

<b>12 December 2017</b>		<b>ITEM: 9</b>
<b>Children's Services Overview and Scrutiny Committee</b>		
<b>Information on Adoption and Permanency</b>		
<b>Wards and communities affected:</b> All		<b>Key Decision:</b> Non-Key
<b>Report of:</b> Andrews Osei, Service Manager, Family Placement		
<b>Accountable Assistant Director:</b> Sheila Murphy, Assistant Director of Children's Care and Targeted Outcomes		
<b>Accountable Director:</b> Rory Patterson, Corporate Director of Children's Services		
<b>This report is</b> Public		

## Executive Summary

The Adoption Team is part of the Thurrock Family Placement Service. The adoption service is by both Coram Capital and Thurrock with a common goal towards early permanency planning as well as achieving timely adoption decisions and placements.

The team has been integrated with Coram and staff co-located. There is a Partnership Manager (Coram appointed) responsible for the day to day management of the Adoption Team.

The adoption manager also performs the task of an Agency Adviser in accordance with Regulations 8 (Adoption Services Regulation 2002) to help the child's journey in care, tackle drift, and ensure that robust and appropriate care plans are in place. The aim is to improve the service performance on the A1<sup>1</sup> and A2<sup>2</sup> indicators, ensure all children have permanence plans in place by the time of their second looked after child review, enhance the service performance in the Public Law Outline, and work towards meeting the 26-week guideline in all care proceedings.

The Ofsted children's services inspection, in March 2016, identified that further work is required to improve the timeliness of adoption journey for children as well as the provision of robust post adoption offer for adopters and their families. In response to these findings, adoption and permanency tracking systems were introduced and have significantly improved performance regarding timeliness in the adoption

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<sup>1</sup> A1: average time between a child entering care and moving in with its adoptive family, for children who have been adopted.

<sup>2</sup> A2: 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.

process. The service has introduced a more comprehensive review of Thurrock post adoption support offer.

## **1. Recommendation**

- 1.1 The Children's Services Overview and Scrutiny Committee are asked to note and provide comment on the planned changes in provision for children at risk of permanent exclusion or who have been permanently excluded**

## **2. Introduction / Background**

- 2.1 This report provides an overview of Thurrock adoption performance as at March 2017 and the Adoption Service improvement drive and activities from 1st April 2017 to 31st October 2017.
- 2.2 The work of the Adoption Agency (the Council) is governed by legislation (eg. Adoption Act 1976, the Adoption and Children Act 2002, the 1989 Children Act, the Children and Adoption Act 2006 and associated guidance.) In addition, the Adoption Team works within the National Minimum Standards for Adoption 2011, The Adoption Agency Regulations 2005 and 2013 and the latest Statutory Adoption Guidance 2013. Thurrock adoption service has responded to and embraced the Government's Adoption Reform Programme, and the latest Children and Families Act 2014 requirements.
- 2.3 The Adoption Service contributes to improving outcomes for the most vulnerable children and young people in Thurrock; the key priority is to achieve 'permanence' for Children Looked After, ensuring they grow up in loving, secure and stable families.
- 2.4 Where the child's welfare requires a placement outside the birth family the adoption service's main consideration is the child's permanent family throughout his or her lifetime. It is however important to emphasise that permanency for children outside the birth family is not limited to adoption; permanency can be legally secured through Special Guardianship Orders or Child Arrangement Orders.
- 2.5 The Children and Families Act 2014 has a broader scope which includes the significant changes to how adoption works as well as major reforms for looked after children's permanency options. The overarching objective is to ensure children are placed with adoptive families with minimum delay. The drive to eliminate delay in adoption also extends to the family courts with 26-week time limit on care proceedings.

## **3. Adoption Timeliness and the Adoption Scorecard**

- 3.1 In March 2016 the Department for Education (DfE) published the Adoption Scorecards covering three year performance of the relevant local authorities.

These performance indicators reflected the national variance in timeliness and the more challenging expectations on ensuring permanency for children.

