

Written evidence submitted by the Consortium of Voluntary Adoption Agencies

Written evidence submitted by the Consortium of Voluntary Adoption Agencies (CVAA) to the Education Select Committee Inquiry on the impact of COVID-19 on education and children's services

Who we are

1. The Consortium of Voluntary Adoption Agencies (CVAA) is the membership body for 27 of the 32 registered voluntary adoption agencies (VAAs) in the UK. Our members range from large, multi-service organisations, such as Barnardo's, to specialist adoption agencies, such as the Intercountry Adoption Centre.
2. Our vision is for adopted children, young people and adults to lead happy fulfilling lives in loving families supported by a strong voluntary adoption sector.
3. CVAA members account for 25% of the adoption system in the UK. They place around 1 in 4 children adopted each year, and recruit and prepare around 1 in 4 of all adopters approved. VAAs make a lifelong commitment to the families they support.
4. CVAA represent our members in national forums and with all four governments of the UK. We bring member agencies together to collaborate, and we support them to work in partnership with local authorities (LAs), regional adoption agencies (RAAs), governments, and other stakeholders throughout the UK. We draw on our members' vast experience of adoption to facilitate the sharing of best practice and to advocate for change where the system is poorly serving adopted children and their families.

Key messages

5. Children waiting for adoption have already experienced immense trauma and uncertainty in their young lives, and this will have been amplified by the pandemic. Delays in matching and placements and squeezed support resources will have a serious impact on these children, endangering their adjustment to their new families and ultimately their life chances. **The pandemic will have added another layer of disadvantage for children who have already had a difficult start in life, and all of the recommendations below are made with this in mind.**
6. **Flexibilities:** There is an impending backlog of prospective adopters who are currently in the assessment process, and delays in the adopter approval process will ultimately lengthen the time that children wait in care before being adopted. The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 introduced several flexibilities in the provision of children's

services, including allowing agencies to progress the assessments of prospective adopters who have not yet obtained medical assessments or police checks. Very few prospective adopters have been able to secure a face-to-face appointment with their GP since March and we do not expect this situation to improve for many months.

- **The flexibility in the timing of medical reports during the adoption assessment process should be maintained for at least six months beyond 25 September 2020.**
- **The Department for Education should work with NHS England and Public Health England to ask GPs to prioritise medical assessments for prospective adopters, thus supporting the placement of vulnerable children.**

7. **Delays for children:** CVAA members also remain concerned about the ongoing delays for children in the family justice system. Care proceedings of all kinds have been significantly delayed due to the inability of courts to function as normal during the pandemic. Whilst we welcome the President of the Family Division's prioritisation of Adoption Order hearings, the impact on children waiting for the most appropriate permanency plan has been substantial. Children are inevitably waiting longer and the inability to move children to adoptive homes is placing additional strain on the foster care system.

- **The Department for Education should work with the President of the Family Division and the Ministry of Justice as lockdown measures ease to ensure the prioritisation of legal proceedings which affect children's futures.**

8. **Adoption Support Fund:** CVAA welcomed the DfE's announcement of the Covid-19 Adoption Support Fund (ASF) scheme, which released up to £8 million for remote support for adoptive and special guardian families. The flexibilities and wider menu of support options were also welcomed. However, most VAAs were neither consulted on the services to be commissioned through the scheme, despite their extensive and specialist experience, nor were their families' needs considered, despite comprising around 25% of the adoption community in England. This has led to a disparity in the resources for adoption support that are accessible to families supported by RAAs and those supported by VAAs

- **The Department for Education should prioritise rigorous data collection and evaluation of the Covid-19 Adoption Support Fund scheme.**
- **VAAs should be able to apply directly to the Adoption Support Fund, in partnership with the child's statutory social worker.**
- **Any future amendments to the structure or types of services funded by the ASF should have equality of access as the overriding principle.**

9. **Return to school:** CVAA members are concerned about the level of support that adopted children will need to transition back to school in September. Schools will already be considering how to ease all children back into education, but adopted children (along with all children who

have experienced trauma, including many of those in care and under special guardianship and kinship care arrangements) will require a range of both day-to-day and strategic interventions.

