



HOUSE OF LORDS

Children and Families Act 2014 Committee

Corrected oral evidence: Children and Families Act 2014

Monday 28 March 2022

4.15 pm

Watch the meeting

<https://parliamentlive.tv/event/index/f626ff81-d47a-432e-8910-5ac62db3e521>

Members present: Baroness Tyler of Enfield (The Chair); Lord Bach; Baroness Bertin; Baroness Blower; Lord Brownlow of Shurlock Row; Lord Cruddas; Baroness Lawrence of Clarendon; Baroness Massey of Darwen; Lord Mawson; Baroness Prashar; Lord Storey; Baroness Wyld.
Evidence Session No. 5 Heard in Public Questions 47 - 58

Witnesses

I: Sarah Johal, National Adoption Strategic Lead,; Dr Carol Homden, Chief Executive, Coram; Alexandra Conroy Harris, Legal Lead, CoramBAAF.

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.
2. Any public use of, or reference to, the contents should make clear that neither Members nor witnesses have had the opportunity to correct the record. If in doubt as to the propriety of using the transcript, please contact the Clerk of the Committee.
3. Members and witnesses are asked to send corrections to the Clerk of the Committee within 14 days of receipt.

Examination of Witnesses

Sarah Johal, Dr Carol Homden and Alexandra Conroy-Harris.

Q47 The Chair: Good afternoon. I welcome everyone to the second session of our meeting this afternoon. I thank all three witnesses for coming in. Could I just start by asking you to introduce yourselves?

Sarah Johal: I am a national strategic lead for adoption, working with regional adoption agencies. I have been in post for about six months, so I am delighted to be here with you today.

Dr Carol Homden: I have been the group chief executive of Coram for 15 years. Coram is the world's oldest children's charity and a leading adoption provider, providing a regional agency and national matching and data solutions.

Alexandra Conroy Harris: I am a barrister and the legal adviser to CoramBAAF, which is the successor organisation to the British Association for Adoption and Fostering. I have been in that position for about 15 years. We are now part of the Coram group. We are a membership organisation representing local authorities and fostering and adoption charities.

The Chair: Thank you very much. At least two of you were able to sit through the session we have just had, which is very much in our minds. To kick us off, I will invite my colleague Lord Cruddas to ask the first question.

Q48 Lord Cruddas: First, I am a bit stunned, because I met Carol back when she worked for The Prince's Trust, and I cannot believe that it has been 15 years since she left it and went to Coram. It is nice to see you, Carol, and I am sorry I could not be there in person today, but I have got tied up in the office. I just want to declare that I met Carol when she worked for the Prince's Trust, and then when she went on to Coram and successfully applied to the Peter Cruddas Foundation for some donations. Personal stuff out the way, the main purpose of the Children and Families Act 2014 reforms to the adoption system was to enable more children to be placed in stable, loving homes with less delay and disruption. The number of adoptions from 2015 onwards peaked at 5,360 in 2015, but they have been falling steadily since. In 2021, 2,870 children in local authority care were adopted. Why has the number of adoptions fallen steadily since 2015, after the implementation of this Act in 2014? What is the biggest challenge facing the adoption system? As I know Carol, I would like to put that question to her first.

Dr Carol Homden: Thank you, Peter. It is nice to see you again. We need to recall that in 2015 and at the peak of adoptions it was not that adoption placement orders were at that level, but that there had been a great deal of effort to address the long waiting times for many children who were already in the adoption system. There has been a decline, but it is not quite as it might be perceived. If you looked over a 10-year period, you would get a different perspective on the nature of that decline.

There has, however, been a fall, which is because children's best-interest decision and care planning is still taking too long. It is too influenced by local and practice concerns rather than the overall outcomes that can be achieved for children in adoption. We really are not doing a good enough job if adoption has fallen to this level, given that, during that period, the number of children in the care system has risen so considerably.

As a group of organisations, professionals and colleagues, we need to think about that and to take action, because otherwise we will not have sufficiency for the children who are in the care system and who need to leave it. My colleagues will amplify the details, but what we can say at the current time is that it is not because we do not have sufficient adopters coming forward. That is a very important and salutary message to us.

Sarah Johal: It is a very complex picture, and Carol has alluded to some elements of it. As colleagues said in the previous session, there has been an increase in the use of special guardianship orders. For children, if they can remain within their kinship network, that is absolutely right, but there are still some children who remain in long-term foster care and who are not being adopted. The case law that we heard about earlier—*Re B-S* and *Re B*—has had quite a profound impact in terms of adoption being the last resort and having to balance up and make it really clear about adoption that is required for that child, so it is a complicated picture.

