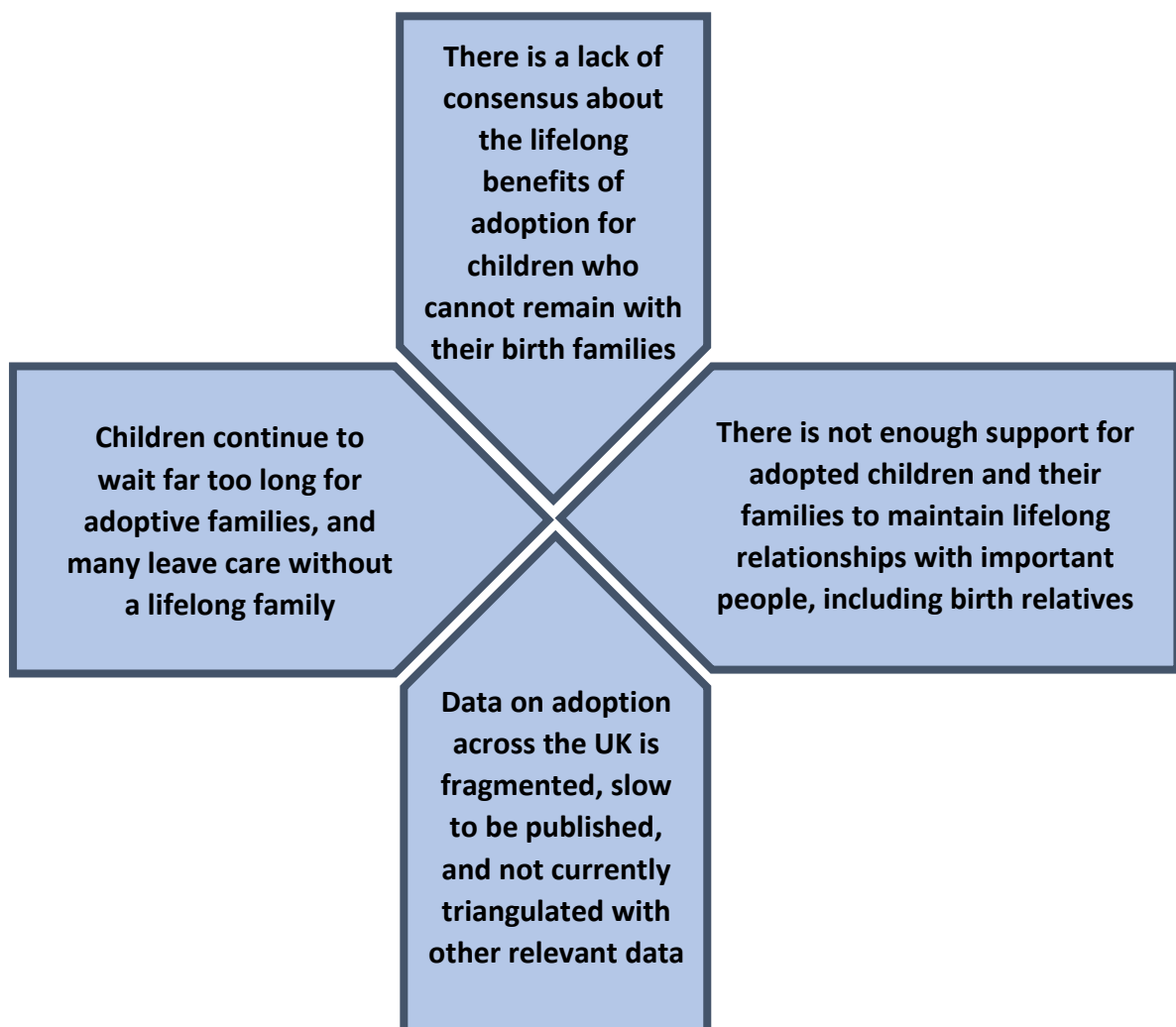


# 21<sup>st</sup> Century Adoption: briefing for the Care Review

## 1. Introduction

Adoption has evolved significantly since its height in the mid-20<sup>th</sup> century, and our growing understanding of children's needs and experiences have informed policy and practice changes in recent decades. However, there are still many systemic concerns to be tackled if adoption is to continue to provide a positive permanency option for 21<sup>st</sup> century children who cannot safely grow up in their birth families.

