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Meeting	Budget and Performance Overview and Scrutiny Committee
Date	7 March 2013
Subject	<b>Barnet's Adoption Service Performance in Light of the Government Report: Further Action on Adoption – Finding More Loving Homes</b>
Report of	Assistant Director for Children's Social Care
Summary	<p>The Department for Education has published 'Further Action on Adoption: finding more loving homes', which sets out proposals for the next steps in tackling delay in the adoption system through increasing the number of prospective adopters, in order to address the national shortage – which is currently growing. The proposals include legislation to give the Secretary of State the power to require local authorities to outsource the recruitment and approval of adopters – which would not be used if local government is able to bring forward alternative proposals that would deliver a similarly radical shift in the system's capacity. This paper provides an update on the performance of Barnet's adoption service in the context of national developments.</p>

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Status (public or exempt)	Public
Wards Affected	All
Key Decision	N/A

Reason for urgency /  
exemption from call-in

N/A

Function of

Committee

Enclosures

None

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## **1. RECOMMENDATIONS**

- 1.1 That the Committee notes the changes coming into force in relation to adoption and the Council's proposed response and make appropriate comments and recommendations**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Budget and Performance Overview and Scrutiny Committee, 24 January 2013, Agenda Item 8, Forward Work Programme – the Committee resolved that with regard to the Adoption Service, the Corporate Performance team in conjunction with the Children's Service present a report to the Committee on the services performance in meeting timelines for placements.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 Implementing the 'Further Action on Adoption: Finding More Loving Homes' supports the delivery of the following corporate priorities and policies:
- 3.2 Corporate Plan - 2011/13 - especially the priority of 'Safeguarding vulnerable children and adults' and the performance target to 'increase timeliness of placements for children in care who were placed for adoption within 12 months of the decision to be placed for adoption to 75%'.
- 3.3 Sustainable Community Strategy 2010 /20 - in particular the priority 'investing in children, young people and their families' which includes the priority objective to promote the safety of children and young people and to narrow the gap through targeting support at young people at risk of not fulfilling their potential. By improving the timeliness of adoption placements we will improve the life chances of looked after children in Barnet.
- 3.4 Barnet Children and Young People Plan 2011/13 contains the priority 'support children in care to have a happy childhood and successful transition into adulthood' including the target to 'reduce the time for adoption orders, and reduce the time spent in court proceedings'.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 If timeliness is not improved children will remain in local authority care for longer, increasing the likelihood of reduced outcomes for the children, increased expense for the local authority and growing difficulty in finding an appropriate adoptive family for the child.
- 4.2 There is a risk that if adoption recruitment is outsourced, insufficient adopters would be recruited, costs increased and the quality of those adopters may not be assured.
- 4.3 There is a risk that insufficient external providers would be found, if the recruitment service were to be outsourced.
- 4.4 We know that the population of children and young people in Barnet is

growing rapidly and it is expected that the population of children requiring adoption may also grow. There is a risk that we will not be able to meet this demand internally or externally.

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 Equality and diversity issues are a mandatory consideration in decision-making in the Council pursuant to the Equality Act 2010. This means the Council and all other organisations acting on its behalf must have due regard to the equality duties when exercising a public function. The broad purpose of this duty is to integrate considerations of equality and good relations into day to day business requiring equality considerations to be reflected into the design of policies and the delivery of services and for these to be kept under review.
- 5.2 As at 31 March 2012, males were over-represented in the children in care population; 59.7% of children in care were male, compared with 51.1% of males in Barnet's 0-19 population. 18.3% of the children in care population were Black/Black British children compared to 14.3% of the 0-19 population. In contrast, children with ethnicities of White British/White Irish/White Other make up only 46.4% of the children in care population, but make up 56.9% of the 0-19 population. Children aged 0-4 years and 5-9 years are underrepresented in the children in care population, and children and young people aged 10-14 years and 15-19 years are overrepresented in the children in care population. Barnet will continue to monitor the demographic profile of children at risk and children in care and will seek to ensure that service provision meets their needs.
- 5.3 It is important to remember, when analysing the equalities data for adopted children that the cohorts are very small and therefore small differences can appear to be overrepresented. Never-the-less, it is essential that the council is aware if any particular groups are being disproportionately impacted. Unlike the cohort of children in care, males are evenly represented amongst adopted children, making up half of the cohort, roughly in line with that of Barnet's 0-19 population. 47% of children who are adopted are White British, which is roughly in line with that of the children in care population, and 32% of children who are adopted are Black or Black British compared with just 18.3% of the children in care population.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 The government is providing financial support for greater investment in adoption in the form of a one-off Adoption Reform Grant of £150 million to assist Local Authorities with short-term action to address the immediate situation of a deficit in adopters (this is a restoration, in another form, of the £150 million reduction in Early Intervention Grant). The individual allocations are not yet known.
- 6.2 The 'headline' proposal in the government paper, to give the Secretary of State the power to require local authorities to outsource their recruitment and approval of adopters (whilst retaining responsibility for the outcome)

