



## **Submission by Nagalro**

**Response to**

**Department for Education Call for Views:**

**Placing of Children in Sibling Groups for Adoption**

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## **About Nagalro**

Nagalro is the professional association for Family Court Advisers, Children's Guardians and Independent Social Workers.

It has approximately 700 full members in England and Wales who represent the interests of children in a range of public and private law proceedings. About half work for the Children and Family Courts Advisory and Support Service (Cafcass). Many also act as Independent Social Workers providing expert witness reports in a wide range of complex cases coming before the courts.

Members also undertake work in a variety of roles for example with fostering agencies and in independent therapeutic practice. Members have significant experience as managers, chairs of Adoption Panels and other specialist social work practitioner roles and as therapists.

## **PLACING CHILDREN IN SIBLING GROUPS FOR ADOPTION**

### **1. How can we find more adopters willing and able to take on sibling groups, particularly larger groups?**

Comments:

All legislation and government policy is required to be compliant with human rights legislation: the Human Rights Act 1998, UN Convention on the Rights of the Child, and the European Convention on Human Rights. We are concerned that this paper does not consider how its proposals would comply with this legislation, affect children's rights to family life (Articles 6 and 8), nor address how voice of child will be heard in decision-making about these fundamental issues (Article 12).

There should be a focus on best practice around placing sibling groups and how to recruit and support placement of siblings together wherever possible, so that all agencies can learn from the success of the best.

We recommend seeking out best practice from agencies that have been successful and assisting all LAs to use similar models to Coram and other voluntary adoption agencies which have led the way in providing support. Ensure practice uses research findings and is evidence-based.

Provide high quality adoption support services, that are better-resourced and more readily accessible to families wherever they are in the country.

Recognition of the importance to children of being brought up together, and the long-term benefits for children.

## 2. How can we better support those families willing to adopt sibling groups, particularly larger groups?

### Comments:

By providing skilled therapeutic help that is specifically trained to support adopters. At present adoption support is too patchy and limited, and some social workers and CAMHS teams still lack knowledge of adoption-related issues. Adoptions that receive poor support are much more likely to disrupt. Government needs to increase its resourcing for adoption support.

It is very important to have people who are trained in therapeutic approaches tailored to adoption issues working in adoption support. Agencies like the Post-Adoption Centre and Family Futures have for a number of years led the way in the provision of such specialist training. Those who have taken up this training include independent practitioners and therapists, who often chose to work outside of local authorities to enable them to provide flexible and high quality services. There is spare capacity in the workforce and scope to increase the availability of skilled help by more innovative use of independent social workers and agencies; removing unnecessary bureaucracy in Ofsted's culture and inspection and encouraging a mixed economy of provision.

Taking on a large sibling group is a huge responsibility, and the demands on adoptive parents are significant. They need recognition of their extra financial needs – bigger accommodation, larger cars, higher costs for food, clothing, decoration, toys because of the more demanding behaviours they will face.

Adopters of large sibling groups would benefit from having specialist respite care schemes readily available, to enable them to recharge their batteries, given the exhausting nature of their task. These should provide consistency so that children go to the same respite carers each time. Adoptive parents and their linked respite carers can then plan and work together so that children experience consistent boundaries, something particularly important for children who find it hard to cope with change.

Children benefit from life story work to help them to make sense of the complexity of their lives, and the complexity of their feelings. This is not a one-off task but will be something children need to revisit as they grow. It is a skilled area of work where specialist training is needed to enhance workforce skills.

**3. Please give your views on why this is difficult to achieve at present:**

Comments:

Resource limitations within local authorities which restrict the availability of support.

Over-bureaucratic approach by Ofsted which deters independent practitioners who can provide a significant reservoir of skill from going through the registration process to become adoption support agencies.

Lack of understanding of the specific needs of children adopted from care. This reflects a lack of specialist training for social workers, CAMHS staff and others which can lead to a failure to appreciate the significant challenge that faces adopters of large sibling groups.

So, for example, the reasons for a tailor-made respite care service are not appreciated, nor are the funds available when local authorities are struggling across the board to meet demands from limited budgets.

