
Draft Regulations and Guidance – Adoption
Support and Adoption Support Agencies

Adoption and Children Act 2002

BAAF Nuffield Project on Adoption and Children Act

Joint Consultation Response on behalf of

BAAF, Catholic Children's Society (Westminster), Children's Legal Centre, Coram Family, Family Rights Group, The Fostering Network, NCH, NORCAP, Post Adoption Centre, The Who Cares? Trust, Brent Social Services Department, Buckinghamshire Social Services Department, Milton Keynes Social Services Department

Please contact

Deborah Cullen, Secretary of the Legal Group

BAAF,

Skyline House,

200 Union Street,

London SE1 0LX

0207 593 2039

deborah.cullen@baaf.org.uk

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Draft Adoption Regulation and Guidance for Consultation

Adoption Support and Adoption Support Agencies

Joint response submitted by BAAF on behalf of the following organisations:

BAAF
Catholic Children's Society (Westminster)
Children's Legal Centre
Coram Family
Family Rights Group
The Fostering Network
NCH
NORCAP
Post Adoption Centre
The Who Cares? Trust
Brent Social Services Department
Buckinghamshire Social Services Department
Milton Keynes Social Services Department

Background to the Response

With the assistance of the Nuffield Foundation, BAAF has been responsible for facilitating a series of meetings which have enabled a wide variety of agencies and organisations to come together and consider the consultation documents. We are pleased that representatives of both the Department for Education and Skills and the Department of Constitutional Affairs have also attended these meetings, and we have welcomed the dialogue that this has made possible.

The British Association for Adoption and Fostering (BAAF Adoption & Fostering) is the leading charity and membership organisation in fostering and adoption in the UK. Its main activities are the development, promotion and advocacy of best policy and practice; the provision of advice and information to our members and to the general public; training, consultancy and seminars; child placement services including the publication of our flagship monthly newspaper, Be My Parent. The main users of BAAF's services are its members comprising local authorities across England, Scotland and Wales, voluntary adoption agencies, independent fostering agencies and also individual social work, legal and medical professionals and carers. Members of BAAF's Legal Group, comprising legal advisers to local authority and

voluntary adoption agencies, solicitors and barristers in private practice, as well as judges, children's guardians and other social workers, have also informed this response.

PLEASE NOTE: THIS RESPONSE CONSISTS OF TWO PARTS – THIS DOCUMENT, IN WHICH WE REFER TO TWO PARTICULAR MATTERS, AND THE COMPLETED RESPONSE FORM

Multi-agency working

We are dismayed that the Government has now decided, despite assurances given to Parliament during the passage of the Act, not to issue directions to health and education authorities, requiring their cooperation in the planning and delivery of adoption support services.

Paragraph 37 of the Draft Guidance acknowledges that “multi-agency working will be essential”. Reference is then made to the “Every Child Matters” agenda and the Children Bill currently before Parliament. We do not consider this sufficient justification for the change in policy with regard to adoption support services, for a number of reasons.

First, of course, the Children Bill is not yet even on the statute books. It seems highly improbable that the provisions in the Bill will have taken effect by the time the Adoption and Children Act 2002 is due to come into force in September 2005.

Second, and more fundamentally, the Government needs to decide whether or not it intends to honour its commitment to give a certain priority to adoption support. While we warmly welcome all steps which can improve services to all children and families across the board, it is inevitable that unless it is given some special status, support for adoption will be “lost” alongside the needs of other individuals and groups. This is clear even from the consultation paper itself. For example, adoption services are exhorted to “make their own case for additional attention” within local CAMHS development strategies. In education, “it would be good practice for schools and adoptive parents to agree...[to the carry forward of services provided for a looked after child]”. But there is no mention of any **obligation** on the part of health or education to recognise the particular needs of adopted children and their families.

