children.

Who are the children who need adopting?

There are around 4,000 children across the UK needing adoption every year. These children are from a great variety of ethnic and religious backgrounds.

Many of these children are of school age and over half of them are in groups of brothers and sisters who need to be placed together.

Who can adopt?

- You have to be over 21, happy to make space in your life and home for a child, patient, flexible and energetic, and determined to make a real difference to a child's life, for a lifetime.
- Some people think about adoption but never look into it further – possibly because they are over 40 and think they will be ruled out, but they are wrong, there is no upper age limit. Agencies are looking for adopters who have the physical and mental energy to care for demanding children, and whose lifestyle suggests they will still have that energy when the child is a teenager, or young adult. Older children are among those children who wait the longest so adoption agencies are keen to hear from people who can give a permanent and loving home to an older child.
- A record of offences will need to be carefully looked in to but, apart from some offences against children, will not necessarily rule someone out.
- Everyone has to have a medical examination and health issues will need to be explored.
- People from all ethnic origins and religions can adopt. Ideally, a new family should meet all a child's emotional, identity, health and development needs. In BAAF's view, practice experience indicates that children do best when brought up in a family that reflects their ethnic and racial identity as closely as possible. In part, this is informed by reports from black and minority ethnic adopted adults who grew up with families who did not match their ethnic and racial identity, describing difficulties in belonging to any community outside of their immediate family. What this means in practice is that vigorous efforts are made to find a family that reflects the child's individual identity. Given the profile of prospective adopters, this is not always achievable. In these instances, social workers will have to make a decision about when to consider alternative families in order to minimise delay for the child. Children would then be placed with families that best match most of their needs, even if this means they are of a different ethnic group.
- Disabled people are not excluded and sometimes experience of disability will be positively welcomed.
- A single person, or one partner in an unmarried couple – heterosexual, lesbian or gay – can adopt. Since 30 December 2005 unmarried couples in England and Wales can apply to adopt jointly.

How do people apply to adopt?

They will need to go through an adoption agency. Some agencies are voluntary organisations. Most are part of the local authority children's services. People are not limited to their own immediate locality but most agencies work roughly within 50 mile radius of their office. Although it is only possible to follow through an application with one agency, several can be contacted at this early stage.

How do people get approved to adopt?

It usually takes at least six months for social workers from an adoption agency to get to know prospective adopters, assess them and help prepare them of the task ahead.

All potential applicants attend pre-approval training sessions as part of their approval process.

Confidential enquiries will be made of the local social services or social work department and the police.

Applicants will be examined by their GP and will be asked to provide personal references from at least two friends and one family member.

The agency's independent adoption panel will consider a report on the application and recommend whether or not applicants should be approved as adopters who will be given the opportunity to meet the panel.

What if you don't get approved to adopt?

In England and Wales, if any agency is planning not to approve the prospective adopters, the applicants can make representations to the agency asking them to review their determination. In England, as an alternative, applicants can request that an independent body (Independent Review Mechanism) undertake this review and make a recommendation to the agency.

How are approved adopters matched with a child?

After prospective adopters are approved, their agency will try and match them with a child. They can also enquire about children being profiled in *Be My Parent* and other family-finding publications, like *Adoption Today*.

In England and Wales, agencies also refer prospective adopters to the Adoption Register for England and Wales which links waiting children with waiting approved adopters.

The proposed match will be presented to an adoption panel who will recommend whether to proceed with the placement.

What happens when the child moves in?

The child will move to live with their new parent/s after a planned period of introductions, which lasts a few weeks or a month or two, depending on the child's needs.

Social workers will remain involved to support the new family and the child at least until an adoption order is made.

How adoption is made legal?

There are certain minimum periods for which the child must live with the adopters before an adoption order can be made, or, in England and Wales, before an application can be made to the court.

A birth mother cannot give consent to adoption until her child is at least six weeks old. If their birth parents do not agree, there is a process for the agreement to be independently witnessed.

If birth parents do not agree to adoption, there are circumstances in which the court can override their wishes. Again the detailed process will depend on which country is involved. In many cases the question of consent will be considered by the court before the child is placed for adoption.

Should children be told that they are adopted?