would mean that the local authority would be dependent on external agencies to recruit sufficient adoptive parents to serve the local need. This would necessitate a change in the current structure of the adoption service and changes to existing consortium working.

## **7. LEGAL ISSUES**

- 7.1 The local authority has a statutory duty pursuant to the Adoption and Children Act 2002 to establish and maintain within its area a service designed to meet the needs, in relation to adoption, of children who may be or who have been adopted, adults who were adopted, their parents or guardians, including natural parents and former guardians, and prospective or actual adopters. The facilities must include making and participating in arrangements for the adoption of children and for the provision of adoption support services to meet the needs of persons in the above categories as well as persons further prescribed by regulations. The services may be collectively known as the "Adoption Service" and must be provided in conjunction with the local authority's social services, so that help may be given in a co-ordinated manner thereby reducing duplication, omission and avoidable delay.
- 7.2 This Adoption Service must operate within the parameters of detailed statutory regulations and guidance. The guidance is issued under the Local Authority Social Services Act 1970 and therefore must be adhered to.
- 7.3 The Adoption Service or "adoption agency" is regulated by the Adoption Agencies Regulations 2005. The service or agency currently plays a key role with regard to inter alia assessing the suitability of children to be adopted and assessing the suitability of prospective adopters. Government guidance sets out clear timetables for the process of matching a child with prospective adopters. This guidance must be adhered to unless to do so is contrary to the best interests of the child.

## **8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)**

- 8.1 The scope of the Overview and Scrutiny Committees are contained within Part 2, Article 6 of the Council's Constitution.
- 8.2 The terms of reference of the Overview and Scrutiny Committees are included in the Overview and Scrutiny Procedure Rules within Part 4 of the Council's Constitution.
- 8.3 The Budget and Performance Overview and Scrutiny Committee has within its terms of reference responsibility for scrutinising "the overall performance, effectiveness and value for money of Council services."
- 8.4 The Local Government Act 2000 determined that along with other responsibilities the remit of Overview and Scrutiny would include the responsibility to make recommendations to the executive on matters which affect the authority's area or inhabitants.

## 9. BACKGROUND INFORMATION

9.1 At the last meeting of the Budget & Performance Overview and Scrutiny Committee the committee requested that; in light of the recent Government statement that councils in England could lose their powers over adoption services, if they take too long to find adoptive parents; that a report on Barnet's adoption services' performance be presented to the Committee as soon as possible.

### 9.2 National Adoption Context

#### ***Action on Adoption and Further Action on Adoption***

9.2.1 The Department for Education has published 'Further Action on Adoption: finding more loving homes', which sets out proposals for the next steps in tackling delay in the adoption system by increasing the number of prospective adopters, in order to address the national shortage – which is currently growing. The proposals include legislation to give the Secretary of State the power to require local authorities to outsource the recruitment and approval of adopters – which would only be used if local government is unable to bring forward alternative proposals that would deliver a similarly radical shift in the system's capacity.

9.2.2 The paper follows the publication last March of the *Action Plan for Adoption*, on which significant progress has been made; but the Government has reviewed the present system and found that the recruitment of adopters is not working as it should. It believes 'that the role of local authorities in both the supply of, and demand for, adopters is at the root of the problems in the adopter recruitment system'. The paper describes those problems, and puts forward a number of proposals, including legislation to give the Secretary of State the power to require local authorities to outsource the recruitment and approval of adopters. These powers would not be used if local government is able to bring forward alternative proposals that would deliver a similarly radical shift in the system's capacity. It also includes a one-off Adoption Reform Grant of £150 million to assist LAs with short-term action to address the immediate situation.

9.2.3 The paper covers: recruiting adopters; finding more adopters quickly; and, promoting and supporting best practice in adopter recruitment and support.

