

Key Issues for Agencies in Developing Best Practice for Adoption and Fostering Panel Virtual Meetings during the Coronavirus Pandemic

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The Government has now published the Adoption and Children (Coronavirus) (Amendment) Regulations 2020, which came into effect from 24 April, and accompanying guidance.¹ They amend the requirements on local authorities and adoption agencies in their use of panels as a critical part of their decision-making process. The guidance strongly indicates that the amended regulations should only be used where necessary. This includes noting the reasons for any changes in writing. These changes may be subject to inspection by Ofsted. CoramBAAF has been receiving feedback from a number of agencies about their experiences of holding virtual panels over the last few weeks. Feedback has also been received through attendance at several Panel Chair Forums. A number of agencies have also shared their procedures and associated leaflets with us, as they have developed their local practice.

This CoramBAAF guidance document sets out the relevant sections of the amended regulations and guidance for panels. It will also identify learning from agencies as they are planning and holding adoption and fostering panels during the current crisis. The original guidance on holding virtual adoption and fostering panel meetings during the Covid-19/coronavirus pandemic published in March is incorporated into this guidance.

The amendments to the regulatory framework

The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 have amended the relevant sections of the Adoption Agencies Regulations 2005 (AAR), the Fostering Services Regulations 2011 (FSR) and the Care Planning, Placement and Case Review (England) Regulations 2010 (CPPCR).

The coronavirus guidance states that the Department for Education (DfE) has listened to the concerns raised by the sector about the challenges of bringing together panels for matching and approvals, but notes that agencies are utilising technology and holding virtual panels, and the feedback is that these are working well, and they would encourage these to continue where possible.

The guidance sets out that the amendments to the regulations will give agencies flexibility to reduce the quoracy of their panels or use their agency decision-maker to approve matches and approvals without first going to panel when they are unable to hold a full panel due to sickness or other reasons. The coronavirus guidance notes that fostering services may want to bring in more emergency foster carers to help build capacity within their services in case of additional demand during this period, and that the Fostering Services (England) Regulations 2011 have been amended so that it is now optional to refer applications for potential foster carers, ongoing suitability assessments of existing foster carers, and any cases where a foster carer is not deemed suitable, to a fostering panel for a recommendation. However, the DfE guidance also recognises that panels can be conducted remotely and that there are examples from around the country of this happening, so they would still expect a panel to be convened (making use of remote meetings and the flexibility provided around panel numbers). Where a

¹ http://www.legislation.gov.uk/ukxi/2020/445/pdfs/ukxi_20200445_en.pdf Coronavirus (COVID-19): guidance for children's social care services (updated 6 May 2020)

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panel cannot be convened, approval can take place without a panel, but they would not expect this to be the norm.

Adoption agencies and fostering service providers have therefore been given flexibility to decide whether they refer cases to their adoption or fostering panels, and the minimum number of panel members required to make a recommendation has been reduced to three panel members: a Chair/Vice-Chair, a social worker with three years' qualification and required experience, and one other independent person.

The guidance from the DfE and earlier guidance from Ofsted has therefore confirmed that there is nothing to prevent agencies holding a virtual panel, and indeed encourages agencies to do this where possible.

Implications for adoption

Regulation 4 of the new regulations sets out that agencies may decide whether to refer the following cases to their adoption panel for a recommendation:

- A relinquished baby for a recommendation that the child “should be placed for adoption”.
- A prospective adopter for a recommendation that they are suitable to adopt – for both domestic and intercountry adoption.
- A prospective adopter for termination of their suitability to adopt following a negative review.
- A match between a child/ren and approved adopters.

Although medical advisers can attend panel meetings as panel members, and we know that adoption panels value the input and advice of a medical adviser, it should be recognised that given the current priorities of the health sector, some medical advisers may not be able to attend a panel meeting at this time. As a result, panels may need to rely on written reports only. See CoramBAAF guidance on adult medical reports in family placement for more information.

Implications for fostering

Regulation 9 of the new regulations sets out that agencies may decide whether to refer the following cases to their fostering panel for a recommendation:

- A prospective foster carer for a recommendation that they are suitable to foster.
- A prospective foster carer who makes written representations to the agency following a qualification determination that they are not suitable to foster.

The requirement under FSR 28(5) to discuss the foster carer's first annual review at panel has not been amended, but regulation 9(11) states that: ‘a review must, where reasonably practicable, take place not more than a year after approval, and thereafter whenever the fostering service provider considers it necessary’, and so recognises that reviews may not be a priority for fostering services at this time.