The issue to do with the regional adoption agencies and local authorities is interesting, because the local authority is responsible for care planning. In some areas, there is a really good integration with the regional adoption agency to influence really early care planning for children, but in some areas unfortunately there is not, and there is a separation of the regional adoption agency and the local authority. We are looking at work to improve social work systems and processes, so that we can try to influence local authorities in their care planning and thinking about which option is right for children.

Alexandra Conroy Harris: The impact of *Re B* and *Re B-S* has been enormous, and the phrase "nothing else will do" has possibly had quite a chilling impact on the courts when they are looking at potential adoption and placement order applications, and a spiral, so that local authorities feel there is no real point putting a child forward for adoption if there is any other option that might just be good enough. It has sometimes pushed local authorities into compromising children's welfare placement.

The Chair: That has come up in previous sessions, but could you just remind us how long ago that case law was?

Alexandra Conroy Harris: The cases were in 2013 and 2014. The impact takes a little time to feed through, but they have had considerable impact, and it is cumulative.

The Chair: In terms of case law or anything statutory, has there been any subsequent interpretation of those cases?

Alexandra Conroy Harris: They have been accepted and absorbed into the system. "Nothing else will do" is a phrase that you will see in an awful lot of judgments.

Lord Cruddas: In last week's session, Professor Beth Neil suggested that two major recent cases had led to heightened caution in the courts about placing children for adoption, and this may have caused a fall in adoption numbers. I do not know whether you have anything further to add to that.

Dr Carol Homden: Those may be the same cases that are being referred to, but I would point out that you get a self-fulfilling prophecy here. Adoption teams are relatively small. If there is a challenge in court, which can often feel extremely bruising and difficult for the social worker or the lawyer who is bringing it forward, there is greater reticence to bring forward the next case, and that becomes a self-fulfilling prophecy in a reduction in adoption placement orders. We should note that a very substantial number of children are having their plans changed. This can be for very good reasons but it can also be because of the complexities of these types of practice issues.

Finally, there is nothing in legislation or guidance that prevents the excellent.

Lord Mawson: You do not need to give names, but I am always interested in specifics. In a case that you would be aware of, what actually happened?

Lord Bach: Which court was it? Was it the Court of Appeal?

Alexandra Conroy Harris: It was the Supreme Court.

Lord Bach: Was that in both cases?

Alexandra Conroy Harris: Re B-S was the Court of Appeal, and Re B was the Supreme Court. The interesting thing is that, in both of them, although the principles were enunciated and "nothing else will do" was used, the children did not go home to their parents.

Lord Mawson: Maybe others do, but I do not understand "nothing else will do". Just run that past me.

Alexandra Conroy Harris: It was a phrase used in the judgment in the House of Lords, which said that adoption should not be a placement option for children unless the court is satisfied that nothing else will do. It encapsulates the idea that you respect the child's and family's right to a family life, unless it is absolutely essential that that legal relationship should be severed.

However, the use of the phrase "Nothing else will do" has really stuck and it is almost being turned around, so the thinking becomes, "There's a family member who may or may not be good enough, but because they will only do, that child should not be considered for adoption", rather than, "This child needs a permanent adoptive placement, so they should be given that opportunity".

Dr Carol Homden: The result can be that children are left in hopeful expectation without resolution of their permanent arrangements. We need

to recognise that the timescale for children is not the same as the timescales for the change of adults, and that ultimately a decision has to be made.

The Chair: Just to clarify for everyone's benefit, would it be fair to say that another way of expressing "Nothing else will do" would be "Adoption should only be the last resort"?

Dr Carol Homden: Yes, "last resort" is a phrase that is also used.

The Chair: It might help the committee to think of it in those terms.

Lord Bach: I appreciate all the difficulties of costs in fresh cases, as well as pressure and getting to that stage in proceedings, but has nothing been brought up since that might allow the court, even the Supreme Court, to think again about the earlier cases? It has already been said to the committee quite a lot already that there is a real barrier here. At the moment, I get the feeling that there is not much that we can do about it. Is there, or would it require legislation?