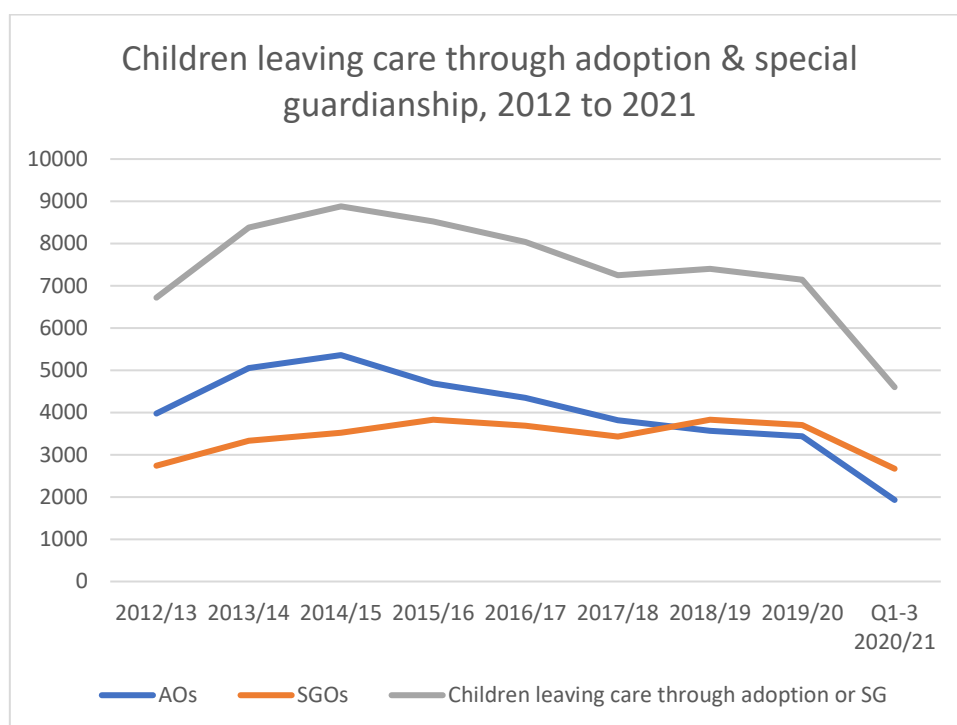
In this briefing, we set out the critical interrelated concerns that must be addressed in order to modernise adoption for the 21<sup>st</sup> century. Although these systemic issues are presented here through the lens of adoption, tackling them will in most cases inherently benefit all care-experienced children and those who have experienced early adversity and trauma.



## 2. The lifelong benefits of adoption

Plans for adoption, placement orders, and adoption orders have been declining in recent years, despite a consistent increase in the number of children in care<sup>1</sup>. We do not believe that this is in the best interests of children who could benefit from being adopted.

In 2019/20, 7,140 children left care through adoption (3,440) or special guardianship (3,700). This is down from a high of 8,880 five years before, when 5,360 children were adopted. Not only have adoptions dropped by 36% over this period, but the incremental increase in children leaving care through special guardianship has not made up for this decline – and the number of children entering care due to abuse and/or neglect has been gradually rising over a number of years. The Care Review must strive to understand what alternative plans are being made for these children, and whether these plans are meeting children’s lifelong needs.



Furthermore, decisions about adoption and special guardianship vary widely from one region to the next<sup>2</sup>, which implies a lack of consensus in both local authorities and the courts about the benefits of different permanence options and care planning decisions to meet children’s needs. There is an urgent need to understand the dynamics that are driving decisions for adoption and special guardianship, including regional differences, and whether these trends are benefitting children in the long term.

