



Feedback on the Case for Change

The Consortium of Voluntary Adoption Agencies

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Key themes

1. The context – Understanding and shifting key drivers

- More children in care but fewer children adopted
- Care planning and decision-making
- Feedback on outcomes for the judiciary

2. Care must build rather than break relationships – Providing the right support

- Supporting birth families and lifelong identity
- Resourcing and supporting contact

3. System factors – Joining up the dots

- An alternative delivery model for the care system

Introduction

The purpose of children's social care, including adoption, should be to facilitate children growing up in loving, safe, stable homes with adults who can meet their lifelong needs and enable them to thrive. We welcome the Case for Change's focus on this central aim.

Despite the important role that adoption has played in children's social care for decades, we were disappointed to see that the Case for Change barely included adoption in its consideration of the overall care system. Whilst we agree that the government's focus on adoption has showed the potential impact of concerted action, **we hope that the Care Review will take this opportunity to situate adoption where it belongs: as an integral part of the care planning journey and one of a range of permanency options.**

Two out of three children come into care due to abuse or neglect, but most of these children will not go on to be adopted, and many will experience multiple placements rather than the stability and permanency they need to thrive. **Practice and policies that benefit adopted children will inherently benefit much larger cohorts of children in and out of care** – including, for example, trauma-aware schools, improved working across education, health, and care services, and well-resourced

professionally supported services to enable children to safely maintain key relationships throughout their lives.

CVAA is a UK-wide organisation with members in every nation. We would encourage the Care Review to consider ongoing developments to improve children's lives throughout the country, such as the recent sibling legislation¹ in Scotland or the Welsh government's plans for integrated care and health as well as advocacy services for parents with children on the edge of care². Whilst the English context presents a specific set of systemic challenges, there is much to be learned from our colleagues in other nations.

The context — Understanding and shifting key drivers

There is a lack of consensus amongst social workers and the courts about the lifelong benefits of adoption for children who cannot remain with their birth families, despite historically high numbers of children coming into care.

As the Case for Change rightly notes on page 7, there are more children in the care system than ever before. However, the report does not include any statistics on the shift in relative proportions of placements – and specifically, the steep decline in children being placed for adoption over the past five years.

We know from the quarterly data publication from the Adoption and Special Guardianship Leadership Board³ and annual DfE statistics⁴ that plans for adoption, placement orders, and adoption orders have been declining in recent years, with year-on-year growth in Special Guardianship Orders. Additionally, reversals of adoption plans are very high – constituting more than 1 in 4 of all adoption plans made. In Wales, research by Cafcass Cymru found that many of these children were sibling groups whose adoption plans were reversed because adopters could not be found for them. In England, the ASGLB collects data on the reasons for which children's plans are reversed but does not publish this information.

There is currently no strategic national understanding of these trends, and no interrogation of what alternative plans are being made for children who, in previous years, would have had a plan for adoption. A range of complex and overlapping hypotheses have been mooted by sector leaders, including concerns about separating siblings, children waiting too long for adoptive families, a neglected and under-resourced contact system, and an increasing focus on early help for families as well as working to keep children within their extended family.

Some of these factors may well benefit children, but there is also growing concern that care planning social workers and the family courts are caught in a vicious cycle whereby social workers are considering adoption for fewer and fewer children because the courts are increasingly pushing back on adoption plans. We heard from our members about social workers' fears of being shamed by judges who disagree with their professional judgment, with the possibility that this is then inhibiting care planners' willingness to consider adoption for future children.

¹ <https://www.legislation.gov.uk/ssi/2021/103/made>

² <https://gov.wales/programme-for-government-2021-to-2026-html>

³ <https://coram-i.org.uk/asglb/data/>

⁴ <https://www.gov.uk/government/collections/statistics-looked-after-children>

Worryingly, there are also areas in which judges are increasingly taking on an inappropriate role in care planning. For example, we heard from one of our members about a case where the judge gave the children's social worker eight weeks to find an adoptive placement for two siblings and set a date for the social worker to return to court with an update. The judge advised that if a family had not been found by that time, the children would be separated to improve their chances of being adopted. Whilst we agree that placement delay should be minimised as much as possible, it should not be the deciding factor regarding a child's permanency options or whether they grow up with their siblings. These difficulties can be compounded by the lack of training and experience many children's social workers have with regards to adoption.

The Care Review provides an opportunity to interrogate the care planning and decision-making process – including the role of the judiciary – and untangle the complex threads of how and why decisions about placement choice are being made (and, in many cases, changed). The Review should seek to answer the question: **What is happening to the children who, in previous years, would have been considered for adoption?** In Wales, research undertaken by Cafcass Cymru found that most of these children remain in long-term foster care, which is not by nature a lifelong permanency option.