Regulation 8(11) has extended the period of temporary approval from 16 to 24 weeks, and the further extension of eight weeks under CPPCR regulation 25 can be agreed by the agency decision-maker, but there has been no amendment to FSR 25(4b), which sets out the need to seek the views of the fostering panel when extending the temporary approval of a connected persons carer.

Decision-making when a case has not been referred to a panel prior to the agency decision-maker decision

If an adoption agency or fostering provider decides not to refer a case or cases to a panel prior to referring the case to the agency decision-maker, they will need to consider what process they would need to put in place and how the agency decision-maker would obtain any additional information they require if they have questions that need to be answered by the social workers responsible for the reports submitted, the medical adviser or the applicants or carers themselves. The DfE coronavirus guidance suggests that the agency adviser would be used to provide quality assurance of the paperwork, and that medical, legal or professional advice can be provided in writing for the agency decision-maker to approve matches and approvals. It also states that a record should be kept of all decision-making.

The value of panels in the decision-making process

Statutory adoption and fostering guidance recognises that panels play an important quality assurance role in providing objectivity and ensuring that key issues, as set out in regulations and/or national minimum standards, are fully explored in order to make a robust recommendation to the agency decision-maker. At a time when agencies are having to re-design their current systems to ensure that adopters and foster carers are recruited, prepared and assessed, children are matched and placements are made, CoramBAAF believes that the role of panels could not be more important. We have heard many examples where agencies have continued to hold their panel meetings virtually. These panels have been playing a vital role in providing independent scrutiny of the evidence, and providing recommendations to the agency decision-maker to assist them in what are life-changing decisions.

CoramBAAF would also urge local authorities to continue to present any plan that a relinquished baby “should be placed for adoption” to an adoption panel before referral to the agency decision-maker. These cases can present legal and ethical challenges and will not receive court scrutiny until the application for an adoption order is being made. Recent court judgements have underlined the complex circumstances behind these requests from birth parents, which would benefit from full scrutiny of an adoption panel.

Adoption and fostering legislation and guidance are clear about the requirement for prospective adopters and foster carers to be given the opportunity to attend and be heard at all panel meetings at which their approval, review of their approval or termination of approval is being discussed. This guidance has not been changed in the amended regulations, and we would suggest it should be one of the factors that agencies consider when deciding whether to hold a panel. It will also be an important part of the planning for virtual panels to ensure that applicants and carers have the opportunity to contribute to and, where that is their wish, to attend the virtual panel and be given the appropriate support to do so.

Factors to consider when setting up a virtual panel

- When the adoption agency or fostering service is planning to hold virtual meetings, either by phone or video conferencing, it will need to ensure both the quality of the system set-up and the security of the process.
- Support for panel Chairs in developing their skills when chairing a virtual panel, and guidance for panel members about managing their conduct and interaction in the virtual meeting space.

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- Technology that is suitable to ensure that all participants in the virtual meeting are properly connected and remain so throughout. In some localities, this will include checks on the reliable broadband speeds available to all participants to avoid “drop out” and poor sound transmission.
- Security issues, including a secure space from which each participant in the meeting “logs in”, and which remains secure and uninterrupted throughout any panel discussion.
- Technical support staff available on site to support the virtual meeting process. This includes security clearance of IT support staff, and if they are present during the virtual meeting, that there are clear arrangements regarding confidentiality.
- Compliance with the agency’s data governance policy and procedures to ensure that information discussed remains secure and confidential to the meeting. Compliance issues may need to be discussed with the Data Protection Officer.
- Offering choice to prospective adopters, foster carer applicants or foster carers being reviewed, and providing practical and emotional support to ensure that their experience of a virtual meeting does not compromise their involvement in the panel’s decision-making process.

Which online or teleconferencing platform to use?

From the responses we have received to date about how agencies are enabling virtual panels, agencies are opting for:

- a video conferencing facility, using applications like Skype, Microsoft Teams or Zoom;
- a teleconferencing option, using BT teleconferencing or other options; or
- a hybrid of both facilities to meet the individual circumstances of panel members, social workers and applicants’ ability or confidence in using the technology.

Video conferencing has the advantage of all the participants being able to see each other and giving panel members a better sense of applicants whom they have not met previously, but where the technology has not allowed such meetings to take place or has proved problematic, then panels have still been able to achieve panel business through teleconference facilities.

Feedback suggests that those agencies that have held a virtual panel have been able to conduct panel business using one of these methods, albeit with a steep learning curve! CoramBAAF would not support panel business being conducted through an email exchange, as this would not meet the requirements and expectations for a meeting to be held where all parties are able to participate.

