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Date: 30 November 2023

## **ADCS response to PLWG adoption sub-group report**

The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs). Under the provisions of the *Children Act (2004)*, the DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to respond to this consultation.

### **Context**

In the period since the Public Law Working Group (PLWG) adoption sub-group began meeting, the government has published a new national strategy for adoption and created the role of a national adoption lead who works closely with regional adoption agencies (RAAs) to support practice developments and improvements. To this end, the RAA leaders' group are already actively looking at some of the areas covered in the consultation, including changes to family time (referred to here as contact). Relatedly, some of the reforms stemming from the recent *Independent review of children's social care* are likely to impact in this space, from the drive towards making more extensive use of extended family care to the development of family help, which should help improve the offer to birth parents who have had a child removed from their care. Considering current and future reforms in the round would therefore be beneficial.

### **Adoption policy**

This report raises important considerations, many of which cannot be easily resolved with best practice guidance and/or additional resourcing. The work of the PLWG adoption sub-group provides a cross-sector diagnostic as well as suggested solutions that government should consider in terms of addressing legislative barriers or concerns, gaps in guidance or procedures in the round. Crucially, any new reforms should be informed by the wishes and views of children, of birth families and of adoptive parents. A government-led reform programme will allow for new burdens to be assessed, for resource to be provided and for the whole system to work from the same legislation and guidance. Relying on best practice could mean that variation in local custom and practice could widen further.

### **The modernisation of contact**

When done in a safe, careful, and supported way, contact with birth families can help a child maintain their sense of identity and come to terms with what has happened to them. However, contact involves a number of inherent risks for the child and must be managed carefully.

Contact has been a long running area of debate in adoption, the rise of online communications, such as social media, makes closed adoption virtually impossible in this modern age. Some work is already happening in this space, including the development of a digital letterbox platform, alongside changes to training for adopters to include more discussion around contact, what good face to face contact support looks like and how it could be provided. Over time, RAAs and voluntary adoption agencies have begun introducing the concept of contact earlier within the recruitment process. Adopter attitudes towards contact are changing as a result and the majority of contact is going well. While contact with birth parents and siblings, if in the child's best interests, should be explored and face-to-face contact is one aspect of this, a careful balance must be struck

between both the benefits and risks for the child, as well as the right to a normal family life. We need to create the space for adopters to parent and recognise that often adopted children can have complex and overlapping needs, again underlining the need for bespoke, personalised approaches to contact.

### **Managing contact risks**

The removal of a child from their family is arguably one of the most significant acts the state can take. The child will have been exposed to significant harm at home for this to occur and some of these risk factors may persist. Individual circumstances must drive decisions around contact, there cannot be a blanket requirement or expectation, as this could risk re-traumatisation. A failure of birth parents to keep up with contact because of the ongoing difficulties in their own lives may reinforce a sense of abandonment and loss in adoptive children which, in turn, could be extremely distressing and impact on attachment and the long-term stability of the adoptive placement.

### **Unintended consequences**

ADCS members believe the requirement for a draft contact support plan to be available in the adoption support plan for consideration of the court, prior to a placement order being made, is problematic for several reasons. This additional requirement may impact on the timeliness of hearings, with courts requesting further information if they're not satisfied with the level of detail. Similarly, the opportunities for, and risks and benefits of, contact are not fixed over a child's life, the preferences and ability of the birth family to engage in contact may change over time, as could the level of risk caused by any potential contact, or the lack of it. The child's own preferences and needs will also naturally develop and evolve as they age, not to mention other situational factors which impose on the ability of all parties to engage in contact, whether its face-to face or otherwise.

The proposed requirement for the court to consider a (potentially fairly detailed and prescriptive) adoption contact support plan before the placement order is made, means that on some occasions, contact will be decided upon without the needs and wishes of the adoptive parents being taken into account. This could impact on the prospective adoptive parent's decision making and could cause further delays, or cause issues further down the line once the adoption order is made. Indeed, not being involved in decision making over contact could negatively impact on matches.

### **Contact orders to be made after adoption orders**

Further court hearings after an adoption order has been made would be distressing and disruptive for families, and is likely to undermine adopters' confidence of becoming the legal parents of the child with full parental responsibility, potentially impacting on the success of placements. It also raises the question of how to prepare and support children to develop secure attachments with adopted parents in light of this uncertainty. Adoptive families should be trusted to make the best choices for their children, no further involvement should be ordinarily required by the court. Contact arrangements work best when there is discussion and agreement between the adoptive parents and the birth family. There is a risk that contact order applications or reviews will cause courts to get further backed up, rather than matters being settled outside of the court through discussions with RAAs and adoptive parents.

### **Resource implications**

The plans set out here were informed by the approach in Northern Ireland, which is a significantly smaller jurisdiction, with tens of adoptions per year versus thousands across England and Wales, along with a very different history and culture of adoption. While good practice can, and should, be learnt from, policies cannot be simply "lifted and shifted" when the contexts differ so much.

Carefully planned and supported contact is clearly important, however, doing it in this way presents very significant costs to the local authority (LA) attached to the ongoing monitoring and facilitation of contact post-adoption as suggested, with regular “re-evaluations” or assessments, which are new and must be funded. Periodic reviews and support for both birth parents and children and their adoptive parents, including the addition of a named worker may prove difficult in line with social work workforce challenges.

### **Leave to oppose adoption orders**

Applications for leave to oppose adoption orders are rarely granted. They frequently create distress and raise false hope for birth parents, as well as causing uncertainty and delays for children and adoptive parents which ultimately impacts on the success of matches. A review is needed to carefully consider whether birth parents should be able to continue to apply for leave to oppose an adoption order or removing this possibility entirely to reduce or eliminate the period of unrealistic hope for birth parents, and the anxiety caused by the process for both birth parents and adoptive parents. Alternatively, clarifying the extent of how significant changes in the birth parent’s circumstances would need to be could go some way to achieving a similar aim.

### **Agency decision maker (ADM) responsibilities**

ADM decisions are often delayed by the quality of information provided to them so it would be more appropriate for the social worker to notify the court of the revised date for the decision.

### **Celebration visits**

The alternative suggestion of “life appreciation visit” to replace the term “celebration visit” requires more consideration, a “life appreciation day” is already an established part of the family finding process, which could cause confusion.

### **Adoption with an international element**

This a complex area of practice involving a small number of children annual but multiple different parts of the state, including immigration and visas. It would be helpful to have a national advice line to support prospective adoptees with queries around incoming and outgoing adoptions as this is such a specialist field. Further guidance is also required to provide further clarity around LAs’ ability to charge for support for, and assurance of, incoming adoptions.

To discuss any of the points raised here in further detail, please contact the relevant policy officer in the first instance via [sarah.wilson@adcs.org.uk](mailto:sarah.wilson@adcs.org.uk)