- **The proposed £700 ‘catch-up premium’ should be extended to include children in receipt of Pupil Premium Plus.**
- **The DfE should work closely with Virtual School Heads to monitor the impact of returning to school on adopted and special guardianship children and their support needs in school.**

10. **Financial challenges:** In order to continue providing services to adopted children and their families, VAAs must remain financially sustainable. However, the business support measures that were introduced by the government are poorly matched to the needs of VAAs. VAAs are cash-based, non-profit businesses whose income relies on making adoption placements, paid for by the interagency fee. Lockdown restrictions have significantly reduced the number of placements being made as well as the speed at which linking, matching, and placement activity is taking place. Covid-19-related delays are likely to continue for at least the rest of the financial year, causing further pressures on VAA sustainability. Local governments also face serious budget pressures, which in turn will impact on budgets for paying the fees on which VAAs depend.

- **ADCS and the Department for Education should continue to support payment of the interagency fee at the point of matching, rather than at the point of placement.**
- **The Department for Education should incentivise the interagency fee for all interagency placements, supporting both local authorities and VAAs, and accompany this with a rigorous evaluation.**
- **The Department for Education should support a return to the ‘level playing field’, wherein all agencies (voluntary and statutory) charge the same fee for interagency placements based on the true costs of providing a robust, well-supported placement. This should be accompanied by the commissioning of new research on the costs and social return on investment of adoption.**

Evidence

Maintaining flexibilities in the assessment process

11. The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 (SI445) were tabled in Parliament on 23 April and came into force on 24 April. There has been much scrutiny of and reaction to the flexibilities in children’s social care provision that SI445 introduced. We focus here on the new flexibilities in the adoption assessment process; specifically, those which allow an agency to proceed with an assessment of a prospective adopter even if police and medical checks have not yet been received, and which remove the option of application to the Independent Review Mechanism (IRM) when an agency decides that the prospective adopter is not suitable to adopt a child as a result of information received in police or medical checks.

12. Contrary to expectations, all VAAs have recorded more enquiries from prospective adopters since the introduction of lockdown than during the same period in 2019. A high number of enquiries is considered to be the start of a healthy 'pipeline' of adopters.
13. VAAs have continued to move adopters through the assessment process during the pandemic but will reach a point where no more adopters can be approved. Most VAAs expect their 'pipeline' to come to a halt, or at least slow significantly, by the start of September if current conditions persist, and some are already seeing the first effects of this. This is due to two major barriers introduced by the pandemic.
14. Firstly, VAAs cannot approve adopters without having met them in their home, so prospective adopters who began the assessment process virtually will require at least one home visit before going to panel for approval. We expect this to become less of a barrier as lockdown restrictions continue to ease; however, VAAs will be dedicating extra resources to home visits in the late summer and into the autumn. This may reduce VAAs' capacity to process new enquiries, which will then negatively impact the number of adopters available for children 6-8 months from now.
15. More importantly for the purposes of this inquiry, the second barrier to keeping prospective adopters moving through the system is the current difficulty in obtaining medical assessments. Prospective adopters are required to undergo a comprehensive medical assessment, including a complete physical examination. Due to both the social distancing implications of such an assessment as well as the extreme pressure on the NHS during the pandemic, most agencies have reported that very few of their adopters have been able to see their GPs. Agencies are therefore regularly using the flexibilities in the temporary regulations to continue with prospective adopters' assessments without a medical assessment.
16. We welcome the DfE's recognition of this problem and the [resultant consultation](#) that is currently open until 5 August.
 - **We recommend that the flexibility allowing for the progression of an adoption assessment without a medical assessment, and the removal of the option to appeal to the IRM when an agency decides that the prospective adopter is not suitable to adopt as a result of information received in medical checks, be extended for at least six months beyond 25 September 2020.**
17. We do not recommend that the same flexibility be extended for DBS/police checks. Agencies in some areas are experiencing slight delays in obtaining DBS checks, but this is not of system-wide concern.
18. Whilst the flexibilities around medical assessments have allowed agencies to continue moving prospective adopters through the assessment process, they do not allow agencies to approve adopters without medical assessments. VAAs have told us that they expect a serious backlog of prospective adopters to begin building by August, and that this will not be cleared until GPs are able to see prospective adopters. This will require a coordinated effort at regional and national level to ensure that GPs prioritise adopter medicals. Clearing the backlog in the adopter pipeline

will support the placement of some of society's most vulnerable children while also easing some of the pressure on the care system.