The decision on which option to use will be determined by the technology available to the agency, panel members, social workers and applicants.

AFA Scotland, in its recent practice guidance,² has noted that:

Many of the options work well (Zoom, MS Teams, Skype and GoToMeetings have been used so far, but there are several other options), but they require people to familiarise themselves with the process in advance. The connection process is

² <https://afascotland.com/learning-zone/covid-19/161-virtual-meetings-of-adoption-and-fostering-panel>

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generally not complex but everyone involved in a panel needs the opportunity to test the system prior to any meeting and be sure that they have reliable broadband that will allow them to remain properly connected throughout with satisfactory sound and video quality. They will also need to test in advance that their device – PC, laptop, tablet or phone – will make a satisfactory connection. One or two panel members have joined meetings using audio only – this has proved adequate but noticeably less helpful than having the video link as well.

With most professionals or panel members working from home, the technology needed to enable online panels must be planned for, and that includes reliable wireless connections.

Ensuring all parties have access to the panel meeting

When arranging a virtual panel, it is important to have identified both a “Plan A” and a “Plan B”. There may be considerable work involved in setting up an online panel, including a period of testing and identifying what works well and what doesn’t. For some panel members, that might mean arranging an individual tutorial, either from the agency’s IT team, from the panel adviser, or another panel member who is more confident with the technology. There are also online tutorials that can be shared with participants. It is helpful to arrange a “dry run” before the panel meeting with panel members – preferably at least a day before so that there is an opportunity to sort out any hitches that emerge. This should also be done separately with social workers and prospective adopters or foster carers.

Online working is different, and panel members will need to familiarise themselves with the specific arrangements and provide feedback about what works and what doesn’t work for them. For some, that may mean moving towards a Plan B. Identifying these issues during and after the first virtual panel experience is important as people adapt to this different way of working.

If any applicants/foster carers or workers are struggling with the technology or cannot access it in their local area, then consideration should be given to letting them join the meeting through a telephone conference call, with the panel adviser putting them on speaker mode so that they can be heard by all panel members.

The new requirements for a minimum quoracy of three panel members will assist agencies when the availability of members is restricted because of current public health measures or technical issues. However, this should not be seen as the “new norm”, as this would not provide the rich discussion that is achieved by having the full participation of the panel members as was required under the full regulations.

Cumbria County Council notes, in their guidance for panel members on holding a telephone conference meeting, that:

This is a non-visual way of communicating but everyone should be able to hear each other. It is important that we try to ensure that only one person speaks at a time during the conference call and if anyone logs out unexpectedly, the Chair requests a pause in panel business so that the panel adviser or panel administrator can try to make contact with them to ask them to log back in.

Confidentiality/data protection

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There have been issues raised about the security provisions of different online platforms, and providers are continuing to introduce new security measures in response. It will be important that agencies liaise with their IT teams to ensure that all security issues have been considered and addressed as a key part of planning. The use of “waiting rooms” which can be managed by the meeting host and passwords or personalised invitations to access the virtual meeting room should be in place.

Most agencies have already introduced paperless panels, and panel members and social workers will have access to the papers they need through this route. Where paperwork is being sent through the post, panel members will not have the opportunity to return their papers at the panel meeting, and it is important that papers are securely stored until such time as they can be returned to the agency for shredding or are destroyed if panel members have the ability to do that in a way that preserves confidentiality.

All paperwork held electronically should be deleted in accordance with usual protocols – usually after the final minutes have been agreed. Any notes written on the day during the meeting should be kept securely until they can be safely disposed of.

All participants taking part in the meetings, whether through conference calls or video conferencing, should ensure that the conference is held confidentially – where possible, using headphones. Where individuals are participating from home, other members of the household should be asked to avoid making contact while the meeting is in progress. Where there are children in the home, this will need to be considered especially if there is no one else available to care for them during the meeting.

Where video conferencing is being used, participants should be aware of what can be seen of their surroundings while they are on screen. Some programmes allow people to blur their background to give greater privacy.

