

Trends in adoption and special guardianship support and priorities for the future

A. INTRODUCTION

This paper sets out the key conclusions of the project commissioned by the ASGLB to look at the future of adoption and special guardianship support. It sets out what we have identified as key issues on the ground now and suggests where policy and practice may need to develop in order to meet the needs of children and families for the long term. These findings are still in draft – the next step for this work is to test conclusions with ASGLB members, DfE and DH officials and Ministers, and those who contributed to the project. We then anticipate these findings influencing a further piece of work to set the strategy and work programme for the ASGLB over the coming years, as well as influencing DfE’s policy work programme.

It is important to recognise the context this project sits within. Clearly, the way in which the follow-on work suggested in this paper is taken forward will need to be shaped by the financial reality, resource availability and the fact that new legislation is unlikely to be a possibility in the medium term. Once it is agreed which aspects of this paper should be taken forward, there will need to be a prioritisation and phasing exercise to establish how work can be progressed within available resources. Also, it is worth saying at the outset that reviewing the support situation for special guardianship has been more difficult to achieve within project timescales, given the different history and practical arrangements surrounding this group of children¹. Therefore our recommendations around special guardianship focus on how we can get to a better understanding quickly, rather than offering policy solutions at this stage.

B. INPUTS TO THE PROJECT

This project has involved a literature review of key sources of academic and other evidence about current experiences and issues with adoption and special guardianship support, and a wide reaching programme of engagement. This engagement has included:

- One to one discussions with ASGLB members
- Workshops with special guardians and adopters
- Input from adopters awaiting placement
- Input from young people provided via After Adoption’s Talk Adoption initiative
- A workshop with the CVAA Board
- Discussion at the RAA Leaders Group
- Discussions with the Adoption Support Centres of Excellence
- Discussion with the RASGLB Chairs Group
- One to one discussions with Family Rights Group; Grandparents Plus; Homes for Good; Adoption UK; CoramBAAF; Family Futures

¹ It is also worth noting the project terms of reference, agreed at the outset with the ASGLB. The ASGLB’s remit covers children who *leave care* on a Special Guardianship Order – not all children on Special Guardianship Orders. Therefore the scope of this project is also limited to those children who leave care on a Special Guardianship Order. Whether this is the right remit for the ASGLB was outside of the scope of this project, but is currently being considered by an ASGLB working group on special guardianship.

- A workshop for a cross-section of voluntary sector providers (VAA and ASA) and RAA representatives
- Discussion with the DfE Adopter Reference Group
- One on one discussions with mental health professionals: Professor Peter Fonagy; Dr Matt Woolgar
- One on one discussions with academics: Professor Julie Selwyn; Professor Elsbeth Neil
- An in-depth study of the history and legal framework for adoption from John Simmonds
- Workshops and policy discussions with DfE officials

The findings presented in this paper have been tested and developed via an all-day event with a group of around 50 individuals including adopters; special guardians; representative organisations; academics; and VAA, LA and RAA representatives.

C. THE CASE FOR CHANGE AND CURRENT STATE OF PLAY

23,470 children have been adopted in the last 5 years (2013-2017); 17,250 SGOs were granted over the same period. These figures are much higher than in recent years. This cohort of children includes many children who had been waiting for a long time to be placed, as a consequence of their high needs, age, ethnicity or a combination of these factors, and will shortly reach adolescence, where we know the need for support services intensifies. Supporting children in adoptive and special guardianship placements is going to be a large and growing aspect of the work of local authorities over the coming years, so it is necessary to take action now to ensure the right infrastructure is in place to meet the growing need.

There is a clear moral and legal responsibility on the state to provide this support. The state has asked adoptive and special guardianship families to take responsibility for some of the most vulnerable and traumatised children that have come to the state's attention. Our understanding of the impact of early abuse and neglect is now such that we know with a high degree of certainty that a large proportion of these children will need ongoing support to thrive in their new family. Julie Selwyn's research (2014) found that one third of families were having no problems; 30% thought family life was good but they were having some problems and didn't always have access to the right support; and a quarter had major challenges and multiple overlapping difficulties for which many were struggling to get the right support.

Research has repeatedly shown the positive impact on outcomes for children of achieving genuine permanence and stability. However, the evidence about the needs of post-care children shows that placements will need to be supported to give this permanence the best chance of enduring and of the benefits being fully felt. Failure to meet support needs could lead, at the extreme end, to increases in children returning to the care system and having to access very costly placements in residential care. But even where this is avoided, failure to meet and address needs has a cost impact across children's services, education, health, justice and welfare systems. Work by CASA and Bates Wells Braithwaite, funded by the Big Lottery Fund, estimated that the total cost across these services was £9.5m for every 100 children over 9 years, with £5.5m of this accruing to children's services in a 5 year period (child age 13-18).

The availability of adoption support has grown significantly in recent years, helped by the stimulus provided by the Adoption and Special Guardianship Support Fund (ASGSF). There are pockets of real practice excellence around the country, including within the voluntary sector. However, this project has identified the following issues in relation to adoption:

- Ongoing variability in the amount and type of support available in different parts of the country and from different agencies
- Culturally, adoption support still often working on a 'crisis intervention' basis, with families losing touch with services for many years and then only getting back in touch when they feel they are approaching breaking point
- Variable approaches to the provision of preventative or early intervention support, including peer support for adults and especially young people, where services seem to be particularly patchy
- Difficulties accessing the most intensive support where needed
- Some perverse impacts as a result of the ASGSF e.g. local authorities and CAMHS potentially withdrawing sources of support they had previously funded; agencies seeing each family as having a 'quota' of support which ends once used up
- Some areas of practice have received much less attention in recent years and as a result have not evolved e.g. practice on contact and life story work and the lifelong impact of adoption

Whilst there are many similarities between the experiences and assets needed to be an adopter and a special guardian, and similarities in the early experiences of the children placed in these arrangements, the situation when it comes to the availability of support and the type of support needed is quite different. The special guardianship legal order has existed for a much shorter time (operational since 2005) and a focus on the need to support these placements in a way similar to adoption has only really been evident in the last few years.