There has also been discussion about judges’ lack of feedback on the outcomes of their decisions. The Care Review provides an opportunity to work with the judiciary to consider how to build in

<sup>1</sup> <https://www.gov.uk/government/collections/statistics-looked-after-children>

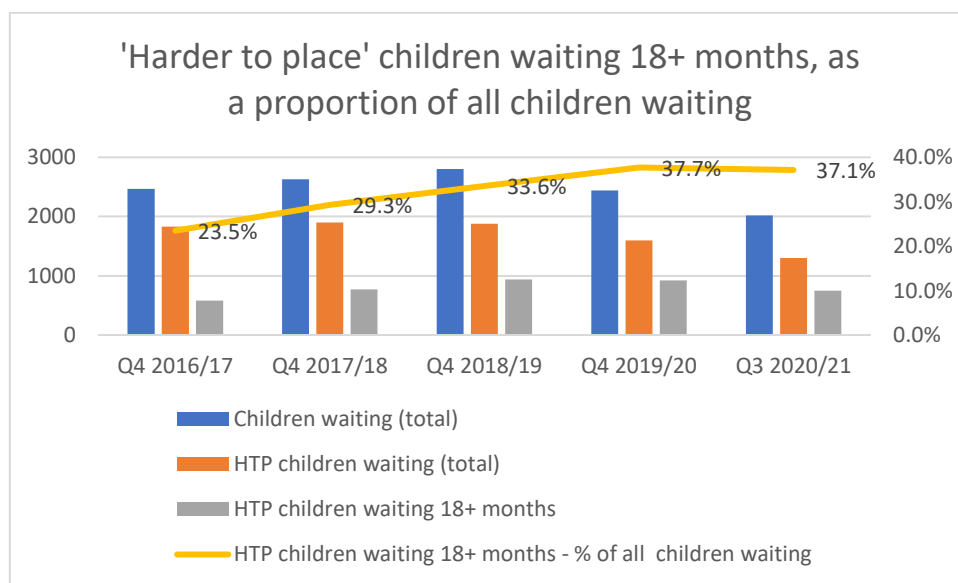
<sup>2</sup> See the most recent data on adoption and special guardianship: <https://coram-i.org.uk/asglb/data/>

processes for judges to receive information and feedback on outcomes. We are also keen to see judges provided with resources on good practice and outcomes in adoption and special guardianship to broaden their understanding of how these permanence options can benefit children and meet their specific needs.

**Recommendation:** The Care Review should interrogate the care planning process to clarify how decisions about placement choice are being made and what is happening to the children who, in previous years, would have been considered for adoption. Family Court processes should form part of this investigation.

### 3. A lifelong family for every care-experienced child

There is significant variation in waiting times for children with a plan for adoption, depending on their needs and characteristics and the authority in which they are in care. The proportion of children with ‘harder to place’<sup>3</sup> characteristics waiting longer than 18 months continues to grow, and children and adopters of colour typically experience longer waiting times than their white peers.



This is partly due to a series of financial barriers to purely child-centred decision-making in adoption – not least the underfunding of children’s services for over a decade. Since June 2018, there has been a two-tier system for interagency placements, whereby local authorities (LAs) and regional adoption agencies (RAAs) charge a lower fee to place children with their adopters than voluntary adoption agencies (VAAs) do. This leads to sequential matching for many children, extending waiting times and adding layers of bureaucracy and cost to placement decisions. Reliance on a commercial product, Linkmaker, to facilitate matches, as well as an emphasis on ‘local families first’, further

<sup>3</sup> The term ‘harder to place’ is used by the Department for Education and the Adoption and Special Guardianship Leadership Board to refer to children who are aged 5 or over, part of a sibling group, of Black or minority ethnic heritage, and/or disabled.

complicates matching. These factors, along with the increasing waiting times for children with 'harder to place' characteristics, are placing significant additional strain on foster care resources.

Resources should therefore follow the child, enabling all statutory obligations to be met and decisions to be taken based solely on the best interests of the child, and there is much that could be done centrally to support the removal of existing financial barriers.