**3a. What are the barriers to children in sibling groups being placed together for adoption?**

Comments:

Sibling groups require skilled assessment of their needs individually and as a group. The assessment needs to consider whether the abuse and trauma that children have experienced in their birth families will interfere with their ability to form a nurturing relationship with new parents. A key factor is whether one or more children in the sibling group will prevent others from making healthy attachments. Negative patterns of relating can be brought in to new families, with very destructive dynamics apparent. It is important that an informed assessment is made about whether it is possible for the sibling relationships to be repaired sufficiently through professional therapy or 'therapeutic reparenting' by the adopters.

Such assessment requires significant training and is resource intensive. The availability of therapy and skilled life story work to remedy sibling relationships affected by abuse and neglect is too often unavailable within local authorities and CAMHS teams. Skilled social workers have been driven away from the sector by the attitudes, culture and practice in agencies such as local authorities, Cafcass, Legal Services Commission and Ofsted.

Lack of availability of adopters able to take on sibling groups which often contain children with differing and sometimes complex needs e.g. when one child has a disability. Family complexity which means siblings often have different parentage and differing contact needs etc.

The process of trawling for possible adopters, and difficulty in social workers knowing where to find those who might take on children with specific needs.

It is too easy for LAs to make decisions about children according to what suits the organisation's interests and not what is in the child's interests. Incentives for LAs

to achieve adoptive placements can skew decisions about individual children, or can lead to fears that decisions are being made on this basis.

**3b. What elements of social work practice support the placement of children in sibling groups with adopters?**

Comments:

Human rights considerations such as rights to family life under Articles 6 and 8 make the preservation of sibling relationships the starting position wherever possible. This is an entirely appropriate starting point and should not be changed.

It is clear that sibling relationships are immensely important to children as shown in the Your Shout research<sup>1</sup>, and the Children's Rights' Director's recent paper on a consultation session with the Children's Minister<sup>2</sup>. The knowledge of how much it matters to children to retain sibling relationships which provide a lifelong sense of connection makes it imperative that separation of siblings only happens when it is clear that their needs cannot be met if they remain together.

Skilled pre and post adoption support can enable change in family dynamics to create healthier relationships. Such work is time-consuming and is not widely available. It needs to be made much more easily accessible to support placements, especially with children who have experienced abuse and neglect prior to placement.

Good life story work is a vital part of this. It needs to be more than producing photograph albums that may be beautifully presented but do not help children to deal with the reality of their often confused, distressing and tragic family histories.

<sup>1</sup>Timms, J. and Thoburn, J. (2003) *Your Shout! A Survey of the Views of 706 Young People in Public Care*, London: NSPCC

<sup>2</sup> Available from <https://www.rights4me.org/en/home/library/reports/report-ministers-discussion-group-on-sibling-separation-and-contact.aspx>

3c. What elements of social work practice inhibit the placement of children in sibling groups with adopters?

Comments:

Too often the lack of short-term foster homes and other resource constraints lead to sibling groups being split when they first come into care. Decisions are often made on pragmatic grounds, according to what placements happen to be available. These splits then become fixed and dictate subsequent placements without proper assessment of what is in each child's interests.

Worries are often expressed about decisions to separate siblings being based on the interests of the local authority, such as achieving its KPIs, rather than on the needs of children, but the evidence for this tends to be anecdotal.

It is a serious concern that when siblings are split arrangements for contact between them are given low priority and are often not achieved. Contact may be complex in situations where children's individual needs are in conflict to some degree at least, but that does not remove the need to endeavour to promote a continuing relationship by some means. Sometimes this will mean the respective carers maintaining a relationship on behalf of the children so that the potential for the relationship to be developed afresh when the children are old enough to manage it constructively is 'held in trust' for the children.

4. We think that placing siblings together should be considered on the merits of the case for each individual child.

**Should the law be made more explicit so that placing siblings together is considered on a case by case basis for each individual child?**

Yes  No x

4a. **How should legislation and guidance be revised to achieve this?**

Comments:

The legal position and statutory guidance already expects social workers to consider children on a case-by-case basis. It is already too easy for local authorities to separate children for administrative reasons or for other reasons that are not child-centred. It is very important that the law continues to uphold the principle of maintaining sibling relationships where possible.