Without comprising the independence of the courts, the Review should also seek to understand the judiciary's views on adoption and the reasons for significant regional disparity in placement and special guardianship orders. On page 39, the Review briefly mentions disparities in judicial decision-making, the potential interplay between court decisions and LA practice, and the fact that judges do not receive feedback on the outcomes of decisions. **We believe that these are in fact key dynamics driving the reduction in adoption plans and placement orders that deserve much greater scrutiny.**

There are excellent models within the voluntary adoption sector of working with the judiciary to improve understanding of key issues, such as early permanence, from both a legal and practice perspective. For such work to succeed, it is crucial to build relationships between agency decision-makers, care planning teams, children's services providers, and the courts.

Furthermore, the President of the Family Division has in the past – for example, at the CVAA Members' Meeting in 2019 – discussed his concern about judges' lack of feedback on the outcomes of their decisions. The Care Review presents an opportunity to give whole-system consideration to potential mechanisms for this kind of feedback and closer collaboration between courts and social care in both pre-proceedings and care proceedings.

We recognise that adversity, poverty, poor mental health, and other factors impact on the ability to parent effectively and are often at play when children are taken into care. It must also be recognised that many families experiencing these difficulties care for their children very well, and most children who enter the care system have experienced or are at immediate risk of levels of abuse and neglect which require state protection. Early help and support for families is vitally important, but children's needs and timescales must be at the centre of any permanency decision, including adoption. The Case for Change points out on page 12 that almost one third care orders where a child is returned to birth family break down and the child re-enters care. Care planning teams should be empowered to consider adoption early, with the support of the judiciary where this is in a child's best interests.

Care must build rather than break relationships — Providing the right support

There is not enough support for adopted children and their families to maintain lifelong relationships with important people, including birth relatives.

We welcome the Case for Change's acknowledgement on page 54 that care does not do enough to strengthen relationships. However, we note that the ensuing discussion does not touch upon the complexity of adopted children's relationships and the support that is required to enable these.

Supporting birth parents whose children have been removed and/or adopted is a critical piece of the puzzle. How can we expect people who have been through something so traumatic – sometimes referred to as 'disenfranchised grief', because it is not a grief that is typically understood or accepted by society – to constructively engage in a relationship with their child without any support? Our members tell us that the right support for birth parents – which could be as simple as a peer support group – often has an immense impact on their ability to meaningfully participate in ongoing contact arrangements.

On page 51 of the Case for Change, there is a short discussion of the need to support birth parents whose children have been removed. We fully agree that the low priority of this area of work is a historic and systemic failure, and that the human cost of failing to break the cycle of intergenerational adversity and repeat removals is unacceptable. However, the Case for Change does not acknowledge *why* support services for birth parents are almost non-existent. As set out in the National Adoption Service Wales' Good Practice Guides⁵ and in the 2019 anthology *Supporting Birth Parents Whose Children Have Been Adopted*⁶, work with birth parents is a sensitive and difficult area that requires a high level of skill and flexibility – which, in turn, requires sufficient resources. Organisations that seek to deliver birth parent support, such as voluntary adoption agencies, are working with little and unpredictable funding, provided by desperately squeezed LAs or fundraised through coffee mornings and sponsored walks. The Nuffield Family Justice Observatory's recent map⁷ of services for parents in recurrent proceedings shows what kind of patchy postcode lottery this has led to. The problem is not always that a statutory duty does not result in improved services, but rather that a statutory duty does not translate to sufficient funding.

Part of what makes supporting relationships such a complex and highly skilled area of work is the way that children's desires and needs shift over the course of their lives. As noted in Adoption UK's Adoption Barometer⁸, adopted children in England have a right to access their records at the age of 18 – a time when most young people are already navigating many new and challenging life experiences. The Barometer found that 52% of adopted people aged 16 to 25 are either in contact with birth family members or were actively searching for them, but support for this (which is already patchy and poorly resourced) drops off entirely when young people turn 18.

Furthermore, whilst we welcome the awareness that much more needs to be done to support parents who have had their children removed, this should also take account of the wider family and the role

⁵ <https://www.adoptcymru.com/good-practice-guides>

⁶ <https://ddpnetwork.org/library/supporting-birth-parents-whose-children-have-been-adopted/>

⁷ <https://www.nuffieldfjo.org.uk/news/map-services-parents-recurrent-care>

⁸ <https://www.adoptionuk.org/Handlers/Download.ashx?IDMF=a5226daa-dc16-4d9f-a498-0f9ff7ab0d9e>

that other family members – including siblings, aunts and uncles, cousins, and grandparents – could play in children’s lives with the proper support.