The pathway to special guardianship is very different to that of adoption with applicants coming forward without the time and resources to prepare for their new life long role as parents to the child in advance. This means they typically face a wide range of practical problems they need support with e.g. in accessing adequate housing, in providing financially for the child they become the parents to. They also have to manage complex family relationships including those with the child's parents, creating a very different set of issues typically addressed through contact in adoption. Wade et al's study of special guardianship (2014) identified that nine out of every ten special guardians were known to the family². In addition, special guardianship children are likely to have the same support needs as adopted children when it comes to developmental delay and catch up.

Whilst a national infrastructure to oversee the adoption system and encourage the development of good and consistent practice has been in place for a number of years, and has seen significant investment from central Government, the same is not true in practice of special guardianship. A lack of system infrastructure makes it more difficult to gather information and understand the current state of play when it comes to the provision of services to special guardianship families.

² However, additional data on Special Guardianship Orders was included in DfE's most recent Children Looked After data collection (2017). This suggests that of the 3,960 SGOs made in respect of formerly looked after children, 53% were to former foster carers and 47% to others. It does not state what percentage of these former foster carers were family and friends carers. But this merits further exploration to see if the post-care special guardianship population has a different make up to the population in general, and to see if trends around who carers are have shifted since Jim Wade's research in 2014.

Having said that, for both adoption and special guardianship, now represents a key moment of opportunity for change. In the case of adoption, the system is in the process of a significant structural change as we move to Regional Adoption Agencies (RAAs). Whilst the programme has necessarily had to focus on structures and legal entities in its early years, now is the time to move onto a relentless focus on practice – defining what an excellent RAA could look like, including how some of the excellent practice held within the voluntary and statutory sectors could be expanded to reach more children and families; and developing greater consistency across the country. With special guardianship, the recognition from government that this should be given the same attention and support as adoption (where children have come from the care system), and the resultant expansion of the role of the Adoption Leadership Board to incorporate special guardianship, could be a powerful motivator for change. In addition, the fact that we are approaching the end of a spending review period means there is an opportunity to consider the future of the Adoption and Special Guardianship Support Fund (ASGSF), and think about what changes we should make to ensure the fund is helping the system move towards a sustainable long term model for the provision of therapeutic support.

D. KEY TRENDS AFFECTING ADOPTION AND SPECIAL GUARDIANSHIP

The first ask of this project was to identify the key current trends affecting the way adoption and special guardianship operate, and how they will continue to operate into the future. These can be summarized as follows:

Legal trends

One aspect of this project has been to undertake an analysis of the way the adoption and special guardianship legal frameworks have developed. This analysis was conducted by John Simmonds and has been circulated to the ASGLB in full alongside this paper. We have drawn two key conclusions from this analysis. Firstly, we have not identified any major issues with the way the legal framework has been designed in relation to adoption or special guardianship (in cases of post-care Special Guardianship Order) – it does not create a barrier to the effective provision of support. Indeed, it is strongly supportive in creating a framework for support. The legislative requirements are broadly consistent across adoption and post-care special guardianship, with the exception that special guardians don't have access to the equivalent of adoption pay and leave. Secondly, the definition of adoption and special guardianship support as set out in regulations in 2005 is comprehensive, and largely fit for purpose for today. The key question raised by the legal framework for adoption and special guardianship is whether we feel confident that the services required by legislation are actually being effectively delivered in a consistent way across the country.

Social and cultural trends

Many observers and commentators make the point that the reasons for children needing to be adopted have changed significantly over time. This is clearly true when we look at the very long term – adoption was at its inception a way for relinquished children, usually those born outside of marriage, to be found new parents. These children would move to their new family in early infancy and not necessarily experience abuse or neglect. In the current context, the vast majority of children come to adoption via the care system. The age range of children being adopted is also greater. However, it is important to recognise that this shift is not recent. For 30 years or more, care has been the primary route into adoption. We

have data going back to the late 1990's and this shows that the characteristics of children being adopted have been fairly consistent over the last 20 years. In fact, there are now significantly fewer children over 5 being adopted than 20 years ago – the proportion has fallen from 40% of those adopted in 1997/8 to 22% in 2016/17. This is likely to be driven in part by improvements in the length of time it takes to get adopted since 2013 – the percentage of children spending 2 or more years in care before adoption was 63% in 2013, and 37% in 2016/17.

Social attitudes to adoption have also changed significantly over the last 50 years. This period has seen a gradual growth in provision for adopted people to trace their birth families once they reach the age of majority. As social stigma around infertility, being born outside of marriage and adoption has declined, so too has the secrecy around adoption. Practice has come to recognise the importance to an adopted person of being supported to understand their own history and identity. However, the last 20 years or so have not seen many further developments in this field. Professor Elsbeth Neil has undertaken substantial research into contact in adoption in particular (Contact After Adoption 2013, and also a recent as yet unpublished survey of 300 adopters in Yorkshire and Humber) and has found the 'letterbox' approach to contact to be highly dominant for the last 20 years, with little evolution in practice. Research by Coram also found that life story work for adopted children is only of good quality in one third of cases. In another third it is weak, and in the final third it isn't done.

Finally, the internet and social media has had an impact on the way adoption operates, especially in relation to how 'closed' the process is able to be. Social media is allowing young people to trace their birth families more easily and from an earlier age than previously, and birth families can also make contact this way. It also allows adoptive families easier access to a peer group of people in a similar situation to them. Social media has become a part of everyday life, with positive and negative consequences for the way adoption operates. Whilst it is important not to overstate the role of social media – managing identity issues and a desire to reconnect with birth parents at adolescence has always been an issue – its role needs to be recognised as part of the overall landscape for the long term, and practice needs to consider the best way to prepare young people to manage this kind of communication as they get older, rather than hoping it can be avoided.