Sarah Johal: The Re B-S case looked at the evidence in terms of what is realistically possible. Social workers have to go into court with a very clear care plan, saying, "I've considered birth parents, and this will"—or will not—"be realistic. This is the evidence for that. I've considered relatives, long-term fostering and adoption". You have to be able to put clear, robust evidence in for the realistic outcomes for children.

Sometimes social workers and maybe agency decision-makers have lost confidence in whether they have really nailed this. The court was saying that if you can outline very clearly, with confidence, what is realistically right for that child, it will support your care plan. Sometimes this has been lost in the mix. I do not know whether Alexandra has a sense of that, but that is my sense.

Alexandra Conroy Harris: I do not think it was ever the intention or, indeed, the meat of the judgment that adoptions should not be used. It is simply that they have to be founded on really good analysis, as Sarah was saying. Sometimes there was the feeling that that analysis had been lost and that it had become a linear process. You start by asking, "Can the child go back to the birth family? No. Can the child go to the other family? No. Therefore, all that's left is adoption, because of the age of the child", and that was not felt to be good enough. It needed analysis of each option and then a comparison of the options.

Adoption is out on a limb, in that local authorities have to make separate applications for placement orders. It is not part of the central process. A child can have a care order, with the idea that this child cannot go back to the birth family, but without adoption being offered as an option, because it has to be considered separately. Sometimes it is not, partly because it is a separate process that needs extra resources.

As Sarah said, a lot of local authorities have lost their confidence for a lot of cases. Of course, every local authority and court has to apply the paramountcy principle. If you are saying, "This child's welfare requires adoption", that is the be-all and end-all and should be worked towards,

but sometimes there is a fear that something else will do. I do not think that can be changed through legislation or would be corrected or changed if the case came back to the Supreme Court.

Dr Carol Homden: The intent of the Act was very positive. It was to strengthen the importance of early permanence and concurrent planning—namely, that the child should not be subject to sequential decision-making. I am afraid that we have not yet achieved that, so it is not a matter of changes in legislation, but of changes in behaviour, monitoring, data and scrutiny.

Q49 Baroness Blower: This is really a matter of your opinion, but we have heard that kinship care has very good outcomes for young people. I take it that that might often be a special guardianship order in the kinship arrangements. We have also heard that there is no particular evidence base for that, because there is no research into it, although maybe there is and we just do not know about it.

In the context of what we heard from our previous witnesses about the need for a very long-term arrangement for a young person, a kinship arrangement may be available, but it is someone in their latter years, so that being very long term—taking a child who is available for adoption into their adulthood—is not realistic.

There is, I guess, a difficult balance between kinship care and a special guardianship order, where you know that there could be a foreshortened relationship just because of the age of the person who is getting the order, or what might be an extremely good adoption placement with a different demographic. I am trying to tease out how all these things work together.

Alexandra Conroy Harris: Those are balances that the courts have to consider. It is forgotten, but there is no reason why a kinship placement should not be an adoptive placement. The unique advantage of adoption is that it is a lifelong legal relationship. For a child placed under a special guardianship order with family members, that legal relationship ends at 18. The difference between orders made under the Adoption and Children Act and orders made under the Children Act is that, when looking at making decisions under the Adoption and Children Act, it has to be about the welfare of the child throughout their life, rather than throughout their childhood. That factor is sometimes missed out.

Lord Mawson: When that happens, will there be anyone from the state looking again in two years' time at how it is going and meeting the family? What continuity is there at that point? Once all the paperwork is signed off, is that it?

Alexandra Conroy Harris: As far as the legal order is concerned, yes, but in most cases there are support arrangements. The support is reviewed annually at a minimum. There are regulatory requirements both for special guardianship support and for adoption support; it has to be reviewed annually. It will not relook at the appropriateness of the original order. Special guardianship orders can be overturned by application if

they are not working or if the child needs to be moved somewhere else, but adoption orders will not be.

Q50 Lord Brownlow of Shurlock Row: Good afternoon. Sarah, what do you think the impact of regional adoption agencies has been? Can you help me understand to whom they are accountable?

Sarah Johal: We now have 32 regional adoption agencies. There are three or four local authorities that are not yet part of an agency but are moving in that direction. One of the most important things that I have noticed, because I meet with them every month, is that there are only 32 adoption agencies now, rather than local authorities, dealing with adoption services, so it makes it much easier to effect change and improve services.

