

PERMANENCE PLANNING AND DECISION MAKING FOR LOOKED AFTER CHILDREN IN SCOTLAND:

ADOPTION AND CHILDREN (SCOTLAND) ACT 2007



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Any views expressed in this report are those of the authors and not the Scottish Government or the Scottish Children's Reporter Administration.

Executive Summary

The Adoption and Children (Scotland) Act 2007 (the 2007 Act) was introduced to improve, modernise and extend adoption in Scotland and to provide greater stability for children who cannot live with their birth families. The aim of this research was ‘to assess progress in delivering improvements in permanence processes since the implementation of the 2007 Act’. It follows on from the Scottish Children’s Reporter Administration’s (SCRA) previous research on permanence planning and decision making for looked after children under the Adoption (Scotland) Act 1978 (the 1978 Act).

There are 15,580 looked after children in Scotland, and for 12% of them (1,251 children) the legal basis of this is a Permanence Order (PO) made by the courts. Permanence Orders are one of the key provisions of the 2007 Act, and can be used as a final destination and as a route to adoption. The number of looked after children being adopted is increasing, however, still represents a small proportion (7%) of children who cease to be looked after.

This research examined the pathways and decision making processes through the care and court systems for 200 looked after children across Scotland who went on to have direct adoptions (AO), POs, and POs with authority to adopt (POA). Information was obtained from records held by SCRA and Sheriff Courts. Decision making was explored in detail through interviews with key professionals in four local authorities and in focus groups with their Adoption & Permanence Panels. The research identifies those aspects of the 2007 Act that are working well, and raises 11 questions and suggestions for areas of improvement.

A supplementary report on the timescales in the care and permanence processes for 97 children (of the 200 in the sample) who were identified as at risk at or before birth accompanies this report¹.

Main findings

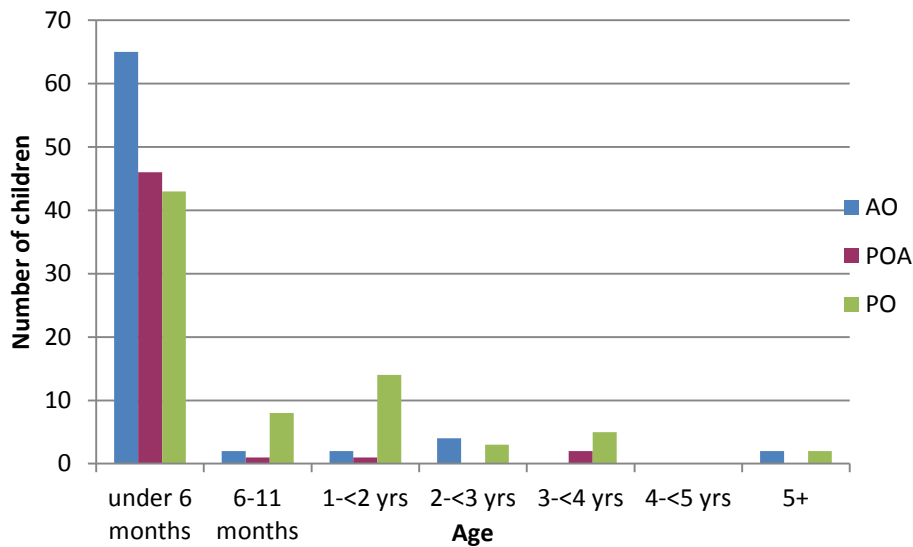
Ages at first involvement with services and Orders granted

All 200 of the children first became involved with services because of the risks presented by their parent(s), with 93% of them being referred to the Children’s Reporter on ‘lack of parental’ care grounds; 71% had been on the Child Protection Register. Overall, 66% were known to social work services at the time of their births.

The figures below show the children’s ages when they were first involved with services and their ages when the POs, POAs or direct AOs were made.

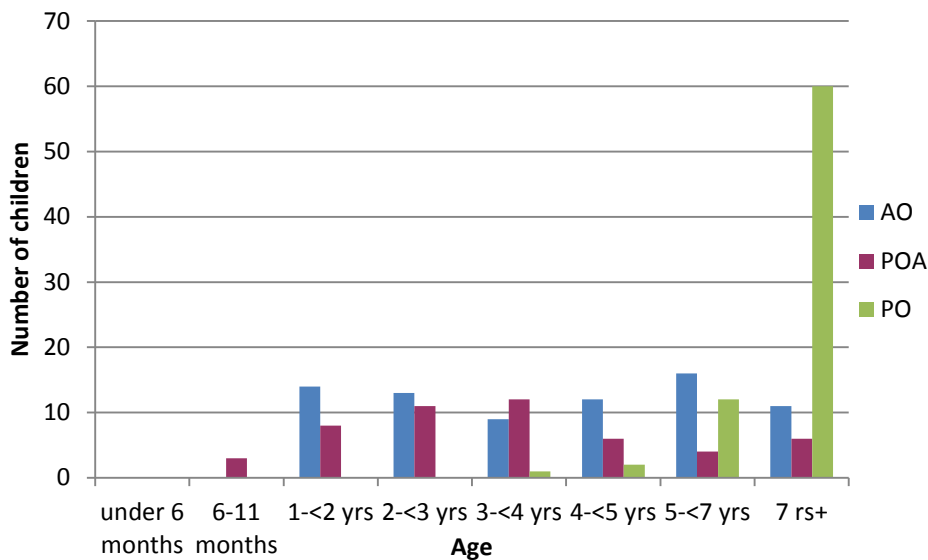
¹ SCRA (2015). Permanence Planning and Decision Making for Looked After Children in Scotland: Adoption and Children (Scotland) Act 2007. Supplementary report – Children identified as at risk at or before birth. Stirling: Scottish Children’s Reporter Administration.