Developing psychological/ neurological understanding

Whilst the experiences and needs of children entering adoption have been fairly stable for 20 years or more, what has developed significantly is our understanding of these needs. The evidence base on the impact of early abuse and neglect on children's development has grown rapidly over this time, especially in relation to children entering adoption and special guardianship. In addition, we now have a much better grasp on the way these early experiences affect different individuals. Early trauma has very asymmetric effects on different people – it isn't possible to talk of a 'typical' response. Instead, services need to be designed in such a way that they can undertake robust and multi-dimensional assessments, and then provide services of a range of intensities, depending on the unique individual presentation.

Understanding outcomes from adoption and special guardianship

The evidence base on placement experiences and outcomes for children adopted is strong and wide-ranging. We have a comprehensive understanding of placement longevity thanks

to the 'Beyond the Adoption Order' research (Selwyn 2014). For special guardianship, the research evidence base is less developed as the order has been operational for a much shorter period of time. However, Jim Wade's research (2014) gives us a good overview of experiences and outcomes 10 years after the order was introduced, and Selwyn (2014) again gives the most comprehensive picture possible at the time of the special guardianship breakdown rate.

These sources of evidence are static, however, and will become out of date. Whilst for adoption in particular we collect a wide range of process management data, we don't have a reliable ongoing collection of data on placement outcomes, support needs or breakdown rates. What we do have on breakdown rates is poorly collected by local authorities and difficult to interpret. Also the research we do have does not cover more recent years in which there have been significant shifts in decision making around adoption and special guardianship e.g. a significant decrease in the number of children with adoption decisions, and changes to the way special guardianship is being used.

We also have little evidence on the long-term outcomes (into adulthood) of adopted people and those who grow up in special guardianship arrangements. For special guardianship, this is because the order hasn't been around for long enough. But for adoption, there has been a lack of investment in this kind of research and there are also some barriers created by data protection rules that make tracking individuals through the adoption order, and identifying the adopted population in whole population data sets, impossible. There are however a range of longitudinal studies from the U.K. and internationally that do suggest a key range of issues that need to be further explored.

The public discourse on adoption also lags behind what the research tells us. For example, in a recent survey of the general public by the charity Coram, people thought the most frequent reason for children needing adoption was being orphaned – this is the case for less than 1% of adopted children. Recent coverage of adoption breakdown rates also contained misconceptions and left out key pieces of evidence.

Trends in practice and decision making

Adoption support practice has developed significantly in recent years, helped by the stimulus provided by the Adoption and Special Guardianship Support Fund. The 2017 evaluation of the Fund found it had significantly changed local practice. However, the same level of development has not necessarily been seen in other aspects of adoption support. For example, as already mentioned, practice on contact and life story work has remained static and has had little focus. Similarly, parents/carers and young people talk about the need for better availability of peer support services. Some commentators feel that the focus on therapeutic support stimulated by the Adoption and Special Guardianship Support Fund has led to a decreasing focus on other areas of support, and also to the erosion of some support services that local authorities or CAMHS would otherwise have offered.

When it comes to decision making around adoption and special guardianship, this is an area that has seen some significant shifts in recent years. The number of children being adopted grew rapidly between 2011 and 2015. However, following the Re: B-S court judgment, numbers of adoption decisions fell by around 50%, and have since plateaued at about 1,000 per quarter (stable for the last four quarters). In parallel, special guardianship has been growing since its inception, although more slowly in more recent years. However, in 2017, there was actually a slight decrease in SGOs granted, a 4% fall to 3,690. This was driven

largely by falls in the numbers of SGOs granted to children under 4. Very young children had previously been a significantly growing percentage of SGOs – there was a rise of 65% in children under 1 ceasing care on an SGO between 2012-13 and 2013-14, and there were 100 more children (620) ceasing care on an SGO in 2014-15, representing a further rise of 20%.

There has also been a significant increase in the number of special guardianship orders being given along with supervision orders. Research by Professor Judith Harwin et al (2015) showed that national use of supervision orders with SGOs was at 29% in 2015, up from 11% in 2010/11, although there is regional variation in the use of both orders individually and together. Supervision orders are generally given alongside other orders when there are ongoing concerns about the child's safety, so this has led people to be concerned that a greater number of risky special guardianship placements are now being made.

Another crucial factor when it comes to patterns in decision making is the extent of local variation. In adoption, the percentage of the care population leaving care through adoption varies from 35% in Southampton to less than 5% in Ealing.

Use of special guardianship is similarly variable. This suggests that practice around adoption and special guardianship is still extremely variable around the country, and the reasons for this variability are not clear.

Views of children and young people

To truly understand the current state of play in adoption and special guardianship it is crucial to take into consideration what children and young people themselves say they need from the support system. Whilst it was not possible to arrange consultation events with young people in special guardianship arrangements within the timescales of this project (although we would recommend this is done as part of the follow-up work suggested later), we have been able to draw on the work After Adoption's Talk Adoption initiative has done with adopted young people. These were the key messages from young people coming out of a series of consultation events held across 2016 and 2017:

- Young people really want the opportunity to meet other young people in the same position as them
- Young people would like to take part in activity days, regular groups they can go to, websites and helplines specifically for people adopted – these help young people to feel less different and isolated
- Young people need someone to talk to who they trust and who understands them and the kind of issues created by being adopted
- Life story books are really important to young people and when they are not done well 'we are missing a critical part of our lives'
- Young people need to know their birth family are ok after adoption. Letterbox contact can be really good for this but the adoptive family and the birth family need support to do it properly. It is upsetting for young people when it breaks down
- Young people want their adoptive family to be able to talk openly about their birth family. They want their adoptive parents to get support from the very beginning to engage with the birth family (even if the young people don't want contact themselves)
- Young people want more to be done to enable them to keep in contact with their siblings