Contrary to popular opinion, most adoptive parents are very willing to support their children with birth family contact and understand that social media poses both an opportunity and a threat to their children’s development of a positive and lifelong sense of identity. Adopters are now routinely prepared by their agencies for managing contact at various points in their child’s life and are seeking professional support to ensure this is a positive experience for their child. The Adoption Barometer found that 97% of new adoptive parents in 2020 had agreements in place for indirect contact with birth family members, and 77% of them were open to future direct contact.

As part of CVAA’s work on ‘21st Century Adoption’, we are championing the creation of a national contact service which would link with local areas to provide general advice and signposting as well as bespoke management and mediation of contact between young people and their birth family members. Although the initial ideas for this have come from research undertaken on adoption and the experiences of adopted young people, this would be a service for *all* young people who are not living with their birth parents and struggling to maintain those relationships. It could build on learning and experiences from both foster and residential care and offer support to children and young people in those care settings. It would, however, be of particular benefit to adopted children, young people and adults due to the historic challenges of birth family relationships for this cohort, and the fact that contact is less likely to be built into adopted children’s plans or to be reviewed over the long term. Such a service would provide a front door for children and young people who have never had birth family contact but wish to explore it; for those who wish to restart contact that fell off over time; and where contact is made unexpectedly, e.g., via social media.

All of this work intersects with the concern raised in the previous section. Properly constituted lifelong contact plans, with well-resourced services to support the changing needs of children and young people as they grow up, will not only immeasurably improve the outcomes for adopted children and their families, but also increase professional and judicial confidence in an adoption system that prioritises relationships and lifelong identity.

System factors — Joining up the dots

The voluntary adoption sector provides a model for a mixed market that delivers high-quality services whilst prohibiting profit-making.

We welcome the Case for Change’s recognition of the failures of the care ‘market’ to meet children’s placement and support needs. The voluntary adoption sector offers an alternative model for consideration.

Adoption and child protection services are prevented by statute from making a profit. Adoption is a mixed market of statutory and independent providers offering choice to families and delivering high-quality services for children and families on a sustainable basis, albeit challenged by the reduction in funding for children’s social care over the past decade. Across the UK, 96% of VAAs have been rated highly or very highly by their national inspectorates, and VAAs place around 1 in 5 children and recruit 1 in 4 adopters in England every year. VAAs show that it is possible to provide appropriate and flexible services at cost, with good staff retention and investment in innovation.

The Case for Change does not strategically consider the complementary role of the voluntary sector, which is a significant element of the adoption system and could play a much greater role in the wider care system. For example, our members' experience is that birth family support is better delivered and receives higher engagement when delivered by an arms-length organisation – not only because birth parents may be wary of engaging with the local authority that removed their child, but also because voluntary organisations can be more flexible and responsive.

We do not believe that a care system driven and/or constrained by the need to create shareholder return on investment can ever be child-centred, despite the best efforts of the many dedicated individuals working in such organisations. Clearly, money and the way it flows through the care system is a vital consideration. **We would strongly urge the Care Review to consider ways of ensuring the money follows the child, rather than children's futures being determined by the organisational resource priorities of stretched state services.**

In the United States, for example, an assessment is made of a child's needs as they enter care and resources are allocated using a formula that includes personal care as well as educational and health requirements. The resulting pot follows the child no matter what their care placement – kinship care, foster care, or adoption. This means placement decisions are not driven by resources, and the unhelpful separation of budget lines for individual services do not impact on care planning decisions.

The government's impending Procurement Bill is also an opportunity to reconsider the ways in which the procurement system fails children and families across the children's social care system. Under current rules, local authorities do not have the flexibility to work collaboratively with partners who will provide the best and most child-centred services, but rather must jump through a series of bureaucratic hoops to evidence that their chosen service provides the best value for money. As noted in the Public Services Committee's recent letter to the government⁹, "if it promotes competition over collaboration, the forthcoming Procurement Bill could do more harm than good."

Finally, as noted on page 75 of the Case for Change, insufficient data on much of the children's social care system is a stumbling block to more strategic planning and coordination of services. Whilst the data collected on adoption is relatively robust, it does not include information on outcomes, and it is currently not shared for analysis in ways that would enable greater learning and drive practice and policy change. Furthermore, harnessing the power of technology to both triangulate and share adoption and care data would contribute to greater transparency and collaboration. If adoption and permanence data were (securely) available for analysis, it would allow different parts of the children's social care system to work together and develop more effectively targeted services and policy solutions for children.

We would welcome an opportunity to contribute the experience of VAAs to the Care Review's consideration of alternative models for commissioning which are evidence-based, collaborative, and put children's best interests first and foremost.

⁹ <https://committees.parliament.uk/publications/7021/documents/72952/default/>