Yes, children should be raised knowing they were adopted. Adoptive parents should give appropriate information to the child from the time the child is little as they grow up.

Do birth parents and other relatives have any contact with their child after adoption?

It is common for there to be an exchange of written information, perhaps once or twice a year, via the adoption agency.

There will be unique arrangements for each individual child which may mean direct contact for some children with various members of their birth family, including grandparents and brothers and sisters who may be placed elsewhere. Sometimes there will also be contact with birth parents – if this is best for the child.

Do adopted children want to trace their birth parents?

Most adopted children are curious about their origins, but this doesn't mean that they don't love their adoptive parents.

Since 1975 adopted people in England, Wales and Northern Ireland have had the right to see their original birth certificate when they reach the age of 18 (in Scotland the age is 16 and this right had existed since legal adoption was first introduced).

Some people are satisfied with the fuller knowledge and understanding gained in this way, while others want to try and trace their birth parents or other family members.

What about adoption by step-parents?

Sometimes step-parents want to adopt the children from the previous relationship of their new partner. If this happens, the child's legal links with their absent parent and wider family will be broken. Alternative ways of settling the child's situation may be better for some children.

It is the policy of Cheshire East Council that adoption be considered for every child where rehabilitation, or a family and friends placement has been ruled out. Adoption should be seen as a positive option for children where a permanent family is sought. It must still be considered even where it is in the child's best interests to have contact with their birth family.

Planning is crucial if adoption plans are to be achieved with minimal drift for children in care and Cheshire East Council monitors each child who has adoption as their care plan in order to reduce delay. Where an adoption plan is agreed, Cheshire East aims for an adoption order to be made within two years of a child becoming looked after. The child has to be at the centre of any adoption plan and their welfare is paramount.

Guidance, Regulations and Standards

The Statutory guidance issued under the **Adoption and Children Act 2002** outlines the duties and responsibilities of everyone involved in the adoption process, in particular local authorities and adoption agencies.

Adoption agencies are regulated by the **Adoption Agency Regulations 2005**, issued under the **Care Standards Act 2000**, they apply to all local authorities in England as well as voluntary adoption agencies in England and Wales.

The National Minimum Standards for Adoption Agencies, effective from 2003 and amended in 2005, are issued under the **Care Standards Act 2000**, they apply to all Local Authorities in England as well as voluntary adoption agencies in England and Wales.

Although not enforceable in themselves, they are used by the registration authorities, i.e. OFSTED, when registering and inspecting adoption agencies to determine whether they meet their obligations under the regulations.

For example, Standard 4 requires that **“there is a formal, thorough and comprehensive assessment, preparation and approval process”** and outlines the expectations under this standard.

Adoption Panel

The Adoption Panel is a key element in the planning for a child's progress to adoption. The adoption panel's role is to quality assure the social work in children's cases where adoption is being considered and ensure that a balanced and fair consideration is made. In Cheshire East the panel adds considerable value to the quality of decision making and contributes to a consistent consideration of cases across the authority.

The Adoption Agencies Regulations 2005 require the adoption agency to ensure that it's membership reflects a balance of attributes and experience which will allow it to carry out it's work efficiently and sensitively.

In Cheshire East, the Adoption panel comprises:-

- **Chair:** who should have such experience, knowledge and skills in adoption work as the agency consider appropriate to enable him/her to command the respect of other Adoption Panel members and chair the adoption panel's meetings effectively. The Chair is appointed by the Head of Children's Services in conjunction with the Principal Manager, Looked After Children. **Sue Ferguson** was the Independent Chair of Cheshire County Council's Adoption Panel from 2003 and joined the Cheshire East Panel in April 2009. Sue is an Independent Social Care Consultant with extensive knowledge and professional experience of social work practice and Children's Services.
- **Medical Adviser: (Dr Rimi Bhatia)** a full member of panel but who also advises the panel on medical issues. The Medical Adviser is appointed by one of the Primary Care Trusts serving the authority
- **Social Workers (2): (Janet Burton and John Metcalfe)** both of whom have at least three years post qualifying experience in child care social work, including direct experience in adoption work. This may involve working with adopters or with a child being placed for adoption.
- **Elected Member (1): (Councillor Andrew Kolker)** nominated by Chair of Governance Committee. Members can give insight into strategic issues facing the agency and bring a useful perspective as the elected member is a member of the corporate parenting group or has a responsibility for children's services.
- **Independent Members (3):** who are not employers or relatives of employers of Cheshire East Council or elected members. At least two should, where reasonably practicable, have personal