E. IMPLICATIONS FOR THE ADOPTION AND SPECIAL GUARDIANSHIP SYSTEMS

The second ask of this project was to identify where the adoption and special guardianship support systems need to change in order to meet the current and future needs of children and families. We have concluded that there are four main areas of development needed, as follows:

1. *The need for a broader definition of support*

At its inception, it was assumed that no ongoing support would be required after an adoption. Adoption created a new legal family, and this family would then be largely self-sufficient in the same way as other families. However, as the adoptive population shifted into a population of children coming from the care system, with traumatic early experiences, this model became outdated. As our understanding of the impact of early abuse and neglect and of being an adopted person developed, and our understanding of how families, children and young people can be supported to deal with this, the case for providing ongoing support strengthened. The Adoption and Children Act 2002 and associated regulations therefore set out a comprehensive definition of the kind of adoption support service every local authority should offer. This is as follows:

a	Financial support
b	Services to enable groups of adoptive children, adoptive parents and natural parents or former guardians of an adoptive child to discuss matters relating to adoption
c	Assistance, including mediation services, in relation to arrangements for contact between an adoptive child and a natural parent, natural sibling, former guardian or a related person of the adoptive child
d	Services in relation to the therapeutic needs of an adoptive child
e	Assistance for the purpose of ensuring the continuance of the relationship between an adoptive child and his adoptive parent, including – <ol style="list-style-type: none"> 1) training for adoptive parents for the purpose of meeting any special needs of the child 2) respite care
f	Assistance where disruption of an adoptive placement, or of an adoption arrangement following the making of an adoption order, has occurred or is in danger of occurring, including – <ol style="list-style-type: none"> 1) making arrangements for the provision of mediation services 2) organising and running meetings to discuss disruptions in such placements or arrangements

However, both research and feedback from adopters and young people suggest that this broadly defined adoption support system is not always available across the country. One key theme that has emerged over the course of this project is about the balance between therapeutic support and other types of support e.g. support to help young people understand their own identity, or support with education issues. The availability of therapeutic support has increased over recent years, thanks to the introduction of the Adoption and Special Guardianship Support Fund, which has supported 30,000 families. The 2017 evaluation covering the early implementation of the Fund found that the children

accessing the Fund showed substantially higher levels of emotional, behavioural and developmental needs that both children in the general population and when compared to looked-after children as a whole. It also found that 84% of parents believed that the Fund had helped their child.

The evaluation also found that the efficiency and quality of assessments was improving and that parents were generally satisfied with the assessment process. The 2017 evaluation also found the market for independent post-adoption support services had expanded in response to the increased funding available, but that there were ongoing difficulties with a lack of capacity to meet demand in some LA adoption support teams. There was an ongoing need for some social workers to shift ways of working in order to meet demand and undertake a commissioning role.

Some contributors to this review also spoke of the unintended consequences of the Fund. Some felt adoption support had come to be defined as 'therapeutic support', with other areas neglected. In addition, some contributors felt that the ASGSF had potentially led some local authorities and CAMHS services to withdraw from providing (and funding) their own support services, with these reductions being baked in to funding models for RAAs.

Adoption support is clearly not exclusively the responsibility of children's services, and a whole partnership response is needed to ensure the right services are commissioned. But it this does not appear to be in place consistently across the country.

Adopters also spoke powerfully of the critical role school plays in their child's success or otherwise, and wanted more support to get school-based support right for their children, without feeling like they had to constantly fight a battle. Again, this flagged up the way in which adoption and special guardianship support is the responsibility of the whole local partnership working together, not just children's services. Some parents spoke about the parallels between the SEND assessment and support system and adoption/ special guardianship – they felt there were lessons to be learned from SEND (good and bad) about how ongoing holistic support crossing health, care and education should be organized. Interestingly, if we look back at the legal definition of adoption support as set out in the Adoption and Children Act 2002, a multi-agency and multi-disciplinary service was envisaged, suggesting perhaps a closer role between the agency responsible for adoption support and education and health services. However, the extent to which this is how services operate across the country is variable.

Peer to peer support was also a commonly discussed theme, with both professionals and adopters feeling this played a crucial early intervention role for families, but services being patchy and often voluntary sector led without consistent funding, so at risk of instability. There was also a clear desire for more of this kind of support from young people themselves, but the voluntary sector organisations that provide it felt availability is very limited and patchy across the country.

One of the strongest but most divisive themes raised across the course of our evidence gathering related to how children are supported to develop their identity. This largely relates to two aspects of practice – contact and life story work. There was widespread acknowledgement that practice has been very static in this area in many agencies over 20 years, whilst in parallel the experiences of families have been evolving rapidly, including as a result of the spread of social media. In addition, it was noted that only adopted children have a statutory right to a life story book – special guardianship children do not receive this

type of support. Young people themselves talked about how crucial this work was to them – and how important it was to do it well.

Beth Neil's longitudinal research (2013) concludes that having contact with the birth family does not have a measurable impact on a young person's overall adjustment – those classified as 'thriving' in terms of wellbeing had experienced a range of contact, from direct and frequent to indirect and infrequent. The same was true of those classified as 'struggling'. Positive contact could, however, support more openness around talking about adoption in the adoptive family, which was beneficial to young people and helped them to develop a consistent identity. These positive benefits could be felt from direct or indirect contact, if it was successful. The situation that young people were most dissatisfied with was when they expected a particular kind of contact relationship, and this then didn't happen e.g. letterbox which got no response or the responses tailed off.

However, there is also evidence of the potential negative impact of contact, especially if not managed well or if not in line with the child's best interests. Caroline Boyle's 2015 systematic review of evidence on contact, quoted in the National Fostering Stocktake, summarised the position as follows:

'The evidence suggests that although contact can help some children resolve attachment difficulties and ambivalent feelings around loss, for others, it has the opposite effect. At the heart of this lies the paramountcy principle, which stipulates that contact arrangements should be made on a case-by-case basis, in the best interests of the individual child.'

