

## **DUNDEE CITY COUNCIL**

**REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE - 22 MARCH 2010**

**REPORT ON: ANNUAL REPORT OF ADOPTION AND FOSTERING SERVICES**

**REPORT BY: DIRECTOR OF SOCIAL WORK**

**REPORT NO: 174-2010**

### **1.0 PURPOSE OF REPORT**

- 1.1 This report informs members of the work of the Adoption Service and the Fostering Service during 2009, including the business of the Adoption & Permanence Panel and the Fostering Panel. Additionally, the Social Work and Health Committee is asked to approve the amended Constitutions for the Adoption & Permanence Panel and the Fostering Panel.

### **2.0 RECOMMENDATIONS**

- 2.1 It is recommended that the Committee:
- 2.1.1 Notes the Annual Reports of the Adoption Service and the Adoption and Permanence Panel, and the Fostering Service and the Fostering Panel.
- 2.1.2 Approves the amendments to the Constitutions of the Adoption and Permanence Panel, and Fostering Panel, contained within Appendices 1 and 2 respectively.

### **3.0 FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications arising from this report.

### **4.0 MAIN TEXT - ADOPTION SERVICE AND THE WORK OF THE ADOPTION AND PERMANENCE PANEL**

- 4.1 Adoption & Children (Scotland) Act 2007
- 4.1.1 This new legislation came into force on 28 September 2009, accompanied by a set of new Regulations. Key changes include the abolition of Freeing for Adoption and Parental Responsibilities Orders, the establishment of a new, flexible Permanence Order and the increased requirement on agencies to provide post-adoption support including adoption support plans. It is hoped that the new legislation will promote timely, decisive planning for children who are unable to return to the care of their parents and will enhance placement stability for children who require permanent substitute care but for whom adoption is not a suitable option.
- 4.1.2 The new legislation places greater responsibilities on local authorities to provide adoption support services to a wider range of people affected by adoption. This is a complex area and plans as to how the local authority will assess and deliver these wider support services will be the subject of a separate report at a future date. As part of the requirement of the new legislation an adoption allowance scheme was to be established by 28 December 2009. Report 587-2009 noted and approved a revised Adoption Allowance scheme in accordance with this legislation.

- 4.1.3 This legislation will have a significant impact on the adoption and permanent fostering service and on the volume of Panel business. Regular briefings have been distributed to all Children's Services staff throughout the last year and training on Permanence Orders has been delivered to all appropriate staff and to foster carers. A major focus of the coming year will be the development of procedures and policies alongside further training on other elements of the Act

#### 4.2 Inspection and Evaluation

- 4.2.1 The 2009/10 Care Commission Inspection of the adoption service was undertaken in January 2010. The inspection report is largely positive, recognising the commitment and skills of staff and adopters and the high quality of support offered to children and adopters. The Care Commission continue to focus on greater participation by children and young people in service planning and these areas will be addressed in the service action plan for the coming year. A separate report about this will be submitted to the Scrutiny Committee at a future date.

- 4.2.2 An evaluation questionnaire completed by Dundee's adopters and foster carers noted that adopters in particular felt valued and treated in respect and commented positively on the help and support from family placement staff. A significant majority of those who responded thought that the adoption and fostering services in Dundee performed well overall and tried hard to meet the needs of children and carers.

#### 4.3 Adoption Service Review

- 4.3.1 A comprehensive review of the adoption service was undertaken in 2007 and a report submitted to Committee in January 2008 identifying the strengths within the service as well as specific areas for improvement. Progress has been made in a number of areas including permanence monitoring and support systems and quicker processing of assessments of applicants to adopt. These remain priority areas for the service.

#### 4.4 North East Consortium

- 4.4.1 Dundee is a founding member of this resource sharing forum which has now been in existence for more than 12 years. It is a valuable asset in finding families for "harder to place" children. In 2009 14 matches were made within the Consortium's own resources and a further 8 were made as a result of the links between the North East and West of Scotland Consortia. The Consortium also produced a DVD on families caring for children with disabilities and arranged two training events for members.