Ages of children at first service involvement



n=200

Ages of children at (first) Orders made



n=200

Questions and areas for improvement

This research did find evidence of progress and that some aspects of the legislation are working well. The clearest example of this is POs (without authority to adopt). They are being used across Scotland and, as intended, to respond to children's individual circumstances. However, at the same time, the number of children on compulsory measures of supervision for 5 or more years is increasing (2,324 children in 2013-14). It is therefore likely that more children could benefit from the legal security and stability provided by POs rather than remaining in the Children's Hearings System.

1. Should a set timescale be introduced for the length of time a child can be accommodated and/or in what is intended to be long-term placement before a local authority decides to progress an application for a PO?

There are areas where the 2007 Act has been less successful. This research found that the section 95 process to move children to another placement after the PO application has been made adds a layer of complexity, is not well understood or used often, and can add delay to court proceedings.

2. There is a need to review the legal process for moving a child after a PO application has been made. This should consider if it is necessary for Children's Hearings to be involved and if there is a more straightforward legal route through the courts.

Another aspect that was found to be working well is the role of Adoption & Permanence Panels. They provide a high level of scrutiny of the evidence and plans for children's permanent placements. However, this assessment and scrutiny is not visible to Children's Hearings which, at the same time in the child's life, are making decisions around contact and where they are to live.

3. Children's Hearings need to have more information and understanding about other aspects of care and permanence planning for a child. This could be through training, improved communication, and availability of such information in reports.

Reports and evidence

The research uncovered a wider issue around the quantity of reports (and their quality) that need to be produced for Children's Hearings and court proceedings. In addition, production of curator ad litem and Reporting Officer reports did add delay to court proceedings and curators ad litem did not always seek children's views.

4. This offers an opportunity to review the numbers of different reports produced with a view to streamline them and thus to minimise the resources required in their production, and to ensure that Children's Hearings and courts have the evidence they need.

It is a requirement of the 2007 Act that a Children's Hearing be held to produce a report to the court to provide its advice on the AO or PO application. This research found that it is questionable what value this advice adds and if it is necessary for the court process.

5. There would be merit in consulting with Sheriffs on the value of the Children's Hearings advice in their decision making on adoption and PO applications.

Legal route to adoption

There were striking geographical differences between local authorities in the legal routes used for adoption. Those in the west of Scotland virtually never made applications for POAs and favoured direct adoptions, whilst the opposite was true of those in the east with very few direct adoptions. There was evidence that local

authorities involved in the PACE (Permanence and Care Excellence) programme are starting to question how they decide on the legal route to adoption.

6. There should be consideration of wider roll out of the PACE programme, and the programme itself should more closely involve local authorities' legal services teams.

Moves and placements

Seven children (4%) had lived with the same carers since birth, 22% had experienced one move and 24% two moves. Similarly, 14% of children had experienced one placement and 36% two placements. Thus, a half of the children had experienced the relative stability of few moves and placements.

Other children, however, had experienced the instability of multiple moves and placements with 26% having had five moves or more. A third had experienced rehabilitation attempts to their parent(s) (with 21 children (10%) having more than one rehabilitation attempt) all of which ultimately were unsuccessful.

Most children had lived for substantial lengths of time in one placement before being moved to their permanent one – 24% had lived in one placement for over 2 years. These findings are similar to SCRA's previous research (2011), and its conclusion is still relevant and applicable:

7. 'Some children experienced multiple moves and placements, others had the security of long-term carers before moving to their adoptive parents. Both these circumstances can impact on the development of a child's attachment to adoptive parents. There are few standards or guidance on numbers or length of placements and we should use this opportunity to discuss, consider and agree the numbers of moves and placements a child should experience which takes into account age and stage of development. Agreement and monitoring of these would allow local authorities to assess their performance in minimising them.'

Drift and delay

Timescales

This research found that it is the early stages of care and permanence planning following the child being accommodated that take the longest time in the overall process. If the stages are broken down, the longest period was between the child first being accommodated to the application to court, which for 71% of children took over 2 years. The court process from application to the Order being made for most children (63%) took less than 6 months, and for 7% it took over a year.