Adopters report similarly mixed views on contact. Some reported feeling that they needed to be helped to have more – and more meaningful – contact early on, so their child had a better understanding of their birth family and the reasons why they were adopted, and did not react in an extreme way when faced with the prospect of being able to use social media to track family members down in adolescence. Others felt anxious about the prospect and felt it would – or already had – unsettled their children significantly. Young people also felt anxious about direct contact in some cases.

Our proposed conclusion on identity issues and practice for this project is as follows:

- Supporting children and young people to develop their identity is a crucial aspect of post-adoption support, and doing this work well has a positive and protective impact on children, helping to establish a good level of openness and understanding in the adoptive family and preventing potential crises later. To have this positive impact, the work must be done properly and sensitively, with appropriate levels of support.
- Practice at the moment does not seem good enough in many areas. Letterbox contact is used almost by default and often both sides are not supported well to engage with it. Coram's research shows that life story work is also extremely patchy. This practice doesn't represent an in-depth consideration of a child's long term need to develop a consistent identity. Improving these areas of practice should be a priority.
- There is scope to be more dynamic in how we think about developing helpful contact relationships, not just with birth parents (or not with birth parents at all in many cases) but also with previous foster carers, birth grandparents and others. Decisions need to be driven by careful consideration of the lifelong best interests of the child.

- However, if we are to develop more dynamic approaches to contact and life story work, adoptive parents and children/ young people must be in the driving seat. They are the experts on themselves, and arrangements should be flexible enough to evolve over time as young people's views develop.

Finally, it must be noted that under this theme we have focused to a greater extent on adoption rather than special guardianship. Special guardians do face similar issues accessing the full range of support needed, and in many ways the system in place to support them is less developed than that of adoption. The different route into the caring role taken by guardians – often stepping up in response to a crisis with little time to prepare – means they face significant practical issues with finances, housing etc. They also report getting limited support with contact, despite having to manage often very complex and difficult ongoing relationships with birth parents who are part of their own extended family. Because of these different circumstances and the different system starting points, we have dealt with special guardianship families specifically at point 4 below.

2. An open, honest and dependable lifelong relationship between agencies and families

As already stated, over time our understanding of the fact that children adopted or in special guardianship arrangements will need ongoing support has strengthened and become mainstream. Alongside this, we have also come to understand that these needs play out in a particular fashion. The impact of early trauma is not felt in a predictable or linear way, but can emerge at any time across the life span, especially at key transition points such as moving to secondary school or during adolescence. This has widespread implications for the way support services are designed, and for the relationship between those services and families.

Firstly, contributors spoke to us about the importance of getting the relationship off to the right start. This means being open with adopters or guardians from the word go about the potential needs of their child, and the support on offer. Adopters and guardians spoke about a continuing lack of openness in some cases, in terms of the way potential difficulties were covered in general, but more so in terms of how they were prepared for the particular child coming to their care, both before and after placement. Professor Peter Fonagy (UCL) spoke to us about the protective effect of getting these early conversations right. If carers feel they are going into the situation with their eyes open, there is much less upheaval and shock if problems do emerge later, and carers are more comfortable with accessing support at the right time. Using experienced adopters in preparation was often cited as an excellent way of creating an honest dialogue, but still not available to all prospective adopters.

Then, contributors spoke about the way the ongoing relationship between the agency and the family needs to be framed. Carers and young people spoke powerfully about the importance of trust – there being a trusted individual whom they felt understood their needs and would listen to them. This can be harder to engender in special guardianship where the initial interaction with the local authority may have been one of conflict. Practitioners also spoke about the need for the relationship to be ongoing, because of the way needs can arise at any time. If a family has lost touch with their agency, the barrier to returning is high, and this can lead to families waiting until they are in crisis to access support and feeling less understood when they do come back. If the relationship has been ongoing, as is often the case with voluntary agencies and some local authorities, the route to more intensive support if needed is smoother. In order to create this ongoing relationship,

the agency needs to invest in building a sense of an adoptive/ special guardianship community, and find unobtrusive ways of keeping in touch with families and young people without enmeshing them in bureaucratic processes.

Finally, some practitioners we spoke to talked about the need for support services to be available in varying degrees of intensity, and for assessment and escalation routes to be clear. There was a feeling from some that the Fair Access Limit placed on the Adoption and Special Guardianship Support Fund had led some agencies to see families as each having a 'quota' of support, rather than engaging with the reality that some families would need very low level support only whilst others would need very intensive support, and there needed to be robust methods in place for working out which group a family fell into and ensuring the right level of support for their needs. There is a lack of clarity about who is responsible for provision of different levels of support across agencies, the ASGSF and CAMHS.

3. Understanding outcomes for people adopted or in special guardianship arrangements

As set out above, the evidence base on placement outcomes and experiences for children adopted is wide ranging, and for special guardianship the evidence base is more limited but reasonable given the short life span of the order. However, there are the following issues with our understanding of outcomes:

- Some of the key pieces of research e.g. Selwyn (2014) and Wade (2014) risk becoming out of date if we don't keep them live. They were completed before the shift in decision making around adoption and special guardianship that took place after the Re: B-S court judgments, so we do not know what impact those shifts may have had on placement outcomes.
- We don't have a reliable ongoing method of collecting data on placement breakdown, which is a crucial measure. The Children Looked After data collection should provide this by recording whether children had a previous permanence placement when entering care, but this is poorly completed and understood.
- We have little knowledge of the long term outcomes of adopted people into adulthood, because of a lack of funding/prioritisation of this research, and data protection rules that make this research hard to do. There is a similar gap around special guardianship children but this is more understandable given the short lifespan of the order so far.
- The public discourse on adoption in particular does not reflect the findings of the research and evidence base.
- The judiciary feel they do not get enough information on the outcomes of different placement types, either in aggregate or specifically on the cases presented to them. These issues should be being addressed by the Nuffield funded study scoping out the need for a Legal Observatory.