#### 4.5 Recruitment

- 4.5.1 Throughout the past year, recruitment of prospective adopters and permanent foster carers has continued to have a high profile in Dundee to try to keep pace with the growing demand for placements. A Recruitment Group, and in particular the Resource Co-ordinator, have developed and maintained excellent liaison with local media and have made creative use of local advertising opportunities. Foster carers and adopters have also played an important role in promoting the needs of children within the local media and have been willing to take part in a range of recruitment activities.

#### 4.6 Adoption and Permanence Panel

- 4.6.1 The composition of the Panel reflects a wide range of experience and knowledge. There is currently a pool of 11 people, consisting of an independent Chair, 5 independent Panel members, 2 Panel members from within Children's Services, a Medical Adviser, Legal Adviser, and Professional Adviser.

- 4.6.2 The Panel continues to fulfil its statutory functions and a number of supplementary functions. These include:
- Considering all permanency plans for children whenever Adoption or a Permanence Order is being considered for any child aged under 12 years.
  - Monitoring and reviewing the permanence plans for children every 6 months if a permanent placement has not been identified.
  - Considering all proposed matches between children and permanent carers.
  - Considering all applicants to adopt
  - Reviewing all approved permanent and adoptive carers who have not been linked with a child within 12 months.
  - Considering applications for adoption allowances.
- 4.6.3 All new Panel members undertake a period of induction that includes observations of Panel meetings. All Panel members are asked to attend a minimum of 4 training sessions per year. In 2009 training included Learning from Disruptions, Permanence Orders and related new legislation, recruiting and assessing families for children with complex needs and assessing and supporting kinship carers.

4.6.4 Panel Statistics

	January - December 2009
Adoption plans identified	<b>18</b>
Permanent fostering plans identified	<b>13</b>
Permanent kinship placements identified	<b>5</b>
Total permanence plans agreed	<b>36</b>
Reviews of permanence plans	<b>24</b>
Adoption matches	<b>20</b>
Permanent fostering matches	<b>15</b>
Kinship matches	<b>8</b>
Total matches	<b>43</b>
Applicants to adopt	<b>12</b>
Applicants to permanently foster a specific child	<b>5</b>
Reviews of approval for adopters	<b>2</b>
De-registrations	<b>4</b>

- 4.6.5 Decisions about matters referred to Panel are made by a Decision Maker, who is appointed for that purpose by the Director of Social Work.

4.7 Themes Arising from the Adoption and Permanence Panel

- 4.7.1 The population of children who are looked after and accommodated has remained at a high level during 2009, and the percentage of children who are unable to return to the care of their birth parents and require permanent substitute care remains high, at between 80 - 90% of looked after and accommodated children under the age of 12 years.
- 4.7.2 The numbers of applicants to adopt has not risen significantly over this period. There is therefore a shortfall of adopters, particularly for sibling groups, children with complex needs and those of 5 years and above. Increasingly, Dundee is seeking adoptive placements from external agencies such as the Scottish voluntary adoption agencies (8 placements in 2009),

other local authorities via the North East Consortium (2 placements in 2009) and the West of Scotland Consortium or agencies in England and Wales.