Increasing waiting times for all children, and particularly children with 'harder to place' characteristics, signal either a shortage of families who can meet these children's needs, and/or insufficient mechanisms to match children with the right families no matter where they are in the country. The cost of finding placements for some children is also higher due to the costs of assessing their needs and recruiting and preparing adopters to meet those needs. Agreed national criteria could be used early to identify children who are likely to wait the longest and whose placements could, for example, require supplementary 'top up' funding and/or indicate a need for bespoke family finding. An agency-neutral national matching facility could then be used to ensure that the right family is found for every child who is identified as likely to wait the longest, no matter where the adopters live.

Critically, there is limited understanding of how to improve race-based disparities in timeliness for both children and adopters. For example, Action for Children's Black Families project in London was found to approve and match Black and other minority ethnic adopters more quickly, but the specific dynamics that drove this were not evaluated<sup>4</sup>. We urgently need research into the reasons that Black and other minority ethnic children and adopters take longer to move through the adoption process and how this inequity can be overcome.

Ultimately, too many children leave care without a permanent family to turn to in times of trouble or to celebrate important moments with throughout their lives. Furthermore, care leavers are overrepresented in the prison<sup>5</sup>, homeless<sup>6</sup>, and substance-misusing<sup>7</sup> populations. In the face of these concerns, there has recently been growing interest in lessons from the United States, where adoptive families are frequently found for older children and adolescents who may have spent many years in care, and where children are often adopted by their foster carers.

We envision the principles of early permanence<sup>8</sup>, which has existed in the UK for almost 30 years, being used to encourage permanent placements for older children. Early permanence is a placement model in which children are placed with foster carers whilst care proceedings are underway. If the

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<sup>4</sup> Ridley, J., Wainwright, J., and Davda, P. (2010). *'Black' families for 'black' children?: An Evaluation of Action for Children's Practice in Ethnically Matching Black, Asian and Dual Heritage Children for Adoption*. Retrieved from: [http://clock.uclan.ac.uk/2890/1/2890\\_adoption\\_black\\_families\\_-\\_full\\_report.pdf](http://clock.uclan.ac.uk/2890/1/2890_adoption_black_families_-_full_report.pdf)

<sup>5</sup> <https://www.gov.uk/guidance/care-leavers-in-prison-and-probation>

<sup>6</sup> See for example Centrepoin (2017). *'From Care to Where?'* Retrieved from:

<https://centrepoin.org.uk/media/2035/from-care-to-where-centrepoin-report.pdf>

<sup>7</sup> See for example *Annual Report of the Chief Medical Officer 2012, Our Children Deserve Better: Prevention Pays*. Retrieved from:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/252661/33571\\_2901304\\_CMO\\_Chapter\\_11.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/252661/33571_2901304_CMO_Chapter_11.pdf)

<sup>8</sup> See for example Brown, R. and Mason, C. (2021). *Understanding Early Permanence: A small-scale research study*. Retrieved from: <https://www.cfj-lancaster.org.uk/app/nuffield/files-module/local/documents/Early%20Permanence%20Brown%20and%20Mason%20FINAL%20March%202021%20LAUNCH.pdf>

court grants a placement order, the carers will go on to adopt the child – and if not, the child will return to their birth family having experienced loving care and stability at a very uncertain time in their life.

Expanding practice in the area of early permanence should be supported by consultation with care leavers, young people who are in care, and young people in adoption and special guardianship placements. A number of models and informal arrangements already exist that offer potential permanency solutions for older children, including the original intentions for special guardianship, ‘open’ adoption, and lifetime foster families.

**Recommendation:** The Care Review should seek to understand the barriers to permanence and disparities in outcomes for children and young people from different backgrounds and with differing needs. One of the Review’s goals should be to remove systemic obstacles and embed positive drivers to enable all children who cannot grow up with their birth families to be placed based solely on their needs – not financial or organisational policies. A lifelong family should be the right of every child.