19. One prospective adopter reported being told by their GP that "it's not in the NHS remit to do adopter medicals." Another wrote, "They classify the medical examination as Private Medical and I have been told this is not a priority for them (the NHS is the priority at the moment)."

- **We therefore recommend that the DfE work with NHS England and PHE to ask GPs to prioritise medical assessments for prospective adopters.**

Delays for children in the family justice system

20. Alongside adopters, children are also experiencing delays in their journeys to permanence, as the pandemic and resulting lockdown measures have significantly impacted the ability of courts to function. The Family Courts, which were already [operating under serious pressure](#) before the pandemic, have had to undergo [the rapid and, in many cases, difficult introduction of remote hearing capabilities](#), which has inevitably [reduced the number of cases being heard](#). This reduction is due to judges' determinations that it is not appropriate to hear certain cases remotely, as well as the increased amount of work attached to hearing cases remotely rather than in person.

21. The President and all those working in the family justice system have undertaken an enormous task in keeping the system running, and we applaud their efforts in the face of this unprecedented situation.

22. However, CVAA members remain concerned about ongoing delays for children in the family justice system. Whilst we welcome the President of the Family Division's explicit [prioritisation](#) of Adoption Order hearings, the impact on children waiting for the most appropriate permanency plan continues to be significant. Our members report that courts' approach to placement and other care order hearings varies greatly. Where some courts are working within current constraints to continue with legal proceedings which will determine children's permanency plans, others are not prioritising this work, or have deemed these types of cases inappropriate for remote hearings.

23. Children are inevitably waiting longer for their permanency plan to be decided by the courts, and the inability to move children to adoptive homes is placing additional strain on the foster care system.

- **The Department for Education should work with the President and the Ministry of Justice as lockdown measures ease to ensure the prioritisation of legal proceedings which affect children's futures.**

The Adoption Support Fund

24. The DfE announced the creation of a flexible Covid-19 Adoption Support Fund (ASF) scheme on 10 April. We welcomed this recognition from the government that many families with children

who had experienced trauma would be experiencing greater and/or different support needs during the pandemic.

25. There are longstanding and well-recognised concerns about the ASF as it is currently structured, including those set out in [this July 2019 report](#) from the APPG on Adoption and Permanence. One of these is the inability of VAAs to apply directly to the ASF, and the resulting delays for adoptive families.
26. CVAA worked closely with our members and DfE to ensure that RAAs were supplied with a list of services that VAAs could provide with this flexible funding. However, of CVAA's 21 English members, only one was invited by the statutory sector to strategically develop a new service. Two further VAAs, both of whom provide innovative digital support solutions, were very proactive in engaging their local RAAs to include these digital services as part of a regional support offer. The rest – 19 VAAs, representing many thousands of adoptive families – were either never contacted, or were contacted after the RAAs had taken decisions about their own adoptive families' needs and the services that would therefore be commissioned.
27. Whilst we recognise the need to deploy this funding swiftly, the way this was done created additional inequalities in the system. It is unacceptable that families' access to support and the types of support made available to them should depend upon the type of agency supporting them. Any further enhancements to the ASF must ensure complete equality of access to support for all adoptive families based purely on need.
 - **We therefore recommend that the DfE urgently prioritise rigorous data collection and evaluation of the Covid-19 ASF scheme.**
 - **We also recommend, echoing the APPG for Adoption and Permanence, that VAAs should be able to apply directly to the ASF, in partnership with the child's statutory social worker.**
 - **Finally, we recommend that any future amendments to the structure or types of services funded by the ASF should have equality of access as the overriding principle.**

Adopted children returning to school

28. CVAA members and other colleagues across the adoption system are worried about how difficult the transition back to school will be for adopted children.
29. [Most children adopted from care](#) will have experienced trauma, including abuse and/or neglect, in their early lives, which can impact on children's physical, neurological, social, and emotional development in a myriad of complex ways. The impact of this often intersects with children's experiences of education. Adopted children may, for example, find it difficult to socialise at school, or may struggle with disruptions to routines around holidays and celebrations. They may behave in ways that are deemed inappropriate, or they may be overly compliant.
30. More broadly, all adopted children have experienced the loss of their birth families, and most will have also had to leave at least one foster family. Adopted children are therefore much more

likely to struggle with transitions. The end of in-person education in March will have been an abrupt and potentially traumatic transition for these (and many other) children, especially those who will be moving to another school in the autumn.