- 4.7.3 Similarly, the numbers of children and young people identified as requiring permanent foster placements remains high whilst the numbers of carers offering permanence has not risen in line with need. A number of children (12) have found placements with Dundee carers, most often with their existing foster carers. A small number (3) have secured placements externally, with several others likely to be matched with existing external carers in 2010.
- 4.7.4 It is acknowledged that there are clear resource and budgetary implications arising from an increasing reliance on external agencies to bridge the placement shortfall. However, such use has led to most children securing a permanent placement. At the present time there are 18 children waiting for adoptive placements, 7 of whom are already linked with prospective adopters. There are 18 children waiting for permanent fostering placements, of whom 15 are linked with prospective permanent carers.
- 4.7.5 An ongoing issue during 2009 has been the need to explore the possibility of family members before or soon after children are accommodated. To ensure that such exploration is performed timeously and professionally, plans are already underway to further develop the use of Family Group Conferencing and Family Meetings to consider family or friends as potential carers in all cases where children are accommodated or likely to be accommodated.
- 4.7.6 Reports for Panel need to be extremely thorough and of a high quality. During 2009 there have been some excellent examples of well-structured and evidenced reports, timely care planning and direct work with children and families, although in some cases further work has been required. Work continues to be undertaken through the Permanence Planning Action Plan, in conjunction with supervision and support from social work Team Managers, to help social workers produce consistently high quality reports.
- 4.7.7 The implementation of the Permanence Planning Group has led to closer tracking of all of the processes involved in securing children in their permanent placements. This has helped to ensure that the number of cases with significant delay is kept to a minimum. Again, guidance and training is provided to workers in this complex area of work.

## **5 MAIN TEXT - 2009 ANNUAL REPORT ON FOSTERING PANEL AND THE FOSTERING SERVICE**

### **5.1 Looked After Children Regulations 2009**

- 5.1.1 These new regulations came into force on 28 September 2009. Key changes include the introduction of statutory requirements for the assessment and approval of kinship carers and changes to the timescale requirements to review children's plans. Regular briefings have been distributed to all Children's Services staff throughout the last year. A working group has been established to look in detail at the implications of any changes arising from the new regulations and to consult with staff as appropriate. A major focus of the coming year will be the development of procedures and policies alongside training.
- 5.1.2 As Dundee has a well-established scheme in relation to the assessment and approval of kinship carers there is unlikely to be a significant increase in the volume of business arising from the new regulatory requirements.

### **5.2 Inspection and Evaluation**

- 5.2.1 The 2009/10 Care Commission Inspection of the fostering service was undertaken in January 2010. The inspection report is positive, recognising the commitment and skills of staff and carers and the high quality of support. The Care Commission continue to focus on participation by children, young people and carers in service planning and these areas will be addressed in the service action plan for the coming year. A separate report about this will be submitted to the Scrutiny Committee at a future date.
- 5.2.2 An evaluation questionnaire completed by Dundee's foster carers noted that a significant majority of those who responded thought that the adoption and fostering services in Dundee

performed well overall and tried hard to meet the needs of children and carers. Carers identified the recruitment of more carers and a greater diversity of carers and the continued training of carers and staff as priority areas for service development.

### 5.3 Demands on the Fostering Service

5.3.1 The numbers of children requiring family based placements has continued to rise, with a steady and sustained increase over the past 7 years. Whilst Dundee has been successful in retaining and recruiting a stable group of approximately 80 foster carers (with placements offered to approximately 140 children and young people), there remains a gap in service provision which has been filled by increasing numbers of children being placed with family and friends and by a greater reliance on external fostering providers from the independent and voluntary sector.

5.3.2 Locally, Barnardo's Side by Side fostering service was extended in 2008 to provide a small number of full-time fostering placements, both temporary and permanent, to children and young people with additional support needs.

### 5.4 Recruitment

5.4.1 Recruitment of foster carers has continued to have a high profile in Dundee to try to keep pace with the growing demand for placements. The Recruitment Group, and in particular the Resource Co-Coordinator, have developed and maintained excellent liaison with local media and have made creative use of local advertising opportunities. Foster carers and adopters have also played an important role in promoting the needs of children within the local media and have been willing to take part in a range of recruitment activities.

### 5.5 Fostering Panel

5.5.1 The composition of the Panel reflects a wide range of experience and knowledge. There is currently a pool of 12 people, consisting of a Chair, an independent Depute Chair, 6 independent Panel members, 2 Panel members from within Children's Services, a Medical Adviser, Legal Adviser.