#### 4. Lifelong relationships

When children cannot safely grow up with their birth parents, it is critical that they be enabled to understand their history and background, maintain relationships that are important to them, and develop a positive and resilient sense of identity. There is a significant and growing body of research in this regard from both the United States<sup>9</sup> and the UK<sup>10</sup>. However, not nearly enough has yet been done to support these building blocks of lifelong identity for care-experienced children in England. For example, there is geographic inconsistency in support for lifelong identity development, including life story books, life story work, latter life letters, therapy and support for adopted adults, and access to records. Furthermore, the National Minimum Standards<sup>11</sup> acknowledge that ‘adoption is an evolving life-long process’, but government does not resource support for adopted people over the age of 18, and support for birth families is woefully under-resourced.

Birth family support is in fact a critical element of lifelong adoption and special guardianship support, especially where it enables birth relatives to meaningfully engage in contact. Currently, insufficient support for birth parents and family members is undermining their ability to participate in meaningful, safe, and supportive contact. Contact is a particularly challenging issue for special guardians, as most are left to manage difficult family relationships without professional support whilst also keeping their children safe.

Evidence shows<sup>12</sup> that contact with birth relatives can contribute to a strong and positive sense of identity for some children (though the complexities of this should not be underestimated, as

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<sup>9</sup> See for example <https://www.umass.edu/ruddchair/>

<sup>10</sup> See for example Neil, E., Beek, M., and Ward, E. (2013). ‘*Contact after adoption: A follow up in late adolescence*’. Retrieved from:

[https://ueaeprints.uea.ac.uk/id/eprint/50763/1/Neil\\_et\\_al\\_2013\\_contact\\_after\\_adoption\\_full\\_report.pdf](https://ueaeprints.uea.ac.uk/id/eprint/50763/1/Neil_et_al_2013_contact_after_adoption_full_report.pdf)

<sup>11</sup> <https://www.gov.uk/government/publications/adoption-national-minimum-standards>

<sup>12</sup> Iyer, P., Boddy, J., Hammelsbeck, R., and Lynch-Huggins, S. (2020). *Contact following placement in care, adoption, or special guardianship: implications for children and young people’s well-being*. London: Nuffield Family Justice Observatory. Retrieved from: <https://www.nuffieldfjo.org.uk/resource/contact-well-being>

research also shows that contact can be damaging for some children). While contact will not be right for every child, or at every point in a child's life, it could be strengthened through adequate resourcing which recognises that this area of work requires significant skill and expertise. Building a robust infrastructure for direct, indirect, and digital contact which meets children's needs would not only serve all care-experienced children, but would also open the door to greater permanency and/or adoption for older children and adolescents, as discussed in the previous section.

**Recommendation:** The Care Review should map the current contact and lifelong identity arrangements for children in care, adopted children, and children living with special guardians, with a focus on dismantling the structural barriers to enabling children's relationships and identity development.

## 5. A cohesive and robust data ecosystem

There are pressing questions about adoption and permanence that we should be able to answer, but cannot currently – for example, how many applications for placement orders are rejected by the courts, and for what reasons? What are the placement outcomes for those children? How many children who leave care through adoption or special guardianship re-enter care later in childhood, and what happens to them? To drive consensus around common problems and goals, the adoption and permanence system must increase its strategic use of data. Furthermore, secure 21st-century technology should allow adoption and permanence data to both be shared directly with adoption agencies, academics, and other stakeholders, as well as triangulated with other datasets, such as court and Cafcass data.

Harnessing the power of technology to both triangulate and share adoption data would also contribute to greater transparency. If adoption and permanence data were (securely) available for analysis to anyone wishing to contribute to our collective knowledge, it would enable the resolution of a number of questions that currently remain unanswered and allow for more effectively targeted action and solutions.

**Recommendation:** Transparency, technology, and collaboration should be at the heart of data collection in the 21<sup>st</sup> century. The Care Review should seek to understand how data-sharing and triangulation could drive solutions across the care and permanency system.

## 6. Conclusion

Adoption is one permanency option for children who cannot live with their birth parents and is integrally linked to the others. It remains the permanency pathway with the best outcomes for care-experienced children, but reform is now needed to ensure that adoption responds to evidence of what works and the changing needs and expectations of 21<sup>st</sup> century children and families. In many cases, improvement for adopted children will mean improvement for other children who have experienced early adversity or trauma, as well as the adults who care for them.