Reference is made to the guidance on support for children who are looked after but there is no adequate provision proposed to ensure that services provided for looked after children will continue to be available after their adoption.¹ This is precisely the need that it was hoped would be addressed under the Adoption and Children Act and the promised directions to health and education. **Without this, the Government must prepare itself for the risk that its target for the increase in adoptions of children from the**

¹ The statement in paragraph 52 regarding clarification of multi-agency duties after an adoption order is hardly robust.

looked after system will not be met. Families will not be prepared to jeopardise the provision of essential support by proceeding with the adoption.

Reference is also made in the draft guidance to multi-agency working under the Children Act 1989 in the assessment on children in need. While the right to an assessment of adoption support needs is a new one, the duty on local authorities to provide services to children in need has existed since 1991. Evidence was provided to the Prime Minister's review of adoption and to the special standing committee on the Adoption and Children Bill that despite the existence of such a duty, support needs were not being met.

It would be instructive for DfES to evaluate the impact of section 27 of the Children Act 1989 and the duties laid on authorities to comply with requests to take specific action in exercising their functions. Has this duty had the desired effect in ensuring the necessary level of cooperation between authorities and is it likely that the far weaker wording in respect of these regulations is likely to have the required effect?

We attach to this response some examples of the failure to meet the education and health needs of adopted children.

Support for birth families

Birth parents are of course included among the categories of people to whom a service is owed in respect of the provision of adoption support, and we welcome this. While it is understandable that much of the focus of the guidance is on the support needs of children adopted from the looked-after system and their new families, we would welcome a greater acknowledgment of the needs of birth parents and wider family members. The guidance could usefully, for example, remind readers of the importance of providing support to birth parents at crucial points in the development and execution of an adoption plan, listening to their concerns, encouraging them to provide information for their child which will be valuable in the future, and helping them to adjust to their altered role. Good support to birth parents will in its turn be likely to have a beneficial effect on the child and enhance the success of the placement. Support in respect of contact is mentioned specifically but this cannot be seen in isolation.

Again, the guidance on the role of the Adoption Support Services Adviser, while it states that the ASSA will need to have a good knowledge of the impact of adoption on all parties, contains very little mention of the tasks that the ASSA might need to undertake, or ensure the provision of, with respect to the needs of birth families.

Case Examples

Case A

Typical scenario from week beginning 24/11/ 03

Prospective adopters are just matched with siblings aged 4 and 6. They were awaiting the imminent placement and trying to sort out schools etc. for the children. They were finding it difficult to know where to go for help.

The family live in the area of agency A, and the children are being placed by agency B, members of the same consortium. The children have developmental delays and are currently having speech therapy. There is a clear need for them to be together in school after the move and the preferred school is the one closest to their new home so that they are near to their new parents; speech therapy should continue without a break if the children's needs are to be met by this placement.

The couple have asked agency B for help and been told that, since they live in the area of agency A, they should consult that agency. Agency A says agency B is responsible, as they are placing the children. Agency B says that they do not know what services are available in agency A's area and have no control in that area.

An additional problem is that the younger child's date of birth is incorrect on the E form; two figures are transposed and the school, which had initially said it could take both children, does not now have room at Key Stage 1 for the younger child. DfES regulations apparently state that schools may not take additional children at stage 1 so the school has no flexibility. However, this conflicts with the child's need to be with the sibling and close to the adoptive parents at the local school.

An adoption support social worker from agency A has provided the adopters with the name of the Corporate Parenting Officer in her agency but it is left to adopters to sort this out. Nobody is taking responsibility for assisting this family in navigating through the maze in order to get the help these children clearly need. These two agencies have not changed their approach in any way since before the new regulations and, sadly, I do not believe they are unusual.

Translating aspiration, and even regulation, to reality is an enormous task.

Case B

Child placed for adoption, and classroom assistant provided to help with her needs in school. On the day following the making of the adoption order – without any prior warning to the family – the classroom assistant no longer available, presumably because the child had ceased to be looked after.