#### ***Requirements Placed on Local Authorities***

9.2.4 The paper describes the progress made on implementation of the *Action Plan*, including:

- publication of two sets of local adoption timeliness scorecards (see 9.3.1 for Barnet's performance)
- consultation on proposals for a streamlined adopter assessment process
- publication of draft legislation covering ethnic matching and 'Fostering for Adoption'
- selection of First4Adoption (a partnership between Coram Children's Legal Centre and Adoption UK) to operate the new National Gateway for Adoption.

- 9.2.5 It also reports an increase in the number of children, including young children, starting to be looked after; more young children being authorised by the courts to be placed for adoption; and progress on reforms to the Family Justice system, resulting in the average duration of care cases falling from 56 to under 48 weeks nationally.
- 9.2.6 The challenge still ahead:  
Between 2009-10 and 2011-12 the number of children being approved by the courts for adoption each year increased from just over 3,000 to over 4,200; in the same period, the number of children moving in with adoptive families each year rose from 3,100 to 3,500 – so by March 2012 the number of children with a placement order awaiting a family had increased to 4,600, nationally. The number of children with an adoption decision waiting to be placed has increased by 33% from March 2010 to March 2012, with the proportion waiting 21 months or longer increasing by 7 percentage points.
- 9.2.7 National Ofsted data shows that just over 3,000 adopters were newly approved in 2011-12, but the need is for more than 600 additional adopters each year to keep up with the growing number of children waiting to be adopted, and another 2,000-3,000 to reduce the backlog. *Action on Adoption* stressed the shortage of adopters willing and able to adopt older children, sibling groups and those with disabilities and other particular needs; there is a particular need to encourage and support adopters for children with more complex needs.

### **Responses**

- 9.2.8 The ‘headline’ proposal in this paper – to give the Secretary of State the power to require local authorities to outsource their recruitment and approval of adopters (whilst retaining responsibility for the outcome) – has been questioned by some groups. The Association of Directors of Children’s Services (ADCS) and the Local Government Association (LGA) question the necessity of the reform, whilst welcoming the challenge to deliver a radical shift in the capacity of the system to recruit more adopters; they recognise the value in several of the paper’s proposals, but warn against de-stabilising local authority provision. The paper itself does, however, acknowledge that ‘the prospect of such change might reduce the incentives on local authorities to invest in adopter recruitment and so act as a temporary brake on efforts to increase adopter numbers’, and admits that ‘the issues we face are not about local authority performance. They are about system-wide failure’.

### **9.3 Barnet’s Adoption Service**

- 9.3.1 Barnet Council is committed to ensuring that all children can grow up in a secure and safe setting so that they can become successful adults. Our strong focus on high quality education, effective safeguarding and working in partnership to improve outcomes has been recognised not only by Ofsted but also through our commitment to challenge and improve practice by being a Munro Development Demonstrator site<sup>1</sup> and a fast tracked Troubled Families authority.

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<sup>1</sup> Barnet has been a Munro Development Demonstrator site during the financial year 2012/13, demonstrating our work on the implementation of the Munro Review and seeking peer challenge from other Local Authorities.

9.3.2 This year, in recognition of the strong emphasis that the government is placing on adoption, a target focused on adoption timescales is a key priority outcome in the Council's Corporate Plan. It's inclusion as one of a small number of indicators reflects the Council's determination to improve the life chances for the good of our looked after children and means that progress is regularly reported to and scrutinised by elected members, senior officers and our partners. We believe that the trajectory of our performance is in line with the plans and that the outcomes for the young people who have fallen outside of our timescales are in line with our commitment to ensuring that children can grow up in a secure and safe setting.

9.3.3 We are keen to improve and to be a leading authority in this area of work ensuring that adoption is a realistic option for a wide range of young people who are in the care system.

9.3.4 In light of Barnet's Adoption Scorecard performance, the service accepted the offered Adoption Diagnostic Assessment from the DfE. This was completed in January 2013 and positively supported the evaluative work that had already been undertaken by the service itself. It highlighted the following key findings, which are explained in greater detail below:

<b>Strengths</b>	<b>Areas for action</b>
A stable, skilled workforce	Sequential family assessments & expert assessments
A child-focussed service	Use of Special Guardianship Orders (SGOs)
Good partnership working	Permanence planning and assessment delay
Attention to evidence-based practice and practice improvement	
Engaged and supportive Legal Services	
Learning from the Scorecard data	
Adoption team development	
Adopter support practice	

### ***DfE Scorecard***

9.3.4 Barnet's performance, against each of the scorecard measures is as follows:

- 1) Average time between a child entering care and moving in with their adoptive family (days)
  - Barnet average was 718 days on 2008-2011 scorecard (79 days over performance threshold)
  - Barnet average increased to 809 days on 2009-2012 scorecard (170 days over performance threshold)

This represents an increase of 91 days since the previous score card.