5.5.2 The Panel continues to fulfil its statutory functions and a number of supplementary functions. These include

- Considering assessments of all prospective foster carers
- Making recommendations on the numbers and categories of child the approval should be for
- Giving advice on specific issues during the assessment process.
- Considering amendments to approval of carers.
- Bi-annual reviews of all foster carers
- 8 weekly reviews of emergency extensions to approval.
- Applications from relatives or friends for approval as kinship carers.
- Applications for Residence Allowances.
- Considering prospective supported lodgings applications
- Private fostering applications

5.5.3 All new Panel members undertake a period of induction that includes observations of Panel meetings. All Panel members are asked to attend a minimum of 4 training sessions per year. In 2009 training included kinship care assessments, the new adoption legislation and Looked After Children regulations, Learning from Disruptions, GIRFEC in kinship and foster care strategy.

#### 5.5.4 Panel Statistics

	January - December 2009
Fostering applications	8
Foster carer reviews & amendments	42
Emergency extensions	3
Foster carer de-registrations	7
Kinship carer applications	37
Residence allowance applications	3
Applications for legal fees for residence orders	2
Supported lodgings applications	3

- 5.5.5 Decisions about matters referred to Panel are made by a Decision Maker, who is appointed for that purpose by the Director of Social Work.

#### 5.6 Themes Arising from the Fostering Panel

- 5.6.1 The demand for placements for children has continued to rise during 2009, whilst the number of approved foster carers within Dundee has remained relatively static, with new approvals failing to keep pace with demand for placement.
- 5.6.2 The numbers of children identified as requiring permanent fostering remains high in Dundee. Whilst few foster carers are coming forward specifically offering permanent fostering, a number of carers are then offering permanence to children already within their care. There remains a notable gap in service provision in this area, which to an extent has been filled by independent fostering agencies.
- 5.6.3 Fewer carers are coming forward for older, more challenging children and young people or larger sibling groups. Consequently at times there is a mismatch between the types of placement on offer and those needed.
- 5.6.4 There has been a notable emergence of Independent Fostering Agencies (IFA's) across the country over recent years and local authorities are relying on these agencies to bridge the gap in placement provision, sometimes at significant financial cost. There can also be hidden costs when children are being moved away from their local communities, schools and friends to access care placements.
- 5.6.5 The numbers of children being placed with relatives and friends as a direct alternative to being accommodated continues to increase. The profile of kinship care has risen sharply in the past 3 years, both locally and nationally and with this has come greater requirements for assessment and support.

## 6 **CONCLUSION**

- 6.1 During 2009 Dundee City Council's Adoption and Fostering Services continue to have high levels of activity, which is related to the need to provide safe and secure short and at times long term care for vulnerable children. Staff within these services continue to work closely with referrers, stakeholders, foster carers, adopters and others to ensure that children's needs are being met.

## 7.0 **POLICY IMPLICATIONS**

This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty and Equality Impact Assessment.

There are no major issues.

## **8.0 CONSULTATIONS**

The Chief Executive, Depute Chief Executive (Support Services), Assistant Chief Executive and Director of Finance have been consulted in connection with the preparation of this report.

## **9.0 BACKGROUND PAPERS**

None.

**ALAN G BAIRD**  
**DIRECTOR OF SOCIAL WORK**

**DATE: 4 March 2010**

**DUNDEE CITY COUNCIL  
SOCIAL WORK DEPARTMENT**

**ADOPTION AND PERMANENCE PANEL CONSTITUTION**

Dundee City Council, in accordance with its duty as an Adoption Agency, and the requirement of the Adoption and Children (Scotland) Act 2007 and the Adoption Agencies (Scotland) Regulations 2009 hereby appoints an Adoption Panel.

**ROLE AND FUNCTION**

The Panel's primary functions are to make recommendations on the following matters:

- (a) whether adoption is in the best interests of the child;
- (b) whether an application for a permanence order granting authority for the child to be adopted should be made under section 80 of the Act;
- (c) whether a prospective adopter is suitable or continues to be suitable to be an adoptive parent;
- (d) whether a prospective adopter would be a suitable adoptive parent for a particular child; and
- (e) any other matter referred to the adoption panel which is relevant to the adoption agency's functions under the Act.