It was not that decisions on permanence were not being made. For most children (65%), permanence was identified within a year of them being accommodated. However, permanence was not always being considered when children were first placed on compulsory measures of supervision – only 26% of child plans considered permanence at this point. Once permanence was identified, it took varying lengths of time for children to be matched with their permanent carers or adoptive parents; for 68% it took over a year.

Guidance on the 2007 Act says that after 6 months the majority of looked after children should have a clear plan either to achieve a return home or permanent

placement elsewhere². In this study, this was met for 33% of children – in that there was less than 6 months between them being accommodated and permanence identified. However, even when permanence had been identified it was not always included in Child Plans.

There are prescribed timescales for Children's Hearings and court process. Local authorities do work to timescales set in guidance or their own policies. However, there is currently an absence of management information and monitoring performance of permanence processes in Scotland, and this may contribute to timescales in guidance not being met. Permanence data will be collected nationally in the 2016-17 Children Looked After Statistics return and will be published for the first time in 2018.

8. Is there value in Scotland introducing a similar scorecard approach to that used in England to allow monitoring and scrutiny of the permanence process for looked after children?

Role of Children's Reporters

The Children's Reporter does not have a direct role in the permanence process, but their role in deciding if a child should be referred to a Children's Hearing and in getting grounds for referral established in court can have an influence in care and permanence planning and the timescales for this.

There were 62 children where the Reporter did not decide to arrange a Hearing when they were first referred. All these children were referred again and the Reporter did decide to arrange a Hearing. For 42% this happened quickly and Hearings were held within a year of first referral, and for others it took much longer. This raises questions about what has changed in a short period of time for the Reporter to then decide that compulsory measures of supervision may be necessary.

9. Do Reporters have the evidence they need to make effective decisions the first time a child is referred?

Almost a quarter of grounds for referral took over 2 months to be established in court. It was raised in interviews that it can be difficult to progress permanence plans until grounds are established and compulsory measures of supervision are in place

10. There is a need to explore what factors lead to grounds of referral taking many months to be established to identify how these timescales can be reduced.

Children's Hearings

An issue that came across strongly in interviews and focus groups was about decisions by Children's Hearings regarding contact with birth parents. There was a view that that Hearings do not always focus on the assessments and recommendations from social work on what is best for the child, and are influenced by birth parents and their representatives. An analysis of Hearings' decisions found

² Scottish Government (2011). Guidance on the Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007. Edinburgh: Scottish Government.

that contact was being reduced as permanence plans progressed, and that it was very rare for Advice Hearings not to agree with social workers' recommendations. One possible explanation for this contradiction could be related to the Children's Hearing being the only legal recourse birth parents have to challenge, although indirectly, the permanence plans for their child before the application is made to court.

11. Is there a need to consider if birth parents should be provided with the means to legally challenge at an earlier stage the permanence plans and decision making for their child?

Overall conclusion

In terms of timescales, there has been little change since SCRA's 2011 research³ and from introduction of the 2007 Act. This supports the findings of the Care Inspectorate⁴ which concluded that there is still room for improvement nationally in the quality and application of key processes in assessing and responding to risks and needs of children and young people.

³ SCRA (2011a). Care and Permanence Planning for Looked After Children in Scotland. Stirling: Scottish Children's Reporter Administration.

SCRA (2011b). Care and Permanence Planning for Looked After Children in Scotland – Children Assessed at Risk at or Before Birth. Stirling: Scottish Children's Reporter Administration.

⁴ Care Inspectorate (2014). A report on the effectiveness of child protection arrangements across Scotland. Dundee: Care Inspectorate.

Chapter 1. Introduction

The Scottish Government's vision for permanence is:

'every child should have a stable home which offers them nurturing relationships, in order to support their wellbeing. Families should be supported to provide that home wherever possible. Where a child cannot remain with their family they should achieve a permanent home as quickly as possible with the minimum number of placements, taking account of their individual needs and views'.

Permanence has been defined as:

'a stable living situation for a child which meets his or her needs for consistent, sustainable, positive relationships, normally best achieved within a family setting' (Scottish Government, 2011a).

This research examined the planning and decision making processes for looked after children who achieved permanence through Adoption or Permanence Orders made by the Sheriff Courts.

Background

The Scottish Children's Reporter Administration (SCRA) published two reports in 2011 that explored the pathways and decision making processes through the care and court systems in Scotland for 100 looked after children from the point they were first identified at risk, to the point of adoption or permanence (SCRA 2011a,b). There has been little other research on adoption of looked after children in Scotland (Hill, 2011).

The SCRA research found that, for the majority of these children, it took more than 2 years from their first involvement with services to when they achieved permanence through Adoption or Parental Responsibilities Orders (PROs). It was the time up to decisions being made about permanence that was the main source of delay in the process.

The 2011 research only included cases that had been dealt with under the Adoption (Scotland) Act 1978 (the 1978 Act) (for Adoption and Freeing Order cases) and the Children (Scotland) Act 1995 (the 1995 Act) (for PRO cases). The provisions of the 1978 and 1995 Acts were repealed by the Adoption and Children (Scotland) Act 2007 (the 2007 Act) which came into force on 28th September 2009. Amongst other provisions, the 2007 Act introduced Permanence Orders (POs) and abolished PROs and Freeing Orders.