- 2) Average time between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family (days), performance threshold 7 months
  - Barnet average was 97 days on 2008-2011 scorecard, performance threshold met

- Barnet average increased to 145 days on 2009-2012 scorecard, though this is an increase, performance threshold was met  
This represents an increase of 48 days since the previous score card.

- 3) Children who wait less than 21 months between entering care and moving in with their adoptive family (number and %)
- Barnet performance of 30 (51%) on 2008-2011 scorecard
  - Barnet performance of 35 (51%) on 2009-2012 scorecard  
Against this indicator performance has remained steady.

9.3.5 In 09/10, 10/11 and 11/12 the cohorts were 14, 9 and 16 children respectively. These cohorts are small which means that contextual analysis is key. Our analysis shows that there are four cases in the scorecard's current cohort of 39 that are outliers as a consequence of complexities in these cases. When one or all four of these cases are removed from the cohort, Barnet's performance falls within the set target, however our aspiration is that every case should fall within thresholds.

### ***Reasons for Delays in Barnet***

9.3.6 We have reviewed each case in the three year cohort particularly focussing on those outside of timeframes, and setting out the reasons for performance in all cases. The four outliers show that the summary reasons for delay in these cases are:

- Child's emotional state requiring extended preparation time for adoption.
- Sibling group, removed from a foster placement, difficulty recruiting alternative adopters.
- Kinship placement being moved to an adoption order as the adopters (grandparents) decided to move abroad.

9.3.7 We then went on to analyse those cases below the four outliers, which would fall below the reduced threshold in both measures planned for 2013/16. Understanding the reasons for delay in this group as well as in the four outliers has been the focus of our analysis and informed our Action plan. The themes identified in this group are:

- Delays in court proceedings caused by a number of factors, including assessments taking longer due to parental learning difficulties and protracted appeals from family members who had been assessed and considered unsuitable and by appeals from parents.
- Prospective carers coming forward very late in the process to be assessed.
- Children's complex needs including sibling groups, disability issues and complex cultural and racial backgrounds.
- Cases spending too long in the pre-proceedings stage.
- Adoptive placements irrevocably breaking down in the early stages of a placement prior to an adoption order being made.
- Family member opting to adopt having originally been an approved kinship carer.
- Child's emotional state requiring extended preparation time for adoption.

9.3.8 We are actively challenging ourselves to recognise those factors which are controllable and which, by acting upon, we can reduce our average timescales to fall within the thresholds. We recognise that there are likely to be some

factors going forward that will push individual cases outside of the thresholds including decisions made in the best interests of individual children to ensure the timescale to adoption meets their needs and provides the best possible outcome. Because of this, it is likely that a very small number of outliers may impact on the scorecard in the next scorecard. Therefore, permanency planning for the best interests of individual children remains our priority and we are working towards ensuring that this is undertaken in the most timely manner. Our action plan addresses issues of timeliness without compromising safety or outcomes, and is likely to result in an improved score card.

