Adoption and Special Guardianship Leadership Board
15:30-17:30, 16th January 2019, Conference room, Queens Building, 2nd floor Mezzanine, Royal Courts of Justice

# Attendees

## Board Members

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| Andrew Christie | Chair |
| Joanne Alper | CVAA Board |
| Cathy Ashley  | Kinship Care Alliance |
| Sue Armstrong-Brown | Adoption UK |
| Anthony Douglas | Cafcass |
| Catherine Driscoll | West Midlands RAB Chair |
| Stuart Gallimore | ADCS, President |
| Maggie Jones | CVAA |
| Gabi McWhinnie | Adopter Reference Group |
| Cllr Lucy Nethsingha | LGA |
| Lucy Peake | Kinship Care Alliance |
| Charlotte Ramsden | ADCS, HCAN Chair |
| John Simmonds | Expert advisor (CoramBAAF) |

Other attendees

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| Andrew Baxter | DfE |
| Sarah Caton | ADCS |
| Nicola Doyle | DfE |
| Louise Jelks | ASGLB management service |
| Kathryn Lewis | DfE |
| Sam Mercadante | ASGLB management service |
| Daniel Murdoch | ASGLB management service |
| John Myers | DfE |
| Chris Welton | DfE |
| Kevin Woods | DfE |

Apologies

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| Sally Kelly | NAVSH |
| Justice MacDonald | Judicial observer |
| Mark Owers | Independent advisor to DfE |
| Julie Selwyn | Expert advisor (Hadley Centre, University of Bristol) |
| Katy Willison | DfE, Director of Children's Social Care, Practice and Workforce |

1. **Welcome and Introductions**

The minutes of the last Board meeting on 8th October 2018 were agreed as a true record of the meeting and no amendments were made.

It was noted that the Family Justice Council’s forthcoming guidance on special guardianship was discussed at the Family Justice Board meeting on 15th January, and that President McFarlane hopes that it will be ready by the summer. CoramBAAF was commissioned by the Family Justice Observatory to do a rapid evidence review, and John sits on the Family Justice Council’s panel alongside academics from Lancaster University’s Centre for Child and Family Justice Research. The work has drawn on focus groups of lawyers, special guardians and practitioners, and will incorporate the views of special guardians from three different sources – Judith Harwin’s work with special guardians, the ASGLB’s special guardian consultation sessions, and a UEA PhD student’s work with special guardians.

The FJO’s evidence review will dovetail with Mr Justice Keehan’s work – Cafcass will combine the two pieces of work and ensure sign-off by two ministers, with the logos of all participating parties and boards. This will be definitive and authoritative and updated with case law as needed.

Andrew confirmed that he has discussed the remit of the ASGLB with the DfE, and that for now it will remain limited to children who have left care through an adoption or special guardianship order. However, he noted that the Board ought to be more thoughtful about taking CAOs into account. Additionally, Andrew received a note via CoramBAAF networks on the key characteristics of these children, which he hopes to circulate to ASGLB and also feed into the work on good practice that falls under the Modernising Permanence project.

Regarding the current duty for agencies to refer to the Adoption Register, it will not be possible to legislate to remove the duty before 31st March. This is in part due to parliamentary time constraints; however, the DfE will be seeking parliamentary time to legislate the removal of the duty as soon as possible. Ofsted have confirmed that they will not be looking at this requirement during inspections after 31st March. DfE colleagues reported that their work on data sharing across adoption and fostering is ongoing and that they will bring an update to the April Board meeting. Board members agreed that communications will need to be very clear as the Register comes to an end, and DfE colleagues agreed to share a communication with ADCS and CVAA that can be circulated to each organisation’s members.

Action 1: DfE to share a communication with ADCS and CVAA on the duty to refer to the Register after 31st March, to be circulated to the organisations’ members.

The Board agreed to add a number of items to the Forward Look, including:

* A delivery plan for 2019/20, following on from the Board Away Day;
* Post-adoption support and data;
* And issues around accommodation for adopters and special guardians.