Following publication of SCRA's research, the Scottish Government and the Looked After Children Strategic Implementation Group (LACSIG) made a commitment to examine and improve the care planning system. The Scottish Government set out actions to address the areas of improvement identified in the research (Scottish Government, 2011b). These included improving timescales, involvement of all partners in the decision making process, ensuring that children's rights are central, a sustained increase in adoption rates, and increased use of POs. Funding

was provided to Centre of Excellence for Looked After Children in Scotland (CELCIS) to recruit a Permanence and Care Team to support local authorities to help reduce their outstanding permanence caseloads, and develop and disseminate good practice across Scotland (CELCIS, 2013).

Research aim

In 2014, the Scottish Government commissioned SCRA to carry out a follow up to its 2011 research with the aim:

To assess progress in delivering improvements in permanence processes since the implementation of the Adoption and Children (Scotland) Act 2007.

Legislation

In Scotland, the relevant legislation covering adoption and permanence are the 1995 Act, the 2007 Act and the Looked After Children (Scotland) Regulations 2009 (Scottish Government, 2011b). The key principles underpinning the legislation are:

- To give paramount consideration to the welfare of the child
- To consider the views of the child
- To avoid delay and to make the minimum necessary intervention to a child's life.

In addition, the Children's Hearings System has recently been modernised under the Children's Hearings (Scotland) Act 2011 (the 2011 Act); and the Getting It Right for Every Child (GIRFEC) agenda (Scottish Government, 2012a) is now embedded within legislation - The Children and Young People (Scotland) Act 2014 (the 2014 Act). Scotland's Adoption Register was also put on a statutory footing by the 2014 Act.

The Adoption and Children (Scotland) Act 2007

The 2007 Act was introduced to '*improve, modernise and extend adoption in Scotland and to provide greater stability for children who cannot live with their original families*' (Scottish Parliament, 2006a). It was informed by the review 'Adoption – Better Choices for Our Children' (Scottish Executive, 2005a) and a consultation on the draft Bill (Scottish Executive, 2005b). The review identified 'the problem' in adoption and permanence in the context of changing society – babies no longer being given voluntarily for adoption resulting in a group of children requiring new homes who were older and who had the experience of having been removed from their birth family. Adoption was not seen to offer the flexibility that older children might need to maintain relationships with members of their birth family; the court process was not well designed for cases which were contested; and it was thought that those potentially able to provide permanent homes to children may be different from those who wanted to adopt a baby.

There were also issues with the range and function of the Orders available for children who could not live with their birth parents. Previously:

- A Supervision Requirement (SR) made by a Children’s Hearing suspended parental rights, but did not offer long-term security to the child, and did not give rights or responsibilities to the local authority or carers.
- A PRO transferred rights to a local authority, but not to a long-term carer and therefore did not secure a child as part of a family on a permanent basis.
- A Freeing Order removed rights from birth parents and vested them in the local authority until an adoption was granted – but if it was not followed by an AO then the child was in ‘adoption limbo’.
- A Residence Order (RO) was available to secure where a child should live, but meant that carers lost their support and benefits when it was granted.

Permanence Orders

The change that is most relevant to this research is the introduction of POs and the abolition of PROs and Freeing Orders. Permanence Orders can be used as a final destination and as a route to adoption (i.e. POs with authority to adopt - POAs).

The policy intention of POs was to give increased stability for children and young people who cannot live with their birth family and be flexible enough to cater for their individual needs. This flexibility was considered important to allow the possibility of the continued involvement of the birth family in some capacity in the life of the child; and recognised that as a child gets older their birth family may have a different role in their life – in terms of contact or residence or both (Scottish Parliament, 2006a).

The PO was designed to address the problems with PROs and Freeing Orders. It allows the court to distribute parental rights and responsibilities appropriately between the birth parents, local authorities and foster or kinship carers. It allows changes or variations to be made to an Order once it is in force to reflect changes in the child’s life. It can allow greater security for a child prior to an AO - if a POA has been made; and if a child should not be adopted or adoption becomes feasible for a child at a later stage then it allows the local authority to apply for variations to the Order to reflect these changes.

Box 1. Permanence Orders – key features*

- Only a local authority can apply for a PO.
- All POs must consist of a mandatory provision and ancillary provisions.
- The mandatory provision gives the local authority responsibility to provide appropriate guidance to the child, until the child is 18 years, and the right to regulate the child’s residence.
- The ancillary measures allow the court to allocate other parental responsibilities and rights to others, for example, between the local authority, birth parents and foster carers – dependant on individual circumstances.
- The court may specify contact arrangements between the child and any other persons.
- An PO may be sought with a measure granting authority for the child to be adopted (i.e. a POA).
- POs may be revoked on application, when the court is satisfied that it is in the best interests of the child to do so.
- A child subject to a PO remains ‘looked after’ and retains their entitlement to local authority support.
- When a PO is made, any other existing Orders are revoked.