### ***Recruitment of Adopters***

- 9.3.9 Barnet generally does not have a problem recruiting adopters and most children are placed with Barnet adopters, with consortia or agency placement being sought where needed. We anticipate having approved 17 adopters by March 2013, an increase of 7 on 2011/12. As at December 2012 there were 7 approved adopters who are not matched, 4 of whom matches are being considered for.
- 9.3.10 The Adoption Diagnostic Assessment from the DfE identified that membership of the North London Consortium has provided opportunities for innovative and creative initiatives in adopter recruitment and training, building new links with British and Minority Ethnic (BME) communities.
- 9.3.11 There are currently plans to join together further, within the consortium, re-focusing to support the recruitment of adopters; we are jointly commissioning a project manager to do a scoping piece of work, which all 5 boroughs are committed to and are jointly funding. There has also been some preliminary work done already to refocus work on shared preparation groups and information packs. Discussions are taking place to analyse the baseline of adopter recruitment across the five local authorities in the consortium, in order to determine how to improve recruitment of adopters in the future.
- 9.3.12 Encouraging prospective adopters to telephone the service for a conversation about their interest has proved the most effective way of engaging them with the service. An in depth telephone discussion takes place at that very early stage, followed by an initial visit to suit the adopters within 10 days. Information sessions are held 4 times a year with advertising taking place shortly before each session. Attending an information session is not a mandatory part of the process. Preparation Groups are offered within the consortium 10 months of the year. Potential applicants can choose to wait and attend the next group to be run in Barnet or attend the next available group within the consortium.
- 9.3.13 Completion of assessments for prospective adopters need to be completed more quickly. A restructure of the team and processes are underway in order to meet this requirement.
- 9.3.14 Children are referred to the Adoption Team as soon as adoption is identified as a potential outcome and further work is underway to speed up the allocation to dedicated family finders.
- 9.3.15 Barnet adopters are initially considered, including those who are still in the assessment process, with a view to matching at the earliest opportunity.

Profiles on children are additionally considered at the North London Adoption Consortium (NLAC) managers' meetings on a monthly basis, enabling consideration of potential matches from across the 5 boroughs. The NLAC consortium manager also circulates profiles to all other London consortia monthly.

9.3.16 Seeking a placement with a voluntary adoption agency is considered if no matches are identified within the borough or within our partner consortia. However, as these placements cost on average £25,000 in inter agency fees, options from within the consortium are considered in the first instance. This barrier to greater use of agencies is identified in *Further Action on Adoption* and attempts by the report, to remove this barrier are welcomed, as an additional service to those that are already working well.

### ***Barnet Adoption Action Plan***

9.3.17 Analysis of the 2012/13 cohort to the end of November shows that 11 children have been adopted with a further 4 placed for adoption. The 11 are within the thresholds for measures 1 and 2. However, individual children have fallen outside one or more of the measures but none have exceeded either threshold by as much as the outliers in the current cohort.

9.3.18 Barnet's Adoption Action Plan details actions for improvement going forward based on an analysis of our performance so far as well as taking account of recent and anticipated changes. This will be supported through the use of the Adoption Improvement Grant which will fund:

- A Project Officer in the short term to coordinate all aspects of the adoption reform programme.
- The initial phase of a Principal Officer (Care Proceedings) post to lead on implementation of the Family Justice Review recommendations<sup>2</sup> in order to improve the quality of social work evidence and thereby reduce the length of care proceedings.
- Contribution with colleagues in the North London Consortium to sector improvement including the development and implementation of assessment models for prospective adopters, implementing fostering for adoption approvals, family finding and training.

9.3.19 The key aspects of the Action Plan are:

- **Timely decisions with respect to permanence**

Barnet has held a Permanence Panel since 2006 in response to concerns regarding drift in planning for permanence. This panel was replaced in September 2012 with a Care Planning Panel which builds on the work of the original panel while also focussing on tracking legal proceedings.

- **Reduction to the length of court proceedings**

Barnet is working with neighbouring boroughs, the local court and CAFCASS to reduce the length of court proceedings in line with the

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<sup>2</sup> The Family Justice Review includes measures to reduce duplication in the system, ensure that the child's wishes and interests remain prominent and set a clear time limit for the length of care cases.

Family Justice Review recommendations. This will include the appointment of a post in Barnet to support social workers to develop their professional confidence and improve the quality of their assessments and thereby reduce the need for costly independent expert assessments. This will enable Barnet to secure earlier disposal of proceedings and reduce the length of care proceedings.

- **Development of fostering for adoption**
- **Restructure of the adoption team to separate out the assessment and family finding functions.**

#### **9.4 Conclusion**

9.4.1 Recruitment of adopters is not the cause of the majority of delays to adoption for looked after children in Barnet. This is partly because of effective services in place (in supporting adopters and potential adopters) but also due to recent innovative work with the North London Consortium. Never-the-less plans to remove barriers to greater partnership working with other local authorities and external agencies are welcomed, particularly to help find adopters for children with the most complex cases and specific needs.

### **10. LIST OF BACKGROUND PAPERS**

10.1 None

<b>Cleared by Finance (Officer's initials)</b>	<b>JH/MC</b>
<b>Cleared by Legal (Officer's initials)</b>	<b>HP</b>