experience of adoption e.g. adopted adults (who must be at least 18 years of age), adoptive parents, or relatives of an adopted person. Cheshire East adopters may not be independent members of panel until twelve months after making the adoption order. The independent members are recruited by the Agency Adviser. **Sharon Berry** brings to the panel the perspective of the adopted adult; she is also a foster carer. **Thelma Rees** brings a lengthy experience of working as a Nurse for Looked After Children and has a wide knowledge of child care law. **Marjorie Bevan** brings to the panel the perspective of the birth parent.

- **Additional members (2):** this could be anyone with particular expertise e.g. educational psychologist, CAMHS professional etc, or additional independent members with knowledge or skills in adoption. **Adrian Bradley** has past experience as a County Councillor and extensive experience as a panel member. **Liz Turner** brings expertise from an education perspective and is an adoptive parent.

It is desirable that panel members should:-

- Have experience of working with children and families or other experience which equips them to understand the needs of children and parents
- Demonstrate an understanding of the sensitivity of adoption in the life of children and their families.

In addition to the Panel members, the Panel is assisted by the:-

- **Panel Administrator (Joanne Appleton)**, who attends all the meetings, arranges the agenda and takes minutes.
- **The Agency Adviser (Heather Maguinness)**, who can offer advice re Cheshire East Council policy and procedure and take up issues with the agency when necessary.
- **The Legal Adviser (Martyn Brooks / Caroline Crosby)**, who is a qualified Solicitor and can give legal advice in all aspects of child care and adoption legislation

The recruitment and induction of panel members is the responsibility of the Agency Adviser.

Panel Responsibilities

The Adoption Panel will make **recommendations** on the following:-

- Whether a child should be placed for adoption

- Whether a prospective adopter (domestic or inter-country) is suitable to adopt, or if already approved, whether that are no longer suitable to adopt
- Whether a child should be placed with a particular adoptive parent or parents

The Adoption Panel may give **advice** to the agency on:-

- Whether a Placement Order should be applied for
- The number of children the prospective adopter may be suitable to adopt, their age range, sex, likely needs and background.
- Plans for contact
- Arrangements for sharing of parental responsibility
- Support arrangements

Quality Assurance

- The Adoption Panel receives quarterly information about the business activity of the adoption service
- The Panel contributes to the development of practice by receiving and discussing draft policy and procedure
- Feedback from the panel on issues of practice in the agency is given to the Agency Adviser who is able to take this up formally and informally within the agency

The Agency Decision

The Adoption Panel makes the **recommendations** which are then taken into consideration by the Agency Decision Maker before reaching the **decision**. The Agency Decision Maker in Cheshire East is the County Manager for Children.

Draft minutes are prepared by the Panel Administrator as soon as practicable after the meeting is finished. These are finalised with the Chair and mailed to the ADM within 48 hours. The decisions will be taken within seven working days of the Adoption Panel recommendation.

Adoption Panel Activity 2009 – 2010 Children

Number of SHOULD BE PLACED FOR ADOPTION decisions 18

Of those children, number who are to be placed with consent 2

Number of children where a change of plan has been made from adoption to an alternative plan 2

Number of MATCHING decisions between child and adopter 18

Number of adopters approved 10

The Cheshire County Council split into East / West impacted on this figure as a number of families already in the Cheshire process were located in the Cheshire West area and moved to West during the preparation / assessment process.

Children adopted and children waiting

Where it has been agreed that a child should be placed for adoption, the Cheshire East Adoption Service aims to secure a suitable permanent family for that child without unnecessary delay and to support adoptive families in providing a placement for life.

From 2006 – 2007, the Government has requested that the numbers of Adoption Orders and Special Guardianship Orders are counted together. Special Guardianship is an alternative way for children to have a permanent family which was introduced by the Adoption & Children Act at the end of 2005.