Therefore we have concluded that a set of actions to address these weaknesses are needed, and are summarised at discrete workstream 2 below.

4. Developing the special guardianship system

One thing that has struck us in gathering the evidence for this project is that it is more difficult to access information about special guardianship issues at a national level – a national 'system' and supporting infrastructure does not exist in the same way as it does for

adoption, and there is much less data available. The voluntary sector established a working group some years ago – the Kinship Care Alliance – but this area has seen much less investment and development than that of adoption, and local authorities are less networked in their practice. For the local authority side, the expansion of the Adoption Leadership Board to become the Adoption and Special Guardianship Leadership Board and resultant regional infrastructure should help this.

The evidence we have been able to find about support services for special guardians suggests there are significant issues. The organisation Grandparents Plus pointed us towards some good practice e.g. they rated the work done in North London to develop a special guardianship support strategy, create training opportunities and develop peer support groups. But these examples were one-offs rather than the norm. As both Grandparents Plus and the Family Rights Group point out, access to support is very patchy. In many parts of the country it is difficult to know which part of a local authority is responsible for special guardianship support, and there isn't necessarily a dedicated team or individual.

Another key theme that has emerged around special guardianship is the sensitivity and difficulty around talking about special guardians and adopters in the same breath. On the one hand, carers and representative organisations find the comparison positive – it means that there is a growing acceptance that the new family structures created by special guardianship require the same kind of ongoing support as those created through adoption. It potentially represents the beginnings of a paradigm shift that sees access to support as driven by a child's needs rather than a legal order – although those organisations representing kinship carers would say there is still an extremely long way to go here, with a large swathe of kinship carers getting no support at all because the child has not been placed with them through a specific legal order, or has not come directly from the care system. However, the experiences of special guardianship families do differ in key ways from adoptive families, making it hard to speak in general terms across the two groups.

The first key difference is in how the placement comes about. A high proportion of special guardianship orders are made to wider family members (as many as 9 in 10, if the pattern found in Jim Wade's 2014 review still holds true). These people often come forward at a moment of crisis and offer to look after a child, with little time to plan or prepare. This has implications in terms of their ability to learn about meeting the needs of previously abused and neglected children, and working through a wide range of issues including how they will manage things like family relationships. But it can also have significant financial implications. Grandparents Plus undertook a survey of 4,000 kinship carers in 2017. 60% of their sample were special guardians. Whilst 85% of the sample were of working age, 45% had to give up work on becoming a special guardian and 23% reduced their hours, in order to meet children's needs. This is more likely to have to be done in an unplanned way than in adoption, and there is no entitlement to adoption pay and leave.

More generally, low income is a defining feature of special guardianship in a way less seen or commented upon for adoption. The average annual income for kinship carers in the Grandparents Plus survey was £17,316 compared to £27,200 national average. 43% of participants thought their income was too low to meet children's needs and 83% had seen their income fall since taking on the children. Welfare reforms are also impacting on the financial position of special guardians. This means that practical considerations are often at the forefront of special guardians' minds when talking about support needs – carers are sometimes struggling to meet basic needs and secure suitable accommodation.

Finally, special guardians deal with a different kind of contact relationship to adopters. They are in the majority of cases a part of the original family, and therefore contact is ongoing and unavoidable, and often complex. They need intensive support to develop the right kind of positive contact relationship, but do not always feel this is available.

The support entitlements between adopters and special guardians who care for children who have left care are actually almost identical (with the exception of access to adoption pay and leave, and the statutory right to a life story book) – both are set out in the Adoption and Children Act 2002 and its associated regulations and guidance. If a child has not come directly from care to special guardianship, the local authority's responsibility to assess need is discretionary, making their position weaker. But legally this is not the case when the child was previously looked after. Current issues do not seem to be created by gaps in the legal framework necessarily, but by local interpretation and practice.

It is also worth noting that the Department of Education's 2015 Special Guardianship Review identified a series of issues with assessment and decision making around special guardianship, which led to some regulatory change. It is not clear that the right data is being collected to allow for the ongoing monitoring of these issues, so we cannot tell if the situation is improving or deteriorating.

The difficulty in accessing evidence about the current state of play for special guardians, and the fact that their needs do differ from adopters in some significant ways, means we feel we have not been able to fully cover the issues relating to special guardianship in the timescales afforded by this project. Therefore we are recommending a further piece of work, the parameters of which are set out in cross cutting workstream 3 below.

F. WHAT NEEDS TO CHANGE – PRIORITY WORKSTREAMS FOR THE ASGLB AND DfE

The final aspect of this project has involved taking the project findings above and translating these into a series of proposed workstreams to be taken forward by the ASGLB and DfE. These workstreams have been developed in conversation with DfE, taking into account the current policy landscape and work already in train. We believe there are three wide ranging and cross-cutting workstreams coming out of this project, and five discrete workstreams which there would also be benefit in taking forward.

Cross-cutting workstream 1: The future of therapeutic support

The issue:

- The ASGSF has driven a dramatic cultural shift in therapeutic support – it is now seen as a critical part of the landscape, difficulties around accessing support have reduced, stigma around accessing support has reduced. It has also created a market of provision from the independent sector and that sector provides up to 70% of interventions.
- However, there is a lack of clarity about what the ASGSF is for, what agencies should provide themselves, and what health/ CAMHS responsibilities are. The ASGSF has potentially enabled agencies and health/ CAMHS to withdraw their services.
- VAAs provide an enhanced 'core offer' to their adopters, but their adopters can wait longer for the ASGSF.

- The Fair Access Limit is leading some to see families having a 'quota' of support, unrelated to need.
- There is not a consistent approach to assessing and categorizing levels of need and deciding when something should be met by the agency directly, the ASGSF or CAMHS. It is not clear where the workforce expertise lies to be able to undertake this kind of specialist assessment effectively.
- The relationship and joint working with DH is not strong, nationally and locally. The Adoption Support Centres of Excellence are struggling to get health engagement so are looking at work-arounds which leave health out.