*based on Scottish Parliament (2006b).

Adoption Orders

The main changes introduced by the 2007 Act to adoption were to:

- Widen the provision and entitlement to adoption support services.
- Simplify the grounds for dispensing with parental agreement to adopt.
- Allow joint adoption by unmarried couples (including same sex couples) and adoption by single people.
- Improving the rights of access to information about adoption for adopted people and access to medical information of people involved in adoptions.
- New restrictions on bringing children into the country for adoption.

Box 2. Adoption - key features*

- Adoption is life-long.
- Adoption permanently removes parental rights and responsibilities from the birth parents and gives them to the new adoptive parent(s).
- Adoption requires parental consent unless the court considers that the parent is unable to discharge their parental responsibilities and rights and are likely to continue to be unable to do so, or the parent cannot be found, or is incapable of giving consent, or the welfare of the child requires consent to be dispensed with.
- The child must have been placed by an adoption agency with the prospective adopters.
- The child must have lived with the applicant(s) at all times in the 13 weeks preceding the AO being made, and the child must be at least 19 weeks old.
- An AO cannot be made unless the child, if aged 12 years or more, has given their consent (unless the court is satisfied that the child is incapable of consenting to the Order).
- An AO can be made in respect of a child who is subject to a PO or by direct application.
- Once a child has been adopted, they are no longer considered to be 'looked after'.
- When an AO is made, any other existing Orders (e.g. SRs or CSOs) are revoked.

*based on Smith, Stewart and Stobie (2011).

Planning for permanence

When a child becomes looked after, Scottish Government guidance (2011b) recommends planning for various options:

'From the outset in every case, there should be active consideration of the purpose of a child becoming looked after and of the possible outcomes. In its broadest interpretation, 'permanence planning' should cover all options, with the aim of a stable living situation for a child and one which meets his or her needs for consistent, sustainable positive relationships, normally within a family setting. The normal point for the local authority is assumed to be the maintenance of the child within, or the restoration of the child to, the birth parents and failing that to the kinship network, unless it is clear that this is contrary to the best interests of the child. Planning should therefore take account of various possible options, at/or returning home or away from home. Models of twin tracking⁵ should be considered.'

The guidance on the 2009 Regulations envisages a situation where after 6 months the majority of looked after children should have a clear plan either to achieve a return home or permanent placement elsewhere (Scottish Government, 2011b). If a child has not returned home by this stage or if significant progress towards that has

⁵ Also known as parallel planning or concurrent planning

not been achieved by their parents, the Looked After Child (LAC) Review should consider whether a plan for permanence away from home is required.

Where a child cannot be rehabilitated to their parents, one option is adoption. However, the guidance emphasises that alternatives to adoption must be considered, with the long-term alternative to parental care or adoption being a PO.

The decision to consider the permanent placement of a child might be made by a senior social work manager or a permanence planning meeting. A reference is made to the Adoption & Permanence Panel which makes a recommendation either for adoption, for a PO, or a POA. This recommendation goes to the Agency Decision Maker. If the child is subject to a SR/CSO, a referral is also made to the Children's Reporter to get the advice of a Children's Hearing. The application is then lodged in court (Scottish Parliament, 2012). The stages and timescales for the court processes for AOs and POs are set by the 2007 Act and the Act of Sederunt (Sheriff Court Rules Amendment) (Adoption and Children (Scotland) Act 2007) 2009, and are summarised in Appendix 1.

Trends in adoption and permanence

There are a variety of routes by which permanence can be secured for looked after children: AOs, POs (with or without authority to adopt), and ROs (or, from April 2016, Kinship Care Orders) made by the courts. In addition, compulsory measures of supervision made by Children's Hearings can maintain a child outwith their parents' care (in some cases for many years) but without the stability and legal security of Orders made by the courts. Information on the numbers of AOs, POs and ROs made is published, and is more limited for children who were looked after.

Adoption

In 2013, 489 children were adopted in Scotland - 373 by non-relative(s) (including three foreign adoptions), 97 by step-parent(s), four by grandparents and 15 by other relative(s) (General Registrar for Scotland, 2014).

The 2007 Act was implemented on 28 September 2009. The numbers of adoptions since 2008 are shown in Table 1. If it is assumed that the majority of children adopted by non-relatives were once looked after, then there was an 18% increase in the numbers of these children being adopted between 2009 (when the 2007 Act was implemented) to 2013.

Table 1. Numbers of children adopted 2007 to 2013

Year	Number of children adopted		% children adopted by non-relative(s)
	By non-relatives	Total children	
2007	289	441	66%
2008	281	418	67%
2009	316	455	69%
2010	325	466	70%
2011	352	496	71%
2012	333	495	67%
2013	373	489	76%

(General Registrar for Scotland, 2008, 2009, 2010, 2011, 2012, 2013, and 2014)

The number of children who ceased to be looked after because they had been adopted is published in the Scottish Government's Children's Social Work Statistics

(2014b, 2015) (Table 2). Again there is a pattern of an increase in the number of looked after children being adopted from 204 children in 2009 to 337 children in 2014 – i.e. a 65% increase. However, looked after children who went on to be adopted still represented a small minority of children who ceased to be looked after (i.e. 7.2% in 2014).