Number of Cheshire East children looked after by Cheshire East Council who are adopted or made subject to a Special Guardianship Order during the year

1 April 2009 – 31 March 2010

Adoption:	16 children
SGO:	<u>5</u> children
Total:	21

The number of children adopted in the whole of Cheshire County Council 2008/9 was 15, so this is a significant increase. The increase looks set to continue as 7 adoption orders were made between April – June 2010 and it is projected that at least 18 children will be adopted by the end of March 2011.

Number of Cheshire East children currently waiting for a placement (end of June 2010):

15 children.

Gender, Age and Ethnicity of children who are waiting

	Out of the children who are waiting	
	Girls	Boys
Total	8	7
Under 5 years old	6	6
5 years & over	2	1
White British	6	7
Other Ethnicity	2	0

- One girl – White British/Black British Caribbean
- One girl – White British/Asian

Sibling Groups

	Number in Group		
	Two	Three	Four
Siblings in placement or matched	2	1	0
Siblings waiting for a family where we have authorisation to place	1	1	0

Current information on our early warning system suggests that this number will continue to increase over the coming year. This is a national issue as well as a local one and is related to changes in practice in the aftermath of the death of 'Baby Peter' as well as changes in court procedures for the implementation of the public law outline.

Cheshire East Council therefore needs to recruit at least 20 new adoptive families in the year 2010/11.

Family finding

When family finding is requested for a child, a family finding worker is appointed by the adoption team who works closely with the child's social worker, in order to find the right adoptive family. The family finder will chair regular meetings of all those concerned with the child. The details of each child, together with a specific list of each of their needs are the basis for the

short listing and matching process. The details of each child and their brothers and sisters are collated in a profile or brochure. This has been found to be a very successful way of presenting the information, and where the child is old enough they can draw pictures which are included as well. The profile is circulated within the adoption team and to adopters in Cheshire East. Adoptive applicants are prioritised carefully in order to target families most suitable for Cheshire East children.

Social workers for adopters will send details of their families to the family finding worker wherever they are approved for the right type of child, (for example sibling group, single child, appropriate race and heritage). A short list of all the families that can on paper meet the child's specific matching criteria will be drawn up at a family finding meeting.

Where there are no Cheshire East Council families available who meet the criteria, a decision may be made to circulate the details of the child more widely ;-

- As Cheshire East Council is part of the North West Adoption 22 group of adoption agencies, details will be registered with Adoption 22
- Advertising may take place , eg in "Be my parent" or a local newspaper
- Details of the child may be featured at an adoption exchange day
- The child's details may be entered on the National Adoption Register

A shortlist of families will be taken forward for matching. Occasionally only one family will be taken forward. For example where the family concerned is already caring for the child, e.g. a foster carer, or where there is strong evidence to suggest a match can be agreed and to circulate more widely could cause detrimental delay.

Matching

Matching in Cheshire East is informed by all the available information on each child and each family.

- Information on the child and their birth family
- Information on the prospective adoptive family
- Medical information on both the child and the prospective adopters
- Supplementary information on the child where available e.g. school report or psychological assessment.

Matching meetings are chaired by a Team Manager. Other participants include:

- Child's social worker
- Social worker to each family
- Family support worker who knows the child
- Foster carer if appropriate

The meeting will consider the specified needs of each child, in relation to each family.

Where more than one family can meet all of these needs, a judgement will be made as to which match is the best for the child in the view of all members of the meeting,

Minutes of each meeting, the decision reached and the reason for the decision, are clearly recorded and are included in the papers that go to the Adoption Panel.

Following agreement to the match at panel, a period of carefully planned introductions takes place at the child's pace before the child is placed within the family. The adoption application is made to the court when everyone is confident that the time is right for the child.

Post-Adoption Support

Children being placed with adopters have many complex needs and it is imperative that we offer continued skilled support to adoptive families. Families may need intervention at different times over many years.

It is essential that the Adoption Service in Cheshire East continues to provide this service if we are to prevent further breakdowns and young people re-entering the care system. We work in partnership with adopters and other agencies to ensure that families feel supported and able to ask for assistance at any point.