We saw that in the pandemic, when the agencies met and were able to respond, adapt and flex their services to make sure that vulnerable children's plans were being progressed and that adoption services were able to continue. An evaluation of the regional adoption agencies was carried out by Ecorys and the Rees Centre at Oxford University. It has just been published, so you might want to take that into evidence. There are three main things that I want to allude to. There has definitely been an increase in the number of adopters recruited. There has been a 21% increase in registrations of interest. We have not quite changed the profile of adopters in terms of those willing and able to take children who wait longer—children who are over five, sibling groups, children with complex health issues, and children from black and minority ethnic communities—so there is more work to do on that. We have reduced the timescales for children being matched and placed with families when compared to local authority adoption services, so there are some positive elements.

From my point of view, the most interesting areas of adoption support are where you can strategically co-ordinate and plan services across a wider area, so a wider range of adoption services have definitely become available over that period. I have heard from adoptive parents, and from some of that qualitative information, that they have valued the additional services that they have managed to get. It is not all rosy, though; there are complexities and different models. We are still at a very early stage of a structural reform programme, which has inevitably had impacts on the sector, but the signs are encouraging.

Local authority directors of children's services still remain responsible for the adoption services in their area. The regional adoption agencies usually report to a management board every quarter with a report, and lead elected members oversee that. It is still very much a local authority service, often with delegated functions too, either through a host authority or through a partnership arrangement.

Q51 Lord Bach: You have heard this question before, but what are your views on the impact of the increased emphasis on fostering to adopt and, linked with that, the challenges surrounding early permanence

arrangements? We have talked about the courts, and I wonder whether there is some caution, as far as the courts are concerned, in this area. There does not yet seem to have been any research carried out by government departments. Is this true and, if so, has that had an adverse consequence?

Dr Carol Homden: Coram has been providing concurrent planning placements, which are a particular form of early permanence, for 25 years, and has conducted longitudinal research. At the point we undertook it, every child in every agency in which that model had been used was still in placement. Some of them are now well into their teens, so it is exceptionally successful for children when used in that way. In my view, the intentions of the legislation are right, as I have said previously, but some courts do not seem to be aware that there is a requirement to consider it proactively and continue to convey, despite the intentions of the Act, that somehow it is pre-empting the court's decision, rather than being applied in the interests of a young child's prospects for stability and, indeed, ensuring that there is a positive approach to support for a birth parent in that process, which can otherwise be lacking. Unfortunately, there has been no overall improvement in the rate of placements under this method so far, and greater priority should be placed upon it in the examination of the figures and the focus on it in the courts.

Alexandra Conroy Harris: I would agree. The amendment requires local authorities to consider making an early permanence placement if they believe that a child is likely not to be able to remain in the birth family, but the courts are not bound by that amendment. It is right that in some areas the courts believe that it is either pre-empting their decision or tying their hands in some way.

In terms of understanding that the placement is purely a fostering placement and one that is purely for the local authority to decide, there is long-standing case law that says that only local authorities can make decisions about where a child is placed for fostering, and that courts cannot order a particular fostering placement, but not all courts have taken that case law to apply to fostering to adopt placements.

We quite often hear that courts are trying to tell local authorities not to make a fostering to adopt placement in certain cases, which means that across the country the rate of early permanence placements varies considerably, depending on the court area. In the south-west, at one point they were making 60% of their placements of under-ones with fostering to adopt placements. There are other areas that have single figures every year.

Sarah Johal: This is an area that we are starting to look at in a lot more depth with regional adoption agencies. The Government have put some funding in to try to increase the use of early permanence and the quality of those placements. It is an area of practice that we are really focusing on. Alexandra is right that it is very inconsistent across the country. There

are some areas that do really high numbers of early permanence placements.

The wording is really important. The Act talks about fostering for adoption, which can imply to adopters that, generally speaking, this child will most likely go on for adoption. That is not the case in the court arena. The court can very clearly say, "No, the child's going to go home or go to a relative", so we tend to use the term "early permanence". There are two options with early permanence. One is concurrency, where the initial plan is for the child either to return home or to go to a relative, but then adoption by the same carer, so it minimises the number of moves for a child. Then there is fostering for adoption. There is a bit of confusion about the language and the terminology, and if we can do anything to simplify that, it will help.

The preparation, training and support of those carers is critical in order to make sure that they are, first and foremost, doing what is right for the child, and that, if it is right for the child to return home, they are well supported to support that, but if the child needs adoption they will go on to adopt the child. It is very patchy and inconsistent at the moment.