31. According to [Adoption UK's Adoption Barometer \(July 2019\)](#), adopted young people are twenty times more likely to be excluded from school than their peers. A more recent [Adoption UK report on home-schooling during the pandemic](#) found that most parents are worried about their children's transition back to school, and 63% think their child will need extra support during the transition.
32. With this in mind, we are worried that some schools' enforcement of social distancing and other Covid-19-related measures will disproportionately impact on adopted children. Furthermore, while schools will undoubtedly be considering how best to ease all children back into education, CVAA members have told us that there are extra support provisions that schools should put in place for adopted children and others who have experienced trauma (including many children in care and under special guardianship orders). For example:
 - Staff should be supported to look after their own wellbeing and should have a safe space where they can calm and regulate themselves during the school day.
 - Schools should ensure that adopted children are taught by or have access to familiar teachers.
 - Schools should be encouraged to initially focus the curriculum on mental well-being, acknowledging our collective trauma during the pandemic and developing opportunities for re-building relationships.
 - Schools should be regularly and openly communicating with adoptive parents, and should check in about topics or issues that may be sensitive for the child.
 - Children should be permitted to keep soothing objects with them and have access to a safe space to go if they experience fight/flight/freeze during the school day.
33. The above is by no means an exhaustive list but demonstrates the breadth of day-to-day and strategic changes that schools should implement to support adopted children's return. These interventions would also undoubtedly benefit other children who have experienced trauma.
 - **We therefore echo Adoption UK's call to extend the proposed £700 'catch-up premium' to include children in receipt of Pupil Premium Plus.**
 - **We also recommend that the DfE work closely with Virtual School Heads to monitor the impact of returning to school for adopted and special guardians' children and their support needs in school.**

Financial challenges

34. The continued existence of VAAs is critical to providing sufficient adoptive placements and support services for children and families, as they approve approximately 25% of adopters and place 25% of children each year, with a higher proportion of priority children placements. If the VAAs' ability to make placements is restricted through shortage of finance, the result will be fewer adoptions and longer delays for children. This would have direct cost implications by keeping more children in foster care for longer, as well as lifelong effects on children who will spend longer in care as well as those for whom adoptive families may never be found.
35. The greatest challenge for VAAs as cash-based, non-profit businesses has been the severe and immediate drop in income that was precipitated by the introduction of lockdown on 23 March. On average, VAAs make 85% of their income from the interagency fee, which is paid by the child's LA or RAA upon placement of the child in their adoptive home. Placements are preceded by transitions, where the child(ren), their foster carer(s), and the adopter(s) spend an increasing amount of time together to prepare the child for moving. In cases where a child will be moving a long distance, the adopters and their social worker will travel to where the child lives and spend the transition period in rented accommodation. Placing children requires a great deal of face-to-face contact between numerous adults and the child(ren). Placement activity therefore ceased on 23 March for some weeks.
36. Placement activity has tentatively restarted in many areas, but it is much slower and more labour intensive than before the pandemic. Transition and placement planning now requires comprehensive risk assessment alongside daily negotiation with foster carers, adopters, and social workers to ensure that everyone is comfortable to proceed. Typically, all adults involved in placements are being asked to self-isolate for fourteen days, and in a handful of cases the foster carers and child(ren) have moved in with the adopters for the duration of the transition period. Furthermore, the level of risk aversity in some statutory agencies has precluded any discussion of face-to-face work, and therefore placements are still not taking place in many areas.
37. As adoption services cannot make profit by law, VAAs have limited reserves. When we asked them in the first week of lockdown how long they could survive without income, the average response was fourteen weeks, or 3.5 months. Five agencies (24%) had less than two months' reserves. According to NCVO in evidence given [to the DCMS Select Committee on 31 March](#), it is estimated that only 1 in 4 charities in England holds enough reserves to last three months without income.
38. VAAs have seen increased demand for their services coupled with a simultaneous drop in income. The furlough scheme has therefore put some VAAs in the position of having to choose between maintaining or even increasing capacity to provide services, and furloughing staff to avoid redundancies.