Table 2. Numbers of children ceasing to be looked after by adoption 2007 to 2014

Year	Number of children who ceased to be looked after		%
	By adoption	Total	
2007*	133	4,144	3.2%
2008*	137	4,513	3.0%
2009*	204	4,394	4.6%
2010**	218	4,504	4.8%
2011**	264	4,611	5.7%
2012**	272	4,768	5.7%
2013**	297	4,722	6.3%
2014**	337	4,676	7.2%

* At 31 March; ** At 31 July.

Permanence Orders with authority to adopt

The number of POAs initiated and granted is published in the Scottish Government's Civil Law Statistics (2010, 2011, 2012, and 2014b). There has been an upward trend in the numbers of POAs being granted by the Sheriff Courts (Table 3).

Table 3. Numbers of Permanence Orders with authority to adopt 2008-09 to 2012-13

Year	Number of POAs initiated	Number of POAs granted
2008-09	158*	136
2009-10	185*	129
2010-11	220	135
2011-12	292	206
2012-13	287	230

*Includes both Freeing Orders under 1978 Act and POAs under 2007 Act.

Permanence Orders

The numbers of children looked after by means of POs are published in the Scottish Government's Children's Social Work Statistics (2014, 2015). At 31 July 2014, there were 15,580 looked after children in Scotland - for 1,251 the legal basis of this was a PO, for 201 a POA, and 37 had been freed for adoption⁶. This represents increases from the previous year (Table 4).

Table 4. Numbers of children looked after under Permanence Orders and Permanence Orders with authority to adopt

Year	Legal basis for being looked after – number of children			Total LAC
	PO	POA	Freed for adoption	
2013	1,119*	183	37	16,032
2014	1,251**	201	37	15,580
% increase	12%	10%	n/a	

* Includes 152 PROs; ** Includes 97 PROs

⁶ 1978 Act

Residence Orders

Children can also achieve permanence through ROs made by the courts under section 11(2)(c) of the 1995 Act:

'The court may make an order regulating the arrangements as to (i) with whom; or (ii) if with different persons alternately or periodically, with whom during what periods a child under the age of 16 years is to live.'

The numbers of ROs are published in the Scottish Government's Civil Law Statistics (2010, 2011, 2012, and 2014). There was a 62% increase in the numbers of ROs made between 2008-09 and 2012-13 (Table 5).

Table 5. Numbers of Residence Orders 2008-09 to 2012-13

Year	Number of ROs made by Sheriff Courts
2008-09	341
2009-10	387
2010-11	430
2011-12	493
2012-13	533

There is no information available on how many of these children were once looked after.

An analysis was carried out by SCRA on the reasons why children on home SRs had these terminated⁷. It followed the 112 children aged under 3 years old and on home SRs on 1 April 2013 and who had their SRs terminated between 31 March and 31 December 2014. The reason why 19 of these children (17%) had their SRs terminated was because ROs had been made, usually for the children to live with relatives or their fathers.

The 2014 Act introduced Kinship Care Orders (section 72). These will apply, from April 2016, where ROs have made by the courts under section 11 of the 1995 Act, and where the qualifying person is a relative of the child or a friend of a relative of the child (it does not include parents).

Children on compulsory measures of supervision for five and more years

The number and proportion of children on compulsory measures of supervision for 5 or more years has increased. This is against a trend of decreasing numbers of children on compulsory measures of supervision (Table 6)⁸.

⁷ SCRA (2015 - unpublished). From data produced for Scottish Government on children <3 years old on SRs at home.

⁸ SCRA (2015 - unpublished). From data produced for Scottish Government on children on Supervision Requirements for 5+ years.

Table 6. Trends in numbers of children on Supervision Requirements for 5+ years

Year	Number of children on SRs		% children on SRs for 5+ years
	For 5+ years	Total	
2008-09	2,095	13,504	15.5%
2009-10	2,153	13,809	15.6%
2010-11	2,135	13,449	15.9%
2011-12	2,194	13,067	16.8%
2012-13	2,323	12,459	18.6%
2013-14	2,324	11,390	20.4%

There was an 8% increase in numbers of children on compulsory measures of supervision for 5 and more years since the first full year of the introduction of POs in 2010-11 (2,135 children) to 2013-14 (2,324 children) (Table 6).

Previous research by SCRA (2012) found that after 5 years, 61% of children on SRs either had permanence proceedings underway or had been in the same placement (away from home) for at least 5 years.

Chapter 2. Methods

This research used both quantitative and qualitative methods.