Alexandra Conroy Harris: The language in the Act is that the child should be placed with an approved adopter who has also been approved as a foster carer, and the case law is very clear that that placement is a fostering placement until the child has been made the subject of a placement order and been matched to those adopters. The phrasing in the Act just refers to a fostering placement at the time, which I do not think has sunk in in some areas.

The Chair: Just on a factual point, I may have got this wrong but my understanding is that we have figures for the numbers of children in early permanence placements but that they are not disaggregated by the concurrent planning and the fostering. Is that right?

Dr Carol Homden: That is correct.

The Chair: Would it help if it was disaggregated? What could it tell us if we knew those figures?

Sarah Johal: We have been giving that a bit of thought. Initially, we thought it would be helpful to disaggregate it. The complexity for local authorities returning that data is problematic, because it is quite a difficult concept to understand. I am not sure whether it will help us, to be honest, because, ultimately, early permanence, in its broadest sense, is making sure that the child minimises the number of moves in care. I am not sure what it will add, but my colleagues might have a different view.

Q52 Baroness Prashar: My question is about the Adoption and Children Act register. What has been the impact of the suspension of this register on the matching process?

Dr Carol Homden: The removal of the requirement for a registration has removed from the child the entitlement to be seen by any and all who might be able to provide support to that placement beyond boundaries

and within a defined timescale. In my view, that is entirely negative for the child.

It has also removed the accompanying service for children, which was a professionally supervised service that enabled the proactive recommendation of links beyond boundaries and the challenge of practice presumptions or failure to follow up those links.

This is not a technological issue. You can use different systems to hold the data, which is absolutely fine so long as they conform with the security requirements that are appropriate to the nature of the information. What matters here is the nature of the service that children receive and the obligation to ensure that every child's best chance is being pursued in the timescale of the child.

Sarah Johal: If you go back to when we had the register in place, part of the reason why it was suspended was that local authorities were not putting the information on to the register and were using Link Maker, so there were two platforms. That was a fundamental issue at the time. Carol is right that it does not allow you to see those children nationally. I am fairly confident that local authorities and regional adoption agencies continue to match children effectively through Link Maker, so the tool itself is really helpful. The fact that there is no practitioner support alongside it is problematic, because sometimes it is helpful to have a practitioner ask, "What have you been doing about this? Can I help you with that? Can we look at that family over there?"

In the regional adoption agency work that we are doing, we are looking to add practitioner support to work alongside Link Maker as an interface between the technical information and the practice. They continue to do the register in Wales and Scotland, but they use Link Maker and that is their register. I know that they have some issues in that situation. Some things are lost without it, but it has not necessarily stalled the matching process. That would be my view.

Dr Carol Homden: It amounts to about 150 children per annum who were being matched by that proactive service.

Alexandra Conroy Harris: We have also lost data, because we had a national service, and there were requirements to keep the data about matching and how it was done. I understand that the DfE has removed the previous register data from the website, so it is now not available at all, even in the archived sections.

I have difficulties with the alternative being used, because it is an unregulated, commercial service. Under the Adoption and Children Act, it is an offence for anybody to offer a child as being available for adoption or saying that somebody will take a child for adoption unless you are an approved adoption agency subject to monitoring and regulation by Ofsted.

The service currently being used is not a registered adoption agency, but simply an online database into which an awful lot of personal information is being put, with no further regulation than the standard Information

Commissioner's Office regulations, so I have concerns about the use of a commercial service for this.

It also has no obligation to return any data, so it is not a useful research tool. As Carol said, because the statute forbids any involvement in adoption support by anybody who is not a registered adoption agency, they cannot put in any social work support for matching. It is all done by the adopters making contact or by the social workers looking for adopters on the site, and there are concerns about that. It needs to be a more regulated and monitored service, and to be able to return data.

Baroness Prashar: Would this change benefit from a bit more research and monitoring to see what the impact is?

Dr Carol Homden: It is extremely difficult to effect that. Believe me; we have tried. It is because we do not have access to the tracking data of the children. The cost-benefit analysis, which I will be pleased to show you, is that if one child per annum is matched by the national service that existed previously, the lifetime care costs fund the entire service. We were looking at 150 children who were matched through that route previously, so the sooner a child has the entitlement in this nation to be seen within a defined timescale, the better we can assure ourselves that we are really doing the job in their best interests.

Baroness Prashar: If you could provide the cost-benefit analysis, it would be very helpful. Thank you very much for those insights.