Managing the panel process

Agencies will already have a clear process for managing their panel meetings, and CoramBAAF is aware from training events and practice forums that whilst these processes tend to follow a similar pattern, there are also agency variations. In considering the process for holding a virtual panel, agencies have needed to revisit and refine their panel processes to allow for the differences in holding a virtual meeting to be addressed. There are a few overarching messages which have been shared with us that are worth considering:

- There is considerable planning needed prior to holding your first virtual panel – these cannot be set up quickly, and it is better to get the planning right to ensure as good an experience as possible for all concerned.
- There are bound to be some technical difficulties – many panel members may be doing this for the first time and learning as they go along, so it is important to stay calm, be patient and try to keep a sense of humour when things do not quite work as planned.
- Virtual panels require a lot of concentration, and in video conferencing, looking at a screen for long periods of time will be tiring for all involved, so it is important to factor in reasonable breaks for panel members, advisers and minute-takers who are involved in the meeting.

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The following suggestions are intended as a guide only, and can be adapted to suit each agency's requirements.

Setting the agenda

- Set a realistic agenda, particularly for the first panel, that allows for technical hitches, reasonable breaks for panel members and that gives time for reflection on the learning between cases and at the end of the panel meeting.
- Allow extra time for all cases being heard, particularly if applicants and carers are participating.
- Allow breaks between each case to allow panel members to take a comfort break, get a drink and have time away from the screen/phone.

Before the panel

- Paperwork sent to panel members electronically or by post should be received at least five working days in advance of the meeting. NB: Royal Mail has stated that timescales for Special Delivery have been altered, and there may be some delays in postal delivery as the Covid-19 measures progress,³ so this needs to be taken into account when setting timescales. Discussion will be needed about how to manage any additional paperwork that becomes available or is requested after this time so it can be sent to panel members securely in advance of the meeting.
- To assist the panel Chair in preparing for the meeting, some agencies have been asking panel members to prepare their views on the applicants' strengths and their questions in advance of the meeting, and to send them to the Chair. This practice has been used by the IRM panels and is efficient in reducing the amount of time needed for panel discussion on the day. It can be helpful to set a limit to the number of strengths, issues or questions being sent by each panel member. Panel Chairs will then be in a position to prepare a list of strengths and questions to ensure that the panel is focused on the key issues prior to the meeting. It can be helpful to note which panel members contributed to the questions, to evidence the participation of panel members.
- If applicants/carers have chosen not to attend the virtual panel, then the panel adviser or administrator could ensure that the strengths and questions are sent to the social worker so that they can share the applicant's/carer's responses at the meeting.
- Panel members and others attending the meeting should be reminded of the need to charge their laptops, tablets or phones prior to the meeting, if they cannot be used while plugged in.

The panel meeting

- Panel members should be advised to log in 10 minutes before the panel is due to start to allow time for the panel adviser, panel administrator or panel member to resolve any "hitches".
- The panel Chair will then either collect the strengths and questions from panel members, if these have not been submitted before the panel, or go through the prepared list of questions from those submitted in advance, inviting any significant amendments or additions.

³ <https://www.royalmail.com/d8/coronavirus-changes-service>

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- There should be consideration of how the details for the conference call or video conference will be shared with the applicants (and social workers) so that they do not join before the panel discussion has been completed. Usually, the panel adviser would take responsibility for the panel operation (unless IT help has been made available) and would invite them to join or contact them and advise them when the panel is ready for them to join.
- When applicants and/or social workers join the virtual panel, the Chair should invite each panel member to introduce themselves and their role. Where the facility is available, panel members would then be asked to mute their audio feed while questions are asked. Some panels have also found it helpful on video conferences for panel members' video feeds to also be switched off so all involved can focus on the primary speakers – the Chair, social worker, applicants/carers and, if required, the panel adviser. (Experience has shown that people will, without realising it, be fidgeting, moving about or looking around, which can be distracting to others.)
- Although most panels would usually have panel members asking questions of the social worker, applicants or carers, most agencies have reported that for virtual panels, it is more straightforward for the Chair to ask all the questions of the applicants and social workers, as agreed with panel members.
- Some conference facilities include the option to record the meeting. This can be a helpful back-up for the minute-taker, but all participants in the meeting should be made aware that the meeting is being recorded and should give their consent. A protocol should be put in place for the recording to be deleted once the minutes have been completed.
- Once the questions have been asked, the Chair would ask applicants/carers to leave the meeting. Some agencies ask social workers to also leave at this point; others invite them to stay and hear panel deliberations.
- Panel members can then re-join the meeting via video and audio, and the panel Chair will facilitate a discussion leading to the making of a panel recommendation.
- Some agencies then invite applicants/carers to re-join the meeting, while others ask the panel Chair, panel adviser or social worker to contact them and share the panel recommendation and reasons.

Adoption Counts has set out their expectations of how a video conferencing meeting will run, which are shared in their information leaflets for social workers, applicants and panel members.

