

# Adoption Leadership Board

## What does our data tell us about what is happening in the adoption system?

### The view of the Adoption Leadership Board

April 2017

#### Summary

There has been a 25% fall in the number of placement orders granted by courts in England between 2013-14 and 2015-16. There has also been a corresponding decline over the same period in the number of decisions to pursue plans for adoption for children in care. The most recent data suggest that the number of placement orders and decisions for adoption have now stabilised at this lower level.

This fall is typically seen to be a response to the Supreme Court judgement (*Re B (A Child)* [2013] UKSC 33) followed by the Court of Appeal Judgment *Re B-S (Re B-S (Children))* [2013] EWCA Civ 1146). A key issue in both judgements was that of 'proportionality' in permanency decision-making, with the use of an overarching phrase that adoption was only to be pursued 'where nothing else will do'. While these issues are rooted in explicit clarifications of the law, they have generated a level of uncertainty in the sector about the place of adoption when making the right plan for individual children. It is important that any response to this uncertainty is rooted wherever it can in evidence rather than speculation.

The decline in adoption numbers has coincided with an increase in the use of

special guardianship, especially for family and friend carers. Research identifies that many kinship care placements, especially those that are well prepared and supported, have good outcomes. However, there continue to be concerns about plans and decisions being made with undue haste when there is no evidence of an established relationship between the child and prospective special guardians or clear exploration of the strengths and risks of such a placement in the longer term.

There has been no detailed exploration of the reasons behind these trends; and, in particular, no clear account of the post-code lottery in the rise and fall in adoption numbers by local authority and family court area. It is clear that there are multiple drivers affecting local performance, and that these factors vary in their impact from area to area. However, the level of geographical variability in the number of children in care with plans for adoption suggests a continuing level of inconsistency in planning and decision-making across different areas of the country. This is true whether we look at the extent of the fall or the proportionate reduction.

One effect of the fall in placement orders is that there are now substantially fewer children waiting to be placed with an adoptive family than in recent years. The latest available data suggests that there are more approved adopters waiting than children. However, we should not conclude that this means there are enough adopters on a simple numerical calculation. Of children waiting at the end of June 2016, 560 had been waiting for 18 months or more since entering care (out of a total of 2,000). This strongly suggests that more still needs to be done to ensure the system recruits, approves and supports adopters who can care for children with the needs that are well known and all too familiar – children with complex health needs or disabilities, children from minority ethnic, cultural, religious and language backgrounds, older children and sibling groups – and that they are then matched with those children waiting. There has also been evidence of a substantial contraction in adopter recruitment by some local authorities and voluntary adoption agencies in response to the fall in numbers of children with plans for adoption.

In exploring and using this data, the priority must be to ensure that every child receives the best planning, decision-making and placement that meets their immediate and long term needs for a family for life.

## 1. Children looked after

### 1.1 Children in care

The number of children looked after has increased: 70,440 at 31 March 2016, compared to 67,070 at 31 March 2012 (an increase of 5%). However, as a proportion of all children aged under 18 years this represents no substantial increase.<sup>1</sup>

Of children looked after: at 31 March 2016, 74% were in foster placements; 4% had been placed for adoption; 5% were in a placement with parents; 4% were living independently; 11% were in secure units, children's homes, or hostels; and the remainder were in other residential settings, residential schools or other placements.

### 1.2 Children entering care

The number of children coming into care has increased in recent years – from 28,390 in 2011-12, increasing to 32,050 in 2015-16. This is an increase of 13% from 2011-12. In 2015-16 the increase appears to be due to a rise in the number of unaccompanied asylum seeking children starting to be looked after.

Overall, the increase in the number of children looked after is primarily accounted for by children aged 5+, and therefore less likely to be considered for adoption.

Of children coming into care during 2015-16: 54% did so because of abuse or neglect; 16% because of family dysfunction; and 9% because the family were in acute stress.

### 1.3 Children leaving care

Of the 31,710 children who ceased to be looked after in 2015-16: 33% returned home; 15% were adopted; 13% moved to independent living; 12% had a special guardianship order made; 4% had a residence order or child arrangement order

granted; 2% were transferred to residential care funded by adult social services; 2% were sentenced to custody; 1% had care taken by another LA; and 16% ceased to be looked after for another reason.

Of those children who left care, 53% were aged 10 or over. This represents no significant change relative to recent years.

A total of 4,690 children were adopted from care in 2015-16; a decrease from 5,360 in 2014-15.