Q53 Baroness Blower: We know about the repeal of the requirement to consider ethnicity, religion, race, culture and language. What race and ethnic disparities exist in the adoption system, given that that requirement has gone? Do you take the view that any further legislative change would help, if there are significant disparities?

Sarah Johal: I do not think that any other legislative change will help or will change it. We know that children from black and minority ethnic backgrounds take longer to place for adoption, particularly black boys, who often wait longer. We know that we have not had as many black adopters coming through recruitment. You heard in your last evidence about some of the sufficiency issues there.

We have done a lot of work in the last couple of years with voluntary adoption agencies and regional adoption agencies to recruit black adopters, and we have made significant improvements in that area with some pilot work across London, Birmingham and Manchester. Children continue to be placed transracially. One of the issues is how you support families who take children on transracially, because it is really important that their identity needs are supported. We need to do further work in that space.

Often these children have a lot of complex issues, not just around ethnicity but often around disability or additional health needs, so it is really important that you look to ensure that prospective adopters can meet the whole needs of the children who require adoption.

Baroness Blower: That was consistent across our previous panel. It

seems to be the position that legislative change is not really what is required, but rather more research, better work and behaviour change.

Alexandra Conroy Harris: I do not think that the change to the legislation made any difference, because there is still a requirement that you consider the child's background and characteristics. That is in the welfare checklist that every local authority and court has to consider when making placements. There are still other obligations. For example, the United Nations Convention on the Rights of the Child requires that an alternative family pays due regard to the child's race, linguistic and ethnic backgrounds. These factors are still taken into account, so simply abolishing that one line has not made a difference.

Wales, of course, retained Section 1(5), and I do not think there is any evidence that it has made a difference to the rate of placement of children from black and minority ethnic backgrounds. It is not the placement but the lack of places for these children to go that is the issue.

The Government published their response to the Sewell report on 17 March, in which they address ethnicity and adoption. Their solution is to support the recruitment of adopters from a wider range of backgrounds, rather than to try to place children in placements that do not match their ethnic background, and that is what most local authorities and regional adoption agencies would look to do anyway.

Q54 Baroness Blower: Can I just follow up on the question of adoption panels? We asked the previous panel, and now we will ask you, how members of the adoption panels with which you are familiar are recruited. What is being or should be done to make sure that they are as diverse as possible?

Sarah Johal: There are some specified terms for who needs to be on the panel—the social worker and an independent person, et cetera—but it does not say anything about diversity. Adoption organisations tend to try to get people who represent the communities in which they, the children and the families live. In some areas they do very well on that, and in others they do not. This is another area that we are looking at.

Some people have found that there are barriers in trying to get people from black and minority ethnic groups on to panels. For example, some people pay expenses and others do not. We have been working with a consultant to try to increase the diversity across panels, not just in relation to black and minority ethnic groups but in relation to LGBTQ+ issues, and she has been able to match some people to increase the diversity. There are no national statistics on this and we do not collect that information, but we are working with regional adoption agencies to find out how they think their panels are diverse.

We are responding to service users and adopters who come to panel and feel that their panels are not diverse, and are asking them questions about cultural competency. Generally, the panel is all-white and mainly female, which is reflected in the adoption workforce, as you can see here. It is an ongoing issue.

Q55 Baroness Massey of Darwen: I will ask about post adoption. Is the information and support given to families of high quality or adequate? Is it the right information and support? I want to couple that with a couple of other issues. We have heard several times today that the system may not need legislation to effect change. It may mean what Carol defined as behaviour, monitoring and scrutiny. Would that apply to this situation? We have also heard that we should be looking at evidence of what works well, and that that should come from those who have lived experience of this, which includes children. Could we just tease this out a bit? What is going on with post adoption? Is the information adequate and how could it be improved?

Sarah Johal: This is an area that has improved, and adoptive parents are very aware of their adoption support services, their entitlement and information available for them. They are entitled to an adoption support assessment and to information, so from that point of view it is positive. The adoption support fund has been really beneficial. We heard in the previous session that it can be bureaucratic. It is on an individual child-led basis. What was interesting during the pandemic was that the adoption support fund allowed regional adoption agencies to commission a range of services, which meant that we were able to reach more families in a quicker timescale. Anything that we can do to try to look at regional, pan-regional or national commissioning of therapeutic support would be beneficial, in my view.