- 3.2 In Thurrock, thirty five (35) children were granted an Adoption Order (AO) between 1 April 2013 and 31 October 2015. Of that number, thirty four (34) who were adopted under a Placement Order (PO) waited an average time of 625 days from entering care to moving in with their adopters and a further 389.8 days from Placement Order to the making of the Adoption Order.
- 3.3 There has been strong improvement in adoption timeliness since April 2016; in the last financial year (April 2016 to March 2017) eleven (11) children were adopted. The average days between a child entering care and moving in with their adoptive family in this period was 344.5 days which is significantly better than the DfE target of 426 days.
- 3.4 As a result of the strong performance since April 2016, the overall timeliness on a 3 year average, per the DfE score card, has improved – reducing from 625 as at 2015/16 to 425 as at 30<sup>th</sup> September 2017. The national average is 18 months (547 days)<sup>3</sup>
- 3.5 Adoption timeliness has been a key priority for the Local Authority since the last score card was officially published in 2015. The Local Authority set an ambitious target of 500 days (for the three year average score) which was met in March 2016. The current trend will place Thurrock in the category of the best performing authorities when the National Adoption Score Card is published in 2019.
- 3.6 Since April 2016, we have also maintained 100% target in placing children with Placements Orders (PO) with adopters within 12 months of the adoption decision. This is significant as it demonstrates the practice improvements made resulting from the robustness of Thurrock family finding, linking and matching processes.
- 3.7 We have sustained the improvements in our timeliness this year (April 2017 – October 2017). Average days between placement order and matched with adopters is 277 days<sup>4</sup>. However, it is anticipated that by March 2018, the average A1 and A2 days would be significantly higher if three (3) children currently waiting due to legal challenges are eventually placed with their adopters.
- 3.8 Concurrency placements, where children are placed with prospective adopters as their foster placement, is gradually becoming embedded in our care planning. Currently, two (2) children are in concurrent placements which means their potential (approved) adopters are their current foster carers pending the outcome of court decisions. It is anticipated that these practices

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<sup>3</sup> For this indicator source Department of Education – Children looked after in England (including adoption) year ending 31 March 2016.

<sup>4</sup> The calculation is based on five children currently placed with their adoptive families. .

will consolidate the improved timeliness - ensuring children's adoption journey are seamless, quick and less disruptive.

#### **4. Adoption Tracking and Agency Decision Making**

##### **April 2017 – March 2018: Adoption Forecast**

- 4.1 In the financial year 2016/17 twelve (12) Agency Decision Maker (ADMs) decisions were made agreeing a plan for adoption and all 12 were approved by the court and granted Placement Orders. This year, (April – October 2017) eighteen (18) ADMs have been made by the Agency Decision Maker. Of this number, five (5) Placement Orders have been granted by the court and the rest are at different stages in the care proceedings.
- 4.2 Our internal analysis identified fifteen (15) children for adoption this financial year. The estimate is based on the actual number of children who are at the final stages of care proceeding and were projected to move in with their prospective adopters by the beginning of the 3<sup>rd</sup> Quarter of the adoption year (October 2017). However, due to court delays and legal challenges (**Essex Judgment**) we have revised the forecast to a minimum of nine (9) adoptions by the end of the financial year.
- 4.3 The October (3<sup>rd</sup> Quarter) placement date, as stated above, is significant because any child placed with an adopter is required to remain looked-after in the care of the prospective adopter for a minimum of 10 weeks before the prospective adopter becomes eligible to make an Adoption Order application. Barring any legal challenges from birth family to the adoption order application, the process of the adoption order application is usually concluded within a further 10 to 20 weeks.
- 4.4 Currently, there are 13 children with Placement Orders. Of this number, Four (4) children were adopted as at 31/10/2017. Five (5) children are currently placed with their prospective adopters; it is expected that the families will complete the adoption process by the end of financial year, March 2018. Three (3) children are matched with prospective adopters but are still waiting to move in with their prospective adopters due to legal challenges and family finding is still ongoing for one child who has profound disability and visual impairment.

##### **April 2017 – 31 October 2017: Placement Orders**

- 4.5 As at 31<sup>st</sup> October 2017 five (5) placement Orders were granted by the court. This represents less than 50% of the cohort of children forecasted to have secured Placement Orders by 2<sup>nd</sup> October 2017. For example, seven (7) children's care proceeding cases have been delayed due to reasons which will be explored later in this report.
- 4.6 These delays mean children will unavoidably wait longer, up to six months or more, before final determination of their (adoption) care plans.