## 2. Permanency decision-making

### 2.1 Decisions for adoption

The number of local authority decisions that a child should be placed for adoption and placement orders granted by courts fell in the second half of 2013-14. Approximately 21% fewer decisions for adoption were made in 2015-16 compared to 2013-14.<sup>2</sup>

There have been significant changes in the number of adoption decisions made within local authorities. Between 2013-14 and 2015-16, there was a decrease of 50% or more in 21 local authorities; while in 23 local authorities there was an increase of 50% or more.<sup>3</sup>

Regionally, the biggest fall in adoption decisions between 2013-14 and 2015-16 was in the North East and London (30% and 26% respectively). The East Midlands saw the smallest fall (7%).

Decisions are being made faster: for children looked after who were adopted in the year, the average time spent between entry into care and adoption decision has decreased from 11 months in 2011-12 to 7 months in 2015-16. However, the average time between a decision for adoption being

<sup>1</sup> All data on looked after children is taken from the SFR 41/2016 dataset on children looked after in England

<sup>2</sup> All data on children waiting and adopters is from the Adoption Leadership Board dataset

<sup>3</sup> The change between 2014-15 and 2015-16 has been used where figures for 2013-14 are unavailable

made and the match to a prospective adopter has stayed constant at 10 months.

## 2.2 Placement orders

There is similar variability in the number of placement orders granted. In one local authority the number of placement orders granted in 2015-16 equated to 1% of children looked after at 31 March 2015; while the highest proportion in an individual local authority was 15%. Regionally, the East Midlands had the highest rate (7%); while London had the lowest (3%).

In terms of change over time, 30 local authorities have seen a decrease of 50% or more between 2013-14 and 2015-16; and 16 saw an increase of 50% or more during the same period.

## 2.3 Reversals to decisions for adoption

There has been a total of 900 reversals during 2015-16, which represents a further fall on 2014-15 of 23%. Of the children reported to have had their decision reversed during 2015-16, 32% were due to the court not making a placement order, a further increase on 2014-15.

Proportionally fewer placement orders are being reversed because 'prospective adopters could not be found': this stood at 12% in Q1 2016-17, down from 30% of all reversals in 2011-12.

## 2.4 Special guardianship orders

The number of special guardianship orders granted increased from 2,150 in 2012 to 2,830 in 2016, an increase of 32%.<sup>4</sup>

In a significant minority of cases, SGOs have been granted where: assessments have been rushed or are of poor quality, partly because of pressure to meet court timelines; potentially risky placements are being made (for instance, where a supervision order is also in place); and support for special guardians is inadequate.<sup>5</sup>

SGOs have also been increasingly used for very young children: between 2012-13 and 2013-14 the number of children under the age of 1 leaving care under an SGO increased by 65%.<sup>6</sup>

## 3. Matching and placement

### 3.1 Children waiting

The number of children waiting with a placement order but not yet placed has decreased significantly over the past 3 years: from 5,440 at the end of Q1 2013-14 to 2,000 at the end of Q1 2016-17.

Of the children waiting at 30 June 2016: 29% were aged 5 years or over; 16% were of BME heritage; 6% were disabled; and 56% were part of a sibling group.

560 of those children waiting had been waiting for 18 months or more since entering care. Of those 560 children: 47% were aged 5 years or over; 18% were of BME heritage; 5% were disabled; and 62% were part of a sibling group.

This suggests that the children who wait longest tend to be older and/or part of a sibling group.

### 3.2 Timeliness

The average time taken between a child entering care and being placed with a family (adoption scorecard indicator A1) has decreased by 4 months since 2012-13, from 22 months to 18 months in 2015-16, this is unchanged since 2014-15.

The decrease up to 2014-15 was largely down to a reduction in the time taken for the initial stage, the time between entry into care and the decision the child should be placed for adoption, which has fallen by 4 months (from 11 months in 2011-12 to 7 months in 2015-16). This is related to the reduction in the median duration of care proceedings from 50.6 weeks in 2011 to

<sup>4</sup> SFR 41/2016 dataset on children looked after in England

<sup>5</sup> 'Special guardianship review: report on findings', *Department for Education*, December 2015

<sup>6</sup> *Ibid.* p. 23

25.1 weeks in 2015 (and recently published data suggests a further fall to 24.4 weeks in the period July-September).<sup>7</sup>

## 4. Availability of adopters

### 4.1 Adopters waiting

As of 30 June 2016, there were still more approved adopters not linked or matched (2,890) than children waiting, though this figure represents a decline from 3,510 at 30 June 2015.

This fall in adopters waiting is because of a contraction in adopter recruitment by local authorities and VAAs in response to the lower number of placement orders being granted.

### 4.2 Adopter recruitment

The number of adopters approved fell by 49% between Q4 2013-14 and Q1 2016-17 (from 1,390 to 710). Registrations have seen a similar decline.

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<sup>7</sup> Family Court Statistics Quarterly, April to June 2016