Video conference etiquette

- Be aware of your surroundings. If in a shared space, please use headphones to maintain confidentiality. Do not have any confidential or inappropriate items visible to the camera.
- Panel discussion will be managed in the same way as present; however, there are some additional disciplines to ensure that everything runs smoothly.
- When speaking, please be aware that people will be listening via headphones, so state your name and speak clearly and slowly. This will assist other people on the call, particularly the minute-taker.
- Please avoid speaking when someone else is speaking. If you have any additional questions or comments, wait for an appropriate break in speech to speak.
- The Chair will call you by name to introduce yourself.

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- The Chair will call on each panel member individually to give their strengths, vulnerabilities and questions. Questions will be submitted prior to the panel, but the Chair will check in with panel members to ensure there is nothing extra to add. The Chair will ask questions on behalf of the panel.
- The Chair will then call on each panel member one by one to give their view of the match and reasons.

After the panel

- Time should be allowed at the end of the meeting for reflection and a debrief for panel members, and the panel adviser should also seek feedback from the presenting social workers, and applicants/carers.
- Minutes should be circulated and approved in the usual way and signed off by the Chair for consideration by the agency decision-maker.
- Whilst panel members will not have any travel expenses, some may incur costs for use of telephone conferencing, which they should be able to claim for.
- The panel Chair and panel adviser should consider whether any changes need to be made to the process as a result of the feedback.

Fostering Network has published a helpful blog from a panel Chair after her first virtual panel, which may be of interest.⁴

Involving applicants in a virtual panel

- The social worker for the applicants and/or panel adviser should discuss with applicants and carers how they want to be involved in the meeting. Where possible, this would be helped by having an information leaflet that can be shared with them, setting out both the process and the practicalities of the method being used to host the meeting. As the feedback below shows, some applicants/carers will want to be involved; others may prefer their social worker to represent them.

We did offer to include the adopters, but I think they were stressed enough already and were confident that the social workers could represent them well.

We completed an approval with the applicants on the call (that bit was good but not brilliant, but they were pleased to still be involved).

The positive was that the adopters/applicants still felt that they were part of the process. Not sure how the applicants would be supported if it was a more difficult application or match.

One foster carer, who doesn't like talking in groups, found the experience difficult. The support and skills of her supervising social worker were important in helping her find her voice.

The carers were connected persons who, whilst doing well in caring for their grandson, didn't feel confident in being part of panel discussions using this medium (teleconferencing). Their social worker rang them beforehand to gather any views they wanted to put forward and presented these.

⁴ <https://www.thefosteringnetwork.org.uk/blogs/alfie-cross/conducting-virtual-panel-meetings>

The following reflections from foster carers and a prospective foster carer who recently attended a virtual panel highlight what helped them to have a positive experience, despite the technical hitches:

We both agreed that the virtual panel was a success; although we had some difficulty logging on to begin with, once it was up and running the whole process ran quite smoothly. The joining instructions could have been a little clearer but other than that no further comments.

My personal feedback from the virtual panel was excellent, but I think this was led by the preparation beforehand to underpin the confidence which I felt sitting in the comforts of my own home. Secondly, I believe the Chair was excellent in that he projected confidence and an air of calm which helped me to relax; he did not seem judgemental or intimidating. Therefore, I believe the key to future virtual panels is preparation and confidence in the equipment that you possess and the panel appearing non-judgemental and reducing the fear and anxiety that could exist. I think the feedback from the Chair was very helpful and the conduct is a skill and comes from experience, I suppose. I also believe that the fact that only one person asked the questions but there was an awareness of the source of the questions was important.

As I had been in the process for such a length of time, I was more aware of processes and information. I was prepared for the panel because I ensured that I read and understood my report and its contents. I think making notes of the panel members and who they were was helpful because you have an awareness of their background and possibly why they would be asking such questions.

This is a learning situation for all involved, and we continue to welcome further feedback from agencies about what has worked well or what challenges those involved have encountered and resolved.

Acknowledgements

Our thanks to Adoption Counts, Cumbria County Council, Ambitious for Adoption, Action for Children and others for sharing their experiences and processes with us so we can pass on their learning.

Note

We will be discussing these issues at our Regional Practice Forums and our Adoption and Fostering Panel Advisers and Adoption Panel Chairs meetings,⁵ which we will hold virtually if we cannot hold them in person at the London Coram campus. You can also contact Elaine Dibben on elaine.dibben@corambaaf.org.uk to share your experiences.

⁵ <https://corambaaf.org.uk/members-area/groups-committees-and-practice-forums/practice-forums>