39. The majority of VAAs are registered charities, and therefore can already claim 80% relief on business rates.
40. It has been [documented](#) that organisations without pre-existing relationships with banks have struggled to obtain loans under the coronavirus business interruption loan scheme (CBILS). Furthermore, our members have told us that no good trustee would allow an agency to take on further debt at a time of extreme financial uncertainty, and as adoption services cannot make profit by law, the inability to generate a surplus precludes the option of traditional business loans. Therefore, no CVAA member has applied to CBILS.
41. **Given the above, the government's measures to support businesses during the pandemic were poorly matched to the needs of the voluntary adoption sector.**
42. The DfE have indicated that there will be emergency funding made available to VAAs through direct grants. However, this funding has not yet been delivered, and when it does become available it will only cover a proportion of some staff costs (those delivering frontline services to adoptive families) through to the end of September. We are very grateful that DfE will be providing this funding. However, it will not be sufficient in scope or timing to cover the costs of meeting increased demand for assessments and support, the increased resources required to risk-assess both service delivery and returning to office-based working, or additional home working costs such as laptops, mobile phones, and IT solutions.
43. Normally, the interagency fee is paid in full when a child is placed. CVAA negotiated this issue with the Association of Directors of Children's Services (ADCS) during the lockdown, resulting in ADCS suggesting to its members that they should consider paying the interagency fee at the point that the child is matched with adopters. Matching meetings and panels have continued virtually during the pandemic, so this arrangement has resulted in continued income for VAAs when placements have been delayed. Thus far, advance payment of the interagency fee at the point of match has been negotiated between individual VAAs and LAs/RAAs on a case-by-case basis, and just over half of CVAA members have successfully received advance payment in this manner.
44. The pandemic has demonstrated that payment of the interagency fee at the point of matching is advantageous for VAAs in that it provides greater certainty around cash flow.
- **We therefore recommend that ADCS and the DfE should support payment of the interagency fee at the point of matching. This would ensure greater financial certainty for VAAs, particularly as social distancing measures and associated delays to the adoption process are likely to remain in place for many months to come**
45. From July 2015 to July 2016, the DfE subsidised the interagency fee for children who were categorised as 'harder to place'. The [evaluation](#) of this subsidy found that the time taken to match a child with adopters decreased considerably during the year the subsidy was in place. It took, on average, 6.98 months to find a match for 'harder to place' children in 2014-15, whereas matching children with the same characteristics in 2015-16 took, on average, 4.13 months.

46. It took longer than 12 months to find a match for over 20% of 'harder to place' children in 2014-15, and the majority of these children waited over 6 months for a match. During the year of the interagency fee subsidy, less than 5% of children in the same group waited for longer than 12 months, and the majority of 'harder to place' children were matched in less than 6 months.
47. The researchers could not conclude whether the interagency fee subsidy was principally responsible for these changes. Several structural changes, including the creation of RAAs and the reorganisation of children's services teams, were underway at the same time.
48. The interagency fee is an essential financial component of the adoption system for over 25% of adoptions. However, it is also a financial, rather than child-centred, driver in matching decisions, and a barrier to partnership working between statutory and voluntary agencies. The fee is likely to be impacted further as local government continues to experience severe funding pressures due to the pandemic.
- **We therefore recommend that the DfE incentivise the interagency fee for all interagency placements, supporting both local authorities and VAAs, and accompany this with a rigorous evaluation.**

VAA leaders came together in 1992 to create CVAA and collectively set the interagency fee. Until 2013, LAs did not charge one another the interagency fee. In April 2013, ADCS and LGA agreed to a 'level playing field' wherein all interagency placements would incur the same fee of £27,000. Following a review, and after no increase in the fee since 2011, CVAA raised the fee to £31,000 in 2018 and set the fee to rise every year on 1 April in line with CPIH inflation for the previous calendar year to support VAA sustainability.

49. According to ASGLB data, the average number of days between an LA receiving a placement order for a child and deciding on a match has increased over the past few years. In 2017/18 it was 171 days (5.7 months). In 2018/19, the year the 'level playing field' was disestablished, it increased to 173 days (5.8 months). Based on unpublished data for Q1-3 2019/20, children now wait 191 days (6.4 months) on average to be matched. Decisions about payment of the IAF are leading to further delays for children.
- **We therefore recommend that the Department for Education support a return to the 'level playing field', wherein all agencies (voluntary and statutory) charge the same fee for interagency placements based on the true costs of providing a robust, well-supported placement. This should be accompanied by the commissioning of new research on the costs and social return on investment of adoption.**

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