**SUPPLEMENTARY FUNCTIONS OF THE PANEL**

The Panel also undertakes the following supplementary functions:

- (a) considers permanence plans for children;
- (b) considers plans to place siblings together or separately;
- (c) monitors and reviews the implementation of permanence plans for children;
- (d) reviews after 12 months approved adoptive parents who have not been linked with a child;
- (e) considers reports on the disruption of any adoptive placement and make recommendations about whether adoption is still in the best interests of the child,
- (f) considers matters relating to adoption support, including financial assistance for adopters.

**COMPOSITION**

An Adoption Agency must satisfy itself that the numbers, qualifications and experience of individual members of an Adoption Panel will enable it to discharge its functions. In order to do so Dundee City Council Adoption and Permanence Panel will comprise a minimum of 6 members appointed by the Director of Social Work.

The Panel membership will include:

- A Senior Social Work Manager or an Independent person who chairs the panel.
- Social Work Staff members with appropriate qualifications and expertise in adoption, fostering or the needs of looked after children.

- Representatives from other agencies, departments and independent members who are considered competent in terms of their knowledge, skills and experience.
- A Professional Adviser if an Independent Chair is appointed.
- A Medical Adviser, who is a registered medical practitioner. Although the medical adviser is a voting member, he or she cannot make up the quorum.
- A Legal Adviser, who is a solicitor or advocate. The Legal Adviser is not a voting member. The Legal Adviser's advice at the Panel enables members to explore the legal issues in each case and to clarify the alternatives to adoption.
- A designated Depute Chair will undertake the responsibilities of the Chair if required due to the chair's unavailability.

The balance of Panel members offers a wide experience and reflects a multi agency approach that provides objectivity. Panel members should have an awareness of differing racial, ethnic and cultural backgrounds. Other staff, such as translators or diversity advisers may be asked to participate in any particular panels where there is a specific need.

Membership of this Panel will be for 6 months in the first instance. Thereafter, renewal of membership will be considered on an annual basis. Where the agency is of the opinion that any member of the Panel is unsuitable or unable to remain as a member it may terminate membership at any time by giving notice in writing with reasons

## **MEETINGS**

A quorum for each Panel meeting will be 3 voting members, excluding the medical adviser and legal adviser.

The Panel may only make a recommendation relating to whether adoption is in the best interests of the child or whether an application for a permanence order granting authority for the child to be adopted should be made if a legal adviser is present at the meeting of the panel at which the recommendation is made or legal advice has been provided to the panel by such an adviser.

The Panel must make a written record of its proceedings and the reasons for its recommendations.

The timing and the frequency of meetings is determined by the Professional Adviser to the Panel in consultation with the Panel Chair and will be determined by the needs of the Authority in its capacity as an Adoption Agency.

## **AGENCY DECISION MAKING**

Decisions on matters referred to the Panel are made by a Decision Maker appointed for that purpose by the Director of Social Work.

The Agency Decision Maker will make decisions in relation to the recommendations arising from the mandatory and supplementary duties of the Adoption and Permanence Panel.

The Decision-Maker receives all reports presented to Panel and the Panel minutes. This allows the Decision-Maker to make decisions on full information and to understand why the Panel has reached particular recommendations. The Decision-Maker is required to make a decision within fourteen days of the Panel.

Panel recommendations and the decision are intimated in writing, by the Decision Maker, to prospective adopters and parents of children when a decision has been made that their child is in need of permanent substitute care.

## **APPEALS**

Appeals by prospective adopters against a Panel's recommendations and subsequent agency decision should be made in writing to the Director of Social Work within 28 days of the receipt of notification of the agency decision. Upon receipt of such an appeal the Director of Social Work will consider the matter and appoint an Appeal Panel where appropriate in accordance with the Agency's published appeals procedure. .