The number of requests for adoption support is monitored and is increasing. We also monitor how many of these receive an adoption support service provided by Cheshire East Council or our partner agencies.

Support for adopters, children and young people

Adoptive families receiving a service may be referred to another agency such as CAMHS, or referred within our own agency to the Multi Professional Support Teams. Some families have been invited to attend training and support courses run by Cheshire East Council.

We also provide:-

- Links with Education services for advice on education issues
- Regular support groups
- "Coffee and Cake" events for adopters and their children
- Social events for the whole family
- Links with Health and Psychological services
- Training and workshops
- Co-ordination of and support with letterbox and direct contact and annual reviews of contact arrangements
- Life Story focus groups quarterly and workshops four times a year

- Support to children and families during direct work.

Current letterbox exchange cases: 120
Direct contact arrangements: 12

New initiatives in life story work have been explored and shared with panel members, social workers and neighbouring authorities to further enhance and develop different and innovative ways to approach life story work.

Support for birth relatives

Independent support services are provided via a contract with Adoption Matters, for any birth parent of a Cheshire East child.

Support for adopted adults or adult birth relatives of an adopted person

An intermediary service is provided by Cheshire East Adoption Team for those adopted adults who feel they need to know more about their origins.

This work may include counselling, access to a written adoption record and / or an intermediary service where contact is made between an adopted adult and a birth relative.

Number of referrals April 2009 / March 2010 for an intermediary service:-

43 for adopted adults
13 for birth relatives

Partner Adoptions

The number of enquiries for a partner adoption service (previously in the year 2009 – 2010 was: 25

This work involves giving information and counselling where appropriate and writing a report for the court and attending court once the application for an adoption order has been made.

CHALLENGES AND OBJECTIVES

- The service has developed an action plan based on an analysis and audit of our current services in order to ensure compliance with Adoption Regulations and National Minimum Standards, in preparation for inspection by OFSTED.

Family Finding and Recruitment

- The Cheshire Council split to East and West has had implications for matching Cheshire East children with families from within the Cheshire East area. This is because as a relatively small authority we are finding that many of our children and families have links and networks across the area which would make it difficult to place children for adoption, particularly in Macclesfield and Crewe. This has resulted in an increasing number of adoptive placements being purchased via Adoption 22 in the first instance and the National Adoption Register. In addition to the cost implications, more staff time is being spent in travelling outside the council area to areas such as London, Southern England and Wales.
- This is within a regional and national context of an increase in children being adopted and a shortage of adoptive families.
- We are seeking to address this through our recruitment strategy and by networking to explore the possibilities of collaborative working with other local authorities. We Aim to identify opportunities for increased efficiency and sustainability through joint working and explore potential partnerships where appropriate.

Reorganisation and Staffing

- Within the context of reorganisation the Adoption Team remains understaffed. Despite best attempts to recruit to permanent posts and fill vacancies temporarily via agency staff, the team has remained under numbers with a total of 5 Social Work vacancies, 1 Higher Learning Teaching Assistant, 2 Family Support vacancies and 1 part time Unit Coordinator(see structure attached). However, commitment of the staff within the service has meant that services have been maintained to a high standard.
- With a full complement of staff, the Adoption Team will be able to further improve the effectiveness and quality of recruitment, assessment, training, approval and post-adoption support to increase the supply and range of adoption placements for Cheshire East children.

Practice Development

- The Adoption Service is working towards improving towards improving and developing links with social workers in Cared for Children's Teams under the new structure. Our aim is to assist in workforce development to improve the quality of adoption work in Cheshire East Council. This will be via input to training and mentoring child care social workers and family support workers.

Adoption Support

Our aim is to improve placement stability by developing our Adoption and Special Guardianship support services in order to reduce the number of adoption placement breakdowns. Recruitment to the Adoption Support Team in the new structure is essential to maintaining and developing this service.

The service is working to achieve the council target in adoption: that 7% of children who are in the care of Cheshire East are adopted (or made subject to Special Guardianship Orders) in 2010 – 2011.

Signed.....
(Adoption Development Manager)

Signed.....
(Group Manager, Adoption)

July 2010