1. The quantitative part of the research was the extraction, collation and analysis of information from the records held by SCRA and Sheriff Courts on 200 children.
2. Decision making was explored in detail through interviews with key professionals in four local authorities and in focus groups with their Adoption & Permanence Panels.
3. A survey of Children's Panel Members was carried out to gain their views on the role of Advice Hearings in PO and AO applications and their preparedness for providing advice to the Sheriff.

Quantitative methods

Ethical considerations

Court records

Adoption proceedings are confidential. Once an AO has been granted by the Sheriff and communicated to the Registrar General for Scotland, the court process records must be sealed for 100 years and not made accessible to any person (except the adopted person once they are 16 years old). For POAs, the court process records are also sealed. However, there are exceptional circumstances where court records may be accessed. One of these is where Scottish Ministers have authorised access for research purposes where the research is intended to improve the working of adoption law and practice⁹. The Minister for Children and Young People granted SCRA this authorisation on 14 May 2014, and SCRA received the Lord President's permission on 16 May 2014. The six Sheriffs Principal also granted their approval for SCRA to access court records in their Sheriffdoms for the purposes of this research.

Court processes for POs are not sealed or subject to the same requirements for authorisation for access as AOs or POAs. However, SCRA also requested and was granted permission from the Minister, Lord President and Sheriffs Principal to access court records on POs.

Confidentiality

The information extracted from court records and SCRA case files was held electronically and securely on encrypted laptops or in an electronic folder accessible only by members of the research team. No names or identifying information of any child or person related to the child's case were recorded. Thus the data extracted were not identifiable.

⁹ For cases under the 2007 Act, rule 25(2)(e) (adoption) and rule 39(3)(e) (POA) of the Act of Sederunt (Sheriff Court Rules Amendment) (Adoption and Children (Scotland) Act 2007) 2009 in the Sheriff Court; and Act of Sederunt (Rules of the Court of Session 1994) 1994, rule 67.21(2)(e) (adoption) and rule 67.33(3)(e) (POA).

Where case studies are included, to preserve confidentiality, some details have been changed and the names used are pseudonyms. Timescales and decisions have not been changed.

The five members of the research team have Enhanced Disclosure Scotland clearance.

Information sources

SCRA holds information on looked after children who are defined as looked after by reason of a SR (or a Child Protection Order or a CSO¹⁰). This information is held in paper case files (up to April 2013) and in SCRA's electronic case management system (CMS) which was introduced in April 2013. SCRA's case files and CMS contain reports from social work, police and other agencies as well as all the referrals and decisions made by Reporters and Children's Hearings and associated statutory documents. They provide a comprehensive record of the child's case from when they first came to the attention of services. However, for children who are adopted or have POs or POAs, SCRA only holds information on Children's Hearings processes. It is the individual Sheriff Courts who hold records of how the children's cases have progressed from when the PO/POA or AO applications were made to the Orders being granted.

SCRA and the individual Sheriff Courts were the two sources of information used in this research for the examination of the histories of looked after children. Local authorities also hold records on the looked after children that they are/were responsible for. These records were not accessed for this research as this would have required seeking and obtaining permission from each of the 32 local authorities in Scotland. The exception was for the cases where the researchers were unable to trace the POA through to granting of the AO where this is made in a different Sheriff Court to that granting the POA. This information is not held by SCRA and the court processes are sealed and held separately; however this information is held by local authorities. The Scottish Government's Director of Children and Families wrote on 2nd October 2014 to the Heads of Service in all local authorities to ask them to assist SCRA by providing the dates when the adoption applications were made and AOs granted or if a decision was made not to proceed to the adoption, for those cases that SCRA was unable to trace from POA to AO. Seven local authorities responded and, from the information two of them provided, timescales from POA to AO on nine cases were obtained.

Sample

There is no centrally held information on looked after children in Scotland who have had PO/POAs and AOs made. This made identifying the children for this research a complex process.

Information is held centrally by the General Registrar for Scotland¹¹ as part of its responsibilities for the registration of Adoption Orders¹², and is only available in an

¹⁰ Children's Hearings (Scotland) Act 2011, in force since June 2013.

¹¹ Since September 2014, National Records of Scotland

aggregated and anonymised form (due to its confidentiality); it does not include POs or indicate whether children were previously looked after. The other central source of information is the Scottish Government (2014a) which collates information from local authorities on looked after children including if they were looked after under a PO; and numbers of children who ceased to be looked after by adoption. It also collates information from the courts on the numbers of AO and POA applications (2014b).

Identifying the sample

The 200 cases in the sample were children whose SRs were terminated in 2013-14 and where a Children's Hearing had been held related to adoption or permanence. This allowed identification of children who were likely to have been adopted or had some other form of permanence. Supervision Requirements are terminated when AOs or POs are made by the Sheriff. This approach also allowed for inclusion of cases that had taken various times to complete.

Records on SCRA's CMS and Data Warehouse were searched to identify those children whose SRs had been recorded as terminated in 2013-14 and where at some point from 1 April 2011 there had been an Advice Hearing to provide advice to the Sheriff on permanence or adoption. In many cases, a letter from the court or a copy of the PO (with or without authority to adopt) was held in CMS. This allowed identification of the courts where most of the Orders were made. It did not identify the courts where an AO had been made following a POA (see above – page 24).