Andrew updated the Board on the three special guardian consultation events held since the last Board meeting. He stressed that few special guardians he had spoken to understood or knew about their entitlements with regard to education and access to ASF. It was noted that the South East RAB heard from all Board members on services for special guardians in their areas, and that the provision was very variable. This was a very helpful exercise for sharing good practice. The ASGLB would like to circulate the write-up from this exercise and recommended that sponsors bring this write-up to their next RAB meeting. The note could be usefully shared with the cross-party Parliamentary Taskforce on Kinship Care.

**Action 2**: **Chair to ask South East RAB if the Board can circulate their note on special guardianship service provision.**

A good turnout was expected at the ASGLB Away Day on 24th January, and those who were unable to attend were welcomed to send someone in their place.

1. **System Performance Update**

In 2017/18 there was decline in permanency orders, and there appears to be a widening gap between ADM decisions and permanency orders. It was noted that timeliness is improving for those children who are placed, but that children waiting with a placement order are now waiting longer, and the number of children waiting is rising. The number of children in care overall is rising, but the number of children under 5 entering care is stable.

There have been some papers exploring a link between permanency planning, especially adoption, and deprivation, which in turn raises questions about social policy. Additionally, there has been recent research from Lancaster on pre-birth child protection planning and repeat pregnancies. It was asked whether the Board have a perspective on this issue.

While it would be ideal to have a model for a link between permanency and poverty, there are many complex judicial, practice and system trends underlying this issue, including:

* A growing number of children returning home after care proceedings;
* Special guardianship assessments that are not sufficiently thorough;
* Insufficiency;
* Greater caution around adoption post Re B-S; and
* An increasing judicial culture to raise the threshold for separating siblings.

The Board may need to look at permanency data more widely, such as the number of family and friends foster carers, in order to gain a better understanding of the system as a whole. It was suggested that the DfE and MoJ could jointly fund the development of a model for understanding these trends.

Action 3: RABs to discuss trends in permanency orders and report back at the next RAB chairs’ teleconference.

There is wide variation in LAs and the judiciary around pre-proceedings. This issue is included in the Family Justice Board’s work programme, and the DfE will be able to update the Board on this work programme at the next meeting in April.

Anthony Douglas asked Board members to send him their comments on pre-proceedings, as he chairs a judge-led group that is working on this issue.

Action 4: Board members to send comments on pre-proceedings to Anthony Douglas.

The management service has asked all LAs to review their data on children waiting and children for whom the decision has been reversed. The SFR collection captures ADMs’ reasons for reversing the decision, but it is not clear if LAs regularly update their data where a decision has been reversed.

All judges come together at an annual conference, which will be held in May. Anthony suggested that the new ADCS president and perhaps Judith Harwin could present at this conference.

**Action 5**: **Anthony Douglas to speak to President McFarlane about securing a presentation slot at the conference.**

**Action 6: Management Service to provide update on response to request for information about children where the plan for adoption has been reversed.**

1. **Sufficiency**

It is encouraging that registrations are keeping pace with agencies’ recruitment projections and are exceeding 800 per quarter. RABs have been actively discussing this and monitoring it closely. However, the gap between number of adopters waiting and those children with placement orders still seems significant.

Many RABs are concerned about the mismatch between adopters’ desire for younger, often single, children with fewer complex needs, and the characteristics of the children waiting. There appear to be more adopters pursuing foster-for-adoption as they strongly want a baby and believe that it is worth the risk. It was suggested that the Board should analyse the current state of FFA.

Foster carer recruitment may also be impacting on adopter recruitment, and the Board queried how we can capture data on this.

The Eastern region RAB recently noted that the largest demographic of children waiting in its constituent LAs are in sibling groups. This may be linked to current economic uncertainty and adopters wishing to only adopt one child at a time.

VAAs on the whole report that recruitment activity is strong. Significant benefit has been gained from linking prospective adopters to experienced adopters early on in the preparation process alongside early conversations about the type of children waiting and the offer of lifelong support.

A piece of work on learning from concurrent planning was suggested, which would examine changes in recruitment, preparation of adopters and differentiating between children with different needs.