One of the biggest challenges is in access to universal services, particularly education. Things such as special educational needs and education, health and care plans can be quite complex to navigate. Adoptive parents sometimes really struggle with that, as well as with emotional health and well-being, developmental delay, FASD and neurodiversity issues, for example. If we could have a bit more training and more equal access to those services, that would be beneficial.

Dr Carol Homden: There has been significant improvement with the development of the adoption support fund, which has clarified the agency offer to a large extent, but we are looking at that in the context of a broad and general insufficiency of the child and adolescent mental health services across the UK. Inevitably, there are additional challenges, or certainly the same kinds of challenges, for adoptive families with access to CAMHS, to special educational needs and disability services, and to the education, health and care plan process. Some of the manifestations of concerns for adopters will be as much to do with those systems and their sufficiency or otherwise in the local area as with the adoption support offer of the local authority.

Overall, we are not doing well enough in the life story work support that we give to adopters and to children and young people. This task is often underresourced or applied to the least experienced of workers, when in fact it is the most complex area. It cannot be done just once with the

provision of a book; it needs to be a developmental journey with the young person.

The Adoptables, young ambassadors group of young people who are adopted, which Coram runs, would also point out to you that they want much more help, independently of their adopters, to explore their world with other adopted young people. There are very few of those services available anywhere. They want help with the inevitable questioning about the nature of their background and identity, which they do not feel the system gives them on their own terms. This is particularly important when you consider the additional risks that children and young people might face in a digital era. We have a lot more to do, even though the situation has significantly improved.

Alexandra Conroy Harris: I would agree with all of that, but I would also point out that adoption is a lifelong status, and that adoption support services exist to help adults who were adopted as children and who may not have taken advantage of life story work, or may not have had that work done earlier. Adoption support agencies and intermediary agencies exist to help support adults looking for a child who has been adopted out of their family or a family who adopted them out; it works both ways. But there is no requirement on local authorities to provide that support.

Intermediary agencies and adoption support agencies providing support to adults have to be funded entirely by the person seeking that help. Many people cannot afford to do that. There was an amendment to allow relatives of adopted children to seek their biological grandparents and their birth family, but it really does not have a great deal of impact if you do not have the resources behind it to be able to exercise those rights.

The Chair: How does that apply to siblings who have been separated on adoption? What rights exist there?

Alexandra Conroy Harris: The adopted person has a right to their own life story, and they can ask for help making contact with siblings who have not been adopted. A sibling who has not been adopted looking for a child who has been adopted out has the same sort of rights as a birth parent to be able to access an intermediary service, but, as I said, that right is not much use if you do not have the resources to fund it. That is a real difficulty for adults. All the funding for adoptive support services goes into children, to try to maintain the adoptive placement.

The Chair: That is an important point for us to ponder.

Q56 Lord Mawson: You are very experienced in this and have deep insight into what is going on out there. This is all about very vulnerable children. The consequences for their lives and their future children's lives are pretty massive. As you are reminding us, there is a short window here. One of the tests of the things we have built over the years is whether I would put my own children there. That is the bottom line, really. I have listened to lots of people out there saying all sorts of things, but I notice that they put their own kids somewhere else.

Just as a rule of thumb, from 1 to 10, with 10 being really confident and 1

not confident, where would your children be? Would you put your kids into this system? I am trying to get a measure of where this present system is at.

Dr Carol Homden: Would I have my child adopted rather than leaving them in foster care or for a potential return to more fragile situations? Yes, I would. It is a very challenging question, because we have a lot of research evidence about the consequences of various forms of timescales and decision-making. In many circumstances, children are left holding quite a lot of risk that I, for one, would not think appropriate for my own child.

Sarah Johal: I would agree with Carol. It is about what you compare it to. If you compare it to some children who remain in care and who may end up with a number of placement moves, their outcomes are not necessarily as positive as if they had been adopted. We still have a way to go to improve the support services.

On Alexandra's point about adults who were adopted as children, we have a real duty of care to them post 18. That is an area where, sadly, we lack the support and services that we really need to help those young people who have been adopted move into adulthood. It is a bit of a concern.

Alexandra Conroy Harris: I would echo that. It is the only structure that provides the lifelong legal stability for children who cannot remain within their birth family. We have heard from other countries that we are unusual in providing this.

Lord Mawson: On the scale of 1 to 10, finger in the air, between no confidence and a lot of confidence, where would you be?

Alexandra Conroy Harris: I would be between 8 and 9 in terms of legal stability.