Policy questions to answer:

- a) How should we define the responsibilities for provision of support across RAAs, the ASGSF and health/CAMHS respectively? What should each be providing, so support services are available across early intervention, targeted support and high level needs?
- b) Given (a), what is the future of the ASGSF? Is it a lever for change or part of the landscape long term? Do we want to end up with a three tier system (RAA, ASGSF, CAMHS), two tier (ASGSF rolled into RAA, CAMHS), or one tier (ASGSF only)?
- c) Given the answer to (b), how can we incentivise the system to move in this direction? How will current plans (e.g. regionalisation of ASGSF) help? What kind of Budget investment post-2020 would help?
- d) Do we need to consider funding reform beyond just the ASGSF e.g. consider the inter-agency fee?
- e) What policy interventions are needed to support the system to develop towards more effective and consistent assessments of need, so decisions about rationing can become more sophisticated? Should thresholds for support be set regionally or nationally?
- f) What workforce development is needed to enable more effective assessments of need and decision making around support?
- g) What can we do to facilitate meaningful joint working with DH/ CAMHS? What role do local leaders need to play e.g. DCSs via public health/ Health and Wellbeing Board routes?
- h) What role should VAAs play in delivering support, to their own adopters and more widely as organisations with a high level of practice expertise?
- i) What research do we need to commission now to ensure the evidence base on interventions is developing? How do we need to work with DH on this?

Next steps:

DfE have already commenced some of this thinking. Our recommended next step would be for DfE and ASGLB representatives to jointly scope a project that answers these questions, and is delivered ahead of the ASGSF coming to an end in 2020. The scoping work needs to identify which aspects of the project should be undertaken by DfE, and which could better be led by the ASGLB.

Cross-cutting workstream 2: The future role and remit of agencies (RAA, VAA, LA)

The issue:

- The legislation calls for a comprehensive, multidimensional and lifelong adoption support service, but this is not being delivered consistently across the country. RAA service design plans aren't yet known but there is an opportunity to encourage consistency and comprehensiveness.
- The intention at the outset was for a multi-agency/ multi-disciplinary approach – adoption support as a partnership responsibility, not just a children's services responsibility. There are examples of this working very well and some promising ideas for implementing it within RAAs, but it is not widespread practice on the ground.
- The role of agencies in providing support to children to develop their sense of identity/life story is particularly under-developed/ static.
- Sometimes there can be a crisis driven approach to interactions with LAs – families get in touch when struggling, seeking specific help. There is less of an ongoing relationship/ fewer opportunities for early intervention.
- The 3 year rule inhibits the development of lifelong agency/ family relationships.
- Availability of 'universal' adoption/ SG services – support that the whole adoptive/ SG community can access, including peer support for adults and especially children – is patchy.

Policy questions to answer:

- a) What support services are RAAs offering/ planning to offer? Is it an appropriate 'core offer'? How can the ASGLB work with local government to encourage comprehensiveness, consistency and good practice?
- b) How are RAAs preparing the market to ensure they can commission services from those with the best track record of providing them? How can we support RAAs to develop robust market position statements and other commissioning tools?
- c) What role should the regulator play in ensuring availability of an appropriate 'core offer'?
- d) What should be the role of agencies in facilitating peer-led support to carers and to children/ young people, and the building of an adoptive/ SG community? How can RAAs work with the voluntary sector on this?
- e) What kind of 'universal' services should we reasonably expect agencies to provide to their adoptive/ SG community?
- f) What is the vision for how multi-agency/ disciplinary working and coordination will operate within RAAs? How will holistic, multi-agency assessments of need and packages of support be arranged?
- g) How can we develop better identity work (contact and life story)?
- h) Is it right that agencies (LA, RAA, VAA) should be encouraged to nurture ongoing lifelong relationships with their adoptive/ SG community? If so, what is the most effective way to do this, without either intruding on family life or creating bureaucratic processes?
- i) What leadership development and workforce development is necessary for agencies to be able to deliver a comprehensive and effective support service?

Next steps:

The ASGLB could take on a new role in relation to the developing RAAs, working alongside them to define an appropriate consistent core offer and identify good practice, and see that this is spread. This would involve a central role for local government representatives. DfE's

funding levers are also an important part of the picture and could help to shift the focus of RAAs on to best practice. To kick off this work, again a joint scoping exercise between the ASGLB and DfE would be necessary. The ASGLB and DfE would then need to convene an appropriate group to take forward work on defining a core offer with the RAAs.

Cross-cutting workstream 3: special guardianship support

The issue:

- The legislation calls for a comprehensive support service to be offered to special guardians, but it is not clear that this is in place across the country.
- It is also not clear how consistent the financial support offer to guardians is across the country – but we do know that many struggle financially and that some aspects of welfare reforms hit special guardians particularly hard.
- Managing contact with birth parents is particularly challenging for special guardians, and they report needing more and different support than that available currently in order to effectively navigate these complex relationships for the long term.
- The national infrastructure underpinning special guardianship, both in terms of voluntary organisations representing their views and the issues they face, and local authority networking to share best practice and drive consistency, have limited capacity in comparison to adoption.
- The data collected on special guardianship is limited, affecting our ability to understand what the key issues are.

Policy questions to answer:

- a) How do the experiences of special guardianship families differ across the country?
- b) How does the support offer for special guardians differ across the country, including policies relating to the provision of financial support and supporting contact? What does best practice look like and how widespread is it?
- c) What data would we need to collect to better understand the experiences of special guardianship families, and the robustness of placement decision making (issues flowing out of DfE Special Guardianship Review)?
- d) What do we need to do now to develop the system infrastructure around special guardianship, to better understand current practice and experiences on an ongoing basis?
- e) Flowing from the answers to the questions above, what policy changes do we need to consider to improve access to support for special guardians and drive consistency?