Plans to reduce court scrutiny of care plans arising from the Family Justice Review are counterproductive and more likely to lead to inadequate planning for individual children. The risks to children of poorly thought through care plans are increasing because of the:

- continuing increase in care proceedings, combined with budget pressures on local authorities,
- reduction in quality of work that Cafcass permits guardians to undertake under its model of "proportionate" working

- loss of skilled ISWs from court proceedings, whose work Dr Brophy<sup>3</sup> has found provides timely, helpful and skilled evidence to courts
- ineffectiveness of the IRO service in holding local authorities to account.

It would be more effective to increase the use of practitioners with specialised adoption-related training and skills in these complex family situations. Guidance can set out the issues that need to be considered, but, as your consultation paper indicated, the key decisions are matters of judgment. There is no substitute for good quality training and judgment. Even if the guidelines are changed poor placements will continue because decisions will still be made without sufficient understanding of the complex issues of attachment and trauma involved, unless there is a substantial investment in using practitioners with relevant expertise at an early stage as well as later on.

<sup>3</sup> Brophy, J., Owen, C., Sidaway, J. and Johal, J., (2012) *The Contribution of Experts in Care Proceedings: Evaluation of the work of independent social work assessments* University of Oxford

**4b. In what other ways could a case by case basis be promoted for each individual child when considering the adoption of children separately?**

Comments:

Professional judgment of a high order is required to make recommendations about whether children's needs are more likely to be met together or separately. Post-qualification and specialist training needs to be more widely available. Many people with appropriate training and skills are not being used to make judgments in these complex cases because those with expertise are not encouraged to stay in practice and have been driven out of the system. Greater innovation and flexibility in models of working are needed. We need to actively promote ways for social workers with skills and experience to stay in practice where they can use their judgment and specialist knowledge to provide excellence of service for children and adoptive families.

**5. Should we revise legislation and guidance to set out the features of good arrangements for contact with siblings when children are adopted separately?**

Yes  No

**5a. How should legislation and guidance be revised to achieve this?**

Comments:

We think it is misguided to see legislative change as the way forward. Guidance can set out good practice, but it must be recognised that resources matter.

Contact between siblings who have been placed separately is often not taken seriously or given priority in many areas. It is very time-consuming and requires considerable professional attention to ensure it meets children's needs.

Support for contact needs to be available over the long-term and to take account of how children's needs change as they grow.

**5b. In what other ways could good contact arrangements be promoted when children are adopted separately?**

Comments:

Imaginative use of video and new technologies to enable contact, especially when children are placed a long way apart geographically.

Good training for adopters about how to support contact constructively.

6. Please use the space below for any other comments you would like to make on placing children in sibling groups for adoption

Comments:

This consultation has been unhelpfully timed: it does not take account of Cabinet Office guidance for the length of responses; it comes in the summer when many are away on holiday, further restricting the time available; and there have been a spate of other consultations on related topics at the same time.

The questions tend to assume that legislative change is the way forward rather than changing practice through training and redirecting resources.

We are concerned that this consultation is predicated on the benefits of separating siblings and it does not focus sufficient attention on the means to reduce the need for separations, or, given that many children will inevitably be separated from some of their siblings, the ways in which these relationships which are so precious to children can be sustained and nurtured through flexible contact arrangements.

Given the nature of family life in the 21st century many children belong to complex sibling groups, with full, half and step siblings, plus children they have grown up with whom they may not have a blood relationship. These relationships last a lifetime and are ones that hold immense emotional significance for children. But, maybe because siblings placed for adoption tend to be young and not yet old enough to express themselves fully or to have their views taken seriously enough by adults, decisions are often made on behalf of children, and their views may not be sought, or not accorded much weight.

The loss of full service from Children's Guardians has the effect of depriving children of a strong voice over these arrangements. IROs are often unable to effectively challenge the local authorities that employ them, so children can lack an effective voice when these life-changing decisions are made on their behalf.

More attention needs to be paid the hearing children's voices. This will require significant change in several of the agencies dealing with children. In Nagalro's view the time has come to implement s11 of CYPA 2008, which allows the IRO service to be moved from local authorities to an independent agency. Cafcass would not be able to provide a suitable home for the service. The Cafcass Operating Framework is not fit for purpose. Cafcass needs to rethink its approach to the skilled practitioners who provide its services, to provide them with greater scope to exercise their independent judgment, and to enable them to spend more time with children so that their voices are heard.