1. **Education of children subject to adoption and special guardianship orders**

Since 2012 there have been many developments in this area that have recognised and attempted to address the need for support, including the expansion of the virtual school head and designated teacher remit to include previously looked-after children. The learning from and needs of this group of children now informs the wider work of the DfE as well as work with other children with similar experiences and backgrounds. However, there is still a need to understand how to use Pupil Premium Plus, VSHs and teacher training more effectively.

For the Adopter Reference Group, the key issues are how the PP+ is used, with the risk it is used in a more generic manner as schools face increasing budget pressures, and the system-wide focus on academic attainment rather than holistic wellbeing. It was also noted that many children see support removed as soon as they are perceived to be doing well.

It was suggested that a growing number of children with SEND needs are attending special schools rather than being supported in mainstream schools. The biggest growth in special needs has been emotional, and all academic/inspection drivers encourage schools to relocate those children rather than meet their needs. Some Board members felt that PP+ should stay with schools as this gives them an incentive to support those children within the school. However, it was also suggested that if the majority of PP+ funding was to go to VSHs, with a smaller amount remaining with schools, then this could be used to deliver support services that can work across schools and deliver better and more consistent outcomes.

**Action 7**: **Management service to circulate recent LGA permanency pack for councillors to ASGLB members.**

The Board asked whether there was data on exclusions and wellbeing amongst vulnerable groups of children in schools that could be compared to the recent AUK report. It may be that schools would feel more able to adopt new initiatives to benefit adopted and special guardianship children if those initiatives were for the entire population of vulnerable children in a school, which is a much larger cohort.

It was suggested that VSHs should work with schools to create personal education plans that follow children if they move schools, rather than automatically entitling previously looked-after children to an EHC plan. The latter could contribute to stigma around adoption and special guardianship. Amongst other recent DH developments is the plan for there to be a mental health lead in every school as well as the piloting of new assessments for looked-after children.

It was stressed that when schools get their support offer right, they can be a safe haven – not only for children, but for parents. There is a need to build confidence and empower special guardians to work with schools. Adopters are often well-versed and trained in therapeutic parenting, trauma awareness, attachment theory, and other relevant areas, but special guardians are often lacking this support.

Action 8: Andrew Christie to look into schools CMS (SIMs) to find out whether it provides capacity to record a child’s previously-looked-after status.

The DfE’s data on previously looked-after children’s performance in schools is experimental because it is based on self-declaration.

Action 9: Sue Armstrong-Brown to bring a note to the April Board on potential options for schools to identify previously looked-after children besides self-declaration.

It was asked whether there is data on parents being taken to court for children being informally excluded and consequently not turning up at school. LAs will have data on attendance orders as well as records of any prosecutions that LAs undertook on behalf of the schools.

1. **RAA Update**

Ofsted have now carried out 15 inspections of LAs which are part of RAAs, and the Ecorys/Hadley Centre published the first report from its evaluation of the regionalisation program in November 2018. There are currently 12 live RAAs covering 58 LAs with almost all others in an RAA that is in development. All VAAs are involved in some way. Ten of the Ofsted reports featured comments on the RAA, mainly on recruitment and matching and, in some cases, around improved use of data to plan recruitment. All these comments were positive. There has been less evidence on improved support provision.

Regionalisation has impacted on relationships which has introduced uncertainty in both the voluntary sector and for statutory sector staff. There is concern that adopters who receive support will be impacted in transition, and a risk that this could affect future recruitment. There are also concerns around maintaining recruitment while going through structural transition, but the Board agreed that this process takes time. Board members also agreed that a focus on systems and detail has in many cases diverted attention from innovation and outcomes. It was suggested that DfE should work with the sector to provide clearer guidance on what an ideal relationship, especially in the context of procurement, between VAAs and RAAs might look like.

Whilst some RAAs have decided to take on special guardianship responsibilities, most have not. Keeping special guardianship support arrangements in LAs may be problematic when it comes to a strategic and holistic approach to permanence.

1. **AOB**

This was Anthony Douglas’s last meeting before retirement. Andrew Christie thanked Anthony on behalf of the Board for his excellent service to the Board and outstanding contribution to improving the lives of vulnerable children, particularly paying tribute to his successful time at Cafcass. Anthony’s successor on the ASGLB will be Teresa Williams, Director of Strategy at Cafcass.

**Next meeting: 3rd April 2019**