Next steps:

We recommend that the ASGLB commissions a follow-on piece of work from this project, looking specifically at special guardianship. The work should be scoped in collaboration with guardians and the organisations that represent them, and overseen by the Task and Finish Group on Special Guardianship that has already been agreed. The work should aim to identify the ASGLB's priorities in relation to special guardianship, and the additions needed to the ASGLB data set to more fully understand special guardianship.

Discrete workstream 1: Research strategy

As set out above, the adoption and special guardianship evidence base may be in a reasonable position right now, but they risk rapidly becoming out of date. For special guardianship in particular, there are significant gaps around understanding the type and level of support being offered to children in different parts of the country. If we look specifically at therapeutic support, the evidence base around the efficacy of interventions is still fairly weak, and we need to change the way interventions are commissioned if we want this to develop more coherently. Therefore we recommend the ASGLB work with DfE to develop a multi-year research strategy, identifying the key pieces of research and ensuring these are commissioned in a timely fashion.

We also recommend that the special guardianship elements of the ASGLB data collection are reviewed. Currently, they do not provide enough information to understand or monitor practice on the ground, both around decision making and around support. This should be an early task of the new Special Guardianship Task and Finish Group.

Discrete workstream 2: Outcomes data and research

As well as creating a research strategy, there is also a discrete piece of work to do to improve the quality and understanding on data on placement outcomes. This includes:

- Looking at how we can improve the quality of the data already collected on children returning to care after a permanent placement. We should look at how the Children Looked After data on this can be improved, but if this does not provide an answer to the question, the ASGLB should consider collecting this data in a different format.
- Looking again at the question of whether the NHS number needs to change at the point of an adoption, or if a facility for researchers to track through the adoption at aggregate level could be safely maintained. We did not find anyone opposed to this change in the course of our evidence gathering, and the same was true when DfE looked into this question previously.
- As part of the research strategy, commissioning analysis to start to develop a better understanding of outcomes in adulthood and transition to adulthood.

Discrete workstream 3: Practice around identity work (contact and life story work)

There is evidence that getting this work right is important to children's outcomes, but it is not of consistent quality at the moment, and practice has been fairly static for 20 years or more. Special guardianship children also have a different legal entitlement to adopted children – they do not have an entitlement to a life story book.

There are potential opportunities to take more dynamic approaches, and the legal framework allows for this. However, this would need to be done in a careful and sensitive way, which puts parents and carers in the driving seat. It would also need to acknowledge that more contact will not be the right answer for all or even necessarily most children – decisions need to be based on a careful assessment of the individual circumstances, and there needs to be flexibility for evolution over time.

Our recommendation is that a round table on identity practice (contact and life story work) is convened, bringing together all of those with expertise, to scope out how work in this area could be taken forward. This could then lead to some practice development work with particular VAAs and/or RAAs, who can create learning for the rest of the system, depending on the outcomes of the round table.

Discrete workstream 4: Development of educational support

The role of schools in supporting adopted/special guardianship children is seen as critical by parents and carers, but still problematic in too many cases. There is an opportunity to look again at how to improve things, for two reasons: the emergence of RAAs gives an opportunity to look again at the way support services, schools and carers work together; and the expansion of the Virtual School Head role to adopted and special guardianship children creates new capacity to address current issues. We recommend that improving educational support should be an area of focus for the ASGLB. Work needs to be properly scoped but could include:

- Working with the National Association of Virtual School Heads on practice development in relation to adoption and special guardianship children
- Working with a group of RAAs on new models/ ways of working between support services, schools, VSHs and families
- Looking into whether further evidence gathering/ dissemination is needed on the way Pupil Premium Plus is being used for these children, and the most effective approaches

Discrete workstream 5: Work with birth families

Support for birth families is one of the aspects of an adoption support service required by legislation. However, we have very little data on the extent to which these services are being offered or accepted. There is a 2010 study (Neil, Cossar, Lorgelly, & Young, 2010) of the support made available to 73 birth families of adopted children. This found the help that was available from any service was very poor, despite the level of need that the greater majority of birth parents or relatives have. A small number of birth relatives reported on how the research interview was a rare opportunity to talk to another person about what had happened.

Local authorities are starting to see the benefits of enhanced support to women who have children removed, as this can break a very destructive cycle of repeat pregnancies and removals. This is reflected in the growth of services targeted at this group of women e.g. the Pause project and similar. Adoption services also have an important role to play though, both for the sake of the adults involved and for the adopted children, to increase the chances that their birth relatives will be able to engage constructively with them when and if the time is right. We have very little understanding of the degree to which birth parent support is being offered by adoption agencies, or about take up and impact. Therefore we recommend the ASGLB commences work in this area with a survey of current activity/planned RAA activity to establish a baseline, and consider from there what additional practice development work may be needed to spread good practice.

G. NEXT STEPS

The purpose of this paper is to stimulate discussion with the ASGLB, and use this to refine our conclusions and to prioritise recommendations. Our proposed approach is to take the feedback from this meeting, and work through it with a smaller steering group involving ADCS, CVAA, DfE, DH and the Kinship Care Alliance, to get to a final set of conclusions and

recommendations. This group will also need to advise on prioritising and phasing how the next steps suggested by this project are taken forward, to enable work to be progressed within available resources.

We envisage this report influencing a new strategy and work programme for the ASGLB, to be developed jointly with DfE, and set out what work is being taken forward by each and how work will come together to move the system forward. On the three cross-cutting workstreams identified above, we believe work should start as soon as possible on a joint scoping exercise between ASGLB representatives and the DfE.

Once the ASGLB has developed a draft strategy and work programme, it will be important for this to be communicated clearly across the country, and for all areas to have an opportunity to input and shape it. Therefore we recommend the ASGLB lead a programme of engagement around this once the strategy is available in draft.