- 4.7 Several attempts have made to mitigate the delays by negotiating with the court, albeit unsuccessfully, to find alternative arrangements to progress proceedings to conclude these cases. It is anticipated that the courts shall resume hearings of pending cases by February 2018.
- 4.8 There is a problem currently in Chelmsford Family Court with availability of Judges and this is causing considerable delay for some of our children in making Placement Orders, so that the children can be placed with their prospective adopters. Had there not been delay in listing cases, a further seven (7) children would have been linked, matched and placed with prospective adopters by end of October 2017, in preparation for the Adoption Order being made before the 31/03/2018.

### **Essex Judgment' Delays**

- 4.9 In a recent case in Essex: *R (On the Application Of EL) v Essex County Council [2017] EWHC 1041 (Admin)*: A mother successfully challenged the local authority, via a judicial review application, in respect of the decision to place her daughter for adoption on the grounds of procedural unfairness. She argued that the local authority had failed to keep her informed of key steps in the process, namely of their intention to place the child with prospective adopters and of the placement timetable. Furthermore, the local authority placed the child in the knowledge that the mother intended to apply for permission under s.24 ACA 2002, thus circumventing her application. In the ruling the judge agreed with the mother stating, “...***It is not however appropriate for a local authority to proceed with the placement when it is aware of the application for leave, and an attempt to do so in order to frustrate the birth parents’ application could be challenged in court by an application for judicial review.***”
- 4.10 The wider implication of this ruling for Thurrock has impacted on three (3) children already linked and matched with adopters. These children are currently placed with their foster carers and cannot be moved to their prospective adoptive placement pending the outcome of their parents’ expressed intention to challenge the Care and Placement Orders.
- 4.11 There are three (3) children affected by the Essex Judgment; these children have already been through care proceedings and the Court granted Placement Orders for the children to be adopted. However, their placement with prospective adopters has been delayed by up to 8 months, because the birth parent is still appealing the court’s decision making Placement Orders. This has meant considerable drift and delay for these children’s permanency.

## **5. Performance within Eastern Region**

- 5.1. Thurrock adoption performance in comparison with local authorities the Eastern Region.

		Thurrock (B)	Eastern Region
5. Adoption	5.1 Avg. days between child entering care and moving in with a adoptive family	344.5	431.1
	5.2 Avg. days between court agreeing adoption and LA approving a match	85.7	190.2
	5.3 % leaving care who are adopted	8.2%	14.9%
	5.4 % LAC adopted in year placed within 12 months of decision	100.0%	76.3%

## 6. Post Adoption Support

- 6.1 We have a dedicated team supporting adoptive families to ensure adoptive placements are stabilised so that adopters feel valued and ably equipped to carry out the parenting tasks as children grow older. Families are receiving therapeutic support, counselling and practical support. Although it is too early to assess full impact, families accessing the post adoption support service have commented positively about the support they receive.

## 7. Reason for Recommendation

- 7.1 Members of the Committee to be informed on the issues in relation to Adoptions. Officers accept adoption numbers are low and likely to fall below initial projections due to very real challenge we are currently facing with non-availability of judges to conclude cases and potential delays due to 'Essex Judgement'.

## 8. Consultation (including Overview and Scrutiny, if applicable)

- None

## 9. Impact on corporate policies, priorities, performance and community impact

- None

## 10. Implications

### 10.1 Financial

Implications verified by: **Nilufa Begum**  
Management Accountant

The cost of care proceedings will be higher than initially projected due delays and unplanned appeal processes.

## 10.2 Legal

Implications verified by: **Lindsey Marks**  
**Principal Solicitor for Children's Safeguarding**

It is important to note the officers are aware of duties under the Children Act 1989. We are therefore focusing on the best interest of each child, especially when exploring adoptions.

## 10.3 Diversity and Equality

Implications verified by: **Rebecca Price**  
**Community Development Officer**

When scrutinising adoptions the Local Authority must ensure it also considers the needs of each individual child/young person, which includes their religion, language and disability to ensure these adoptions meet all their needs on a holistic level.

## 10.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

The immediate impact of the delays is significantly low adoption numbers in 2017/18. However, it is anticipated that the number will pick up between the 1<sup>st</sup> and 2<sup>nd</sup> quarter next year (April – September 2018) because all outstanding cases would have concluded.

## 11. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

## 12. Appendices to the report

- None

### Report Author:

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Children's Services, Care and Targeted Outcomes