Dr Carol Homden: Talking as Coram, which was established in 1739 as the Foundling Hospital, we are still providing any and all social work support that might be required by any member of our former pupil community who might return to us. That is not the experience that we now have in the care system, and we should.

Q57 Baroness Lawrence of Clarendon: Alexandra, you talked about "Nothing else will do" and the judge preferring to leave children with their birth parents. Where does that sit with the assessment of the parents by the social workers and the authorities? We have seen high-profile cases in the last couple of years of children dying horrific deaths.

Sarah Johal: You have to look at individual cases. Often children who go for adoption have unfortunately experienced non-accidental injuries, abuse and neglect that is quite serious, similar to the circumstances you are talking about. They have been removed at the point when that has become apparent and the risk of significant harm is there.

The issue of the balancing done by the court goes to the issue of what is reasonably practicable in the child, given their age, which we talked about. A child at six months is perhaps different from a child at three, but it is really important that you think about the development stage of the

child when you are making those decisions. The courts are trying to do that every day, and by and large they do a very good job.

Dr Carol Homden: It comes back to the point about the timescale. For a six month-old, 26 weeks is their whole life. The number of disposals that are being made within the 26-week timescale has fallen by 5% and is now, I believe, 24%, and it is now not uncommon for the process to take more than 100 weeks. The problem is finding the balance, which is such a great challenge for us all, where the appropriate timescale for the change of parental behaviour does not necessarily match the circumstances of the child. It is the court's job to make a decision, and we may not have that balance completely right at present, with all the burdens that have been placed on court timescales due to the pandemic.

Q58 The Chair: Thank you very much indeed for that. I am very seized on your point, Carol, about the timescale of the child, particularly a young child, potentially being very different. Going back to my time at Cafcass, that really left its impression on me, to be honest, so thank you for raising that.

It is almost time for us to finish. I just want to give each of you one last opportunity to say anything else that you were dying to say, be it anything that you think the committee should be particularly focusing on or recommending for change in the system.

Sarah Johal: You talked in the previous session about ongoing relationships post adoption. This is one of the most deep-rooted issues in the adoption system in England: how do you help children to maintain significant relationships that are important to them post adoption? It is something that we really need to look at. I do not think we need legislative change. In my view, we can do it, but there is a lot of work to be done on cultural change, and that support for all parties is critical to make sure that it is safe and appropriate for children.

Dr Carol Homden: It probably will not surprise you, but I would seek to re-establish a national matching entitlement for children with a register to ensure that we as a nation know where they are and that every child is getting the timescale they require.

Alexandra Conroy Harris: I would like to see adoption integrated more thoroughly into the general care system, so that every child who has to be removed from their birth family has adoption considered as an option, whether that is a kinship placement or a fostering placement that would go on to be adoption. Adoption provides a unique stability and alternative family arrangement that will go on for the child's entire life, and everyone should aim at that a child is being removed from a birth family. I would like to see that happen for every child who is removed.

The Chair: Thank you very much for those three very important points.

Lord Mawson: Harold Shipman got away with many difficult situations with patients he murdered, because he was an individual GP who had no relationships with his colleagues or anyone else. I am just wondering whether the questions occur in this process about the family. How

connected are they to the local mosque or church and their community? What is the real connection? My sense of vulnerable children is that they are a lot safer if they are part of a community and a set of relationships. One of my worries about the atomisation of our society is that we are pushing BME. Most of my colleagues who come from different parts of the world find that very condescending terminology, because it is putting everyone in these little boxes, when maybe we need to ask how connected to a real community and other people we are. Maybe the safety of children is in that, not just in individuals.

Dr Carol Homden: It is really good point, and we test it very thoroughly in relation to the assessment of adopters. Do they have a network of support? Do they have other people around them who will help out in times of stress? Do they have evidence of being child-centred in the way they behave? It is a point well made.

Sarah Johal: I would agree. We encourage adopters, when they are approved, to try to maintain that community with peers and to develop that community of support that can often help them through difficult days.

Alexandra Conroy Harris: "It takes a village to raise a child" is embodied in the legislation we have, in the requirements for the assessment of adopters, and in the post-adoption support. Specifically, group adoption support is in the regulation, so we have that.

The Chair: We are into extra time now, but thank you very much indeed. It has been a very rich session. I know that the committee has got a lot out of it, and I certainly have, so I would like to thank you very much for your time and for sharing your expertise. I have a feeling that we may wish to come back to you on particular issues that you have raised and bits of research that you have referred to, if we may.