**DUNDEE CITY COUNCIL  
SOCIAL WORK DEPARTMENT**

**FOSTERING PANEL CONSTITUTION**

Dundee City Council in accordance with its duty as a Fostering Service, and the requirement of the Looked After Children (Scotland) Regulations 2009 hereby appoints a Fostering Panel.

**ROLE AND FUNCTION**

The Panel's primary functions are to consider and recommend to the agency:

- (a) whether a prospective foster carer is suitable or continues to be suitable to be a foster carer;
- (b) whether a prospective foster carer would be a suitable foster carer for–
  - (i) a particular child or children;
  - (ii) any child; or
  - (iii) certain categories of child;
- (c) the maximum number of children a particular foster carer may have in their

***SUPPLEMENTARY FUNCTIONS OF THE PANEL***

- (a) advise on specific issues during the assessment process;
- (b) reviews of foster carers on a bi-annual basis or where amendments to approval are sought
- (c) de-registration of carers where the Social Work Department are recommending de-registration of the carers
- (d) consideration of emergency extensions to foster carer approval
- (e) whether a relative or friend would be a suitable kinship carer for a specific child

**COMPOSITION**

A Fostering Agency must satisfy itself that the numbers, qualifications and experience of individual members of a Fostering Panel will enable it to discharge its functions. In order to do so Dundee City Council Fostering Panel will comprise a minimum of 6 members appointed by the Director of Social Work.

The Panel membership will include:

- A Senior Social Work Manager or an Independent person who co-ordinates and chairs the panel.
- Social Work Staff members with appropriate qualifications and expertise in fostering or the needs of looked after children.
- Representatives from other agencies, departments and independent members who are considered competent in terms of their knowledge, skills and experience.
- A Professional Adviser if an Independent Chair is appointed.

- A Medical Adviser, who is a registered medical practitioner. Although the medical adviser is a voting member, he or she cannot make up the quorum.
- A Legal Adviser, who is a solicitor or advocate. The Legal Adviser is not a voting member

A designated Depute Chair will undertake the responsibilities of the Chair if required due to the chair's unavailability.

The balance of Panel members offers a wide experience and reflects a multi agency approach that provides objectivity. Panel members should have an awareness of differing racial, ethnic and cultural backgrounds. Other staff, such as translators or diversity advisers may be asked to participate in any particular panels where there is a specific need.

Membership of this Panel will be for 6 months in the first instance. Thereafter, renewal of membership will be considered on an annual basis. Where the agency is of the opinion that any member of the Panel is unsuitable or unable to remain as a member it may terminate membership at any time by giving notice in writing with reasons

## **MEETINGS**

A quorum for each Panel meeting will be 3 voting members, excluding the medical adviser and legal adviser.

The Panel must make a written record of its proceedings and the reasons for its recommendations.

The timing and the frequency of meetings is determined by the Professional Adviser to the Panel in consultation with the Panel Chair and will be determined by the needs of the Authority in its capacity as a Fostering Agency.

## **AGENCY DECISION-MAKING**

Decisions on matters referred to the Panel are made by a Decision Maker appointed for that purpose by the Director of Social Work.

The Agency Decision Maker will make decisions in relation to the recommendations arising from the mandatory and supplementary duties of the Fostering Panel.

The Decision-Maker receives all reports presented to Panel and the Panel minutes. This allows the Decision-Maker to make decisions on full information and to understand why the Panel has reached particular recommendations. The Decision-Maker is required to make a decision within fourteen days of the Panel.

Panel recommendations and the decision are intimated in writing, by the Decision Maker, to foster carers, prospective foster carers and kinship carers.

## **APPEALS**

Appeals by foster carers, prospective foster carers or kinship carers against a Panel's recommendations and subsequent agency decision should be made in writing to the Director of Social Work within 28 days of the receipt of notification of the agency decision. Upon receipt of such an appeal the Director of Social Work will consider the matter and appoint an Appeal Panel where appropriate in accordance with the Agency's published appeals procedure.