This process identified 293 children who had had a PO, POA or direct AO made in 2013-14 and their SRs terminated. And a further three cases where ROs were granted to kinship carers.

The sample of 200 children was selected at random from 290 of the 293 cases. Two cases were excluded as the children had been adopted in England, and the researchers would not have access to these records. One case was excluded as it had proceeded with the AO being made under the 1978 Act.

Information collection

All information collected was recorded against a defined set of variables (criteria). These were developed from those used in the previous SCRA research, and from discussions with Scottish Government on the changes introduced by the 2007 Act and on the role of Children's Hearings in the permanence process. Information collected focused on when there were first concerns about the child as well as the number and types of placements they had had throughout their life, decision making, and the permanence process from start to end. This allowed the timeline to be followed through all stages from when the child was first identified as at risk to when the AO or PO was made (see Appendix 2 for research variables).

The research variables were first piloted on seven cases from information held by SCRA. These seven cases were not then included in the sample.

Information was collected from SCRA's CMS and case files between June to November 2014 and from court records from August to December 2014.

¹² Schedule 1 Adoption and Children (Scotland) Act 2007.

Information was recorded and analysed using MS Excel.

Information from SCRA records was obtained about children from the local authority areas:

Aberdeen, Aberdeenshire, Angus, Argyll & Bute, Dumfries & Galloway, Dundee, East Ayrshire, East Dunbartonshire, East Lothian, Edinburgh, Falkirk, Fife, Glasgow, Highland, Inverclyde, Midlothian, North Ayrshire, North Lanarkshire, Perth & Kinross Renfrewshire, South Ayrshire, South Lanarkshire, Stirling, West Dunbartonshire, and West Lothian.

Information was also obtained from the records held by Sheriff Courts¹³ in: Aberdeen, Airdrie, Alloa, Ayr, Banff, Dundee, Dingwall, Dumbaron, Dumfries, Dunfermline, Dunoon, Edinburgh, Elgin, Falkirk, Forfar, Fort William, Glasgow, Greenock, Haddington, Hamilton, Inverness, Kilmarnock, Kirkcaldy, Lanark, Livingston, Oban, Paisley, Perth, Peterhead, Portree, Stirling, Stranraer, Tain, and Wick.

A supplementary report on the timescales in the care and permanence processes for 97 children (of the 200 in the sample) who were identified as at risk at or before birth accompanies this report (SCRA, 2015a).

Interviews and focus groups

Four local authorities agreed to be involved in the research: Aberdeen City Council, Dundee City Council, Perth & Kinross Council, and Inverclyde Council. This gave a geographical spread of urban and rural areas, and also of local authorities which tend to seek POAs before AOs and those which tend to support direct AOs (i.e. without POAs) (see Chapter 11).

Interviews

All participants consented in advance to be interviewed (Appendix 3 for consent form). Interviews were semi structured and most were carried out face to face. One interview was carried out over the telephone and four people asked to complete the interview schedule as a questionnaire – and were willing to have a follow up telephone conversation if required to clarify any issues or details. Interviews were recorded and transcribed, and analysed thematically.

The interview questions were developed in consultation with the Scottish Government and CELCIS and are at Appendices 4 and 5.

LAC Reviewing Officers and their managers, social workers and managers, and local authority solicitors and managers were interviewed. A total of 17 individuals took part in the interviews. In addition, five members of a Permanence Team took part in a separate focus group.

Interviews were conducted between December 2014 and March 2015.

¹³ Dingwall and Haddington Sheriff Courts have since closed.

Focus groups

Four focus groups were carried out with Adoption & Permanence Panels. These took place either immediately before or after scheduled meetings of the Panels. All participants gave their consent to take part prior to the start of the focus groups.

Focus group discussions were transcribed, and analysed thematically. A total of 33 members of Adoption & Permanence Panels took part in the four focus groups: 11 – Inverclyde; nine – Dundee; seven - Aberdeen; and six - Perth & Kinross.

The focus group topics were developed in consultation with the Scottish Government and CELCIS and are at Appendix 6. Two case studies were used to facilitate discussion and these are at Appendix 7.

Focus groups were carried out between January and March 2015.

Children’s Panel Members’ survey

The survey was carried out using Survey Monkey, and was accessible to Panel Members *via* CHIRP (Children’s Hearings Information & Resource Portal). The survey ran throughout November and December 2014, and 23 Panel Members took part. The survey questions are at Appendix 8.

Chapter 3. Children’s backgrounds and risks

Children’s characteristics

Gender: - 99 are female and 101 are male.

Table 7. Year child was born

Year of birth	Number of children	Year of birth	Number of children
1997	1	2006	12
1998	3	2007	15
1999	3	2008	21
2000	10	2009	15
2001	12	2010	24
2002	9	2011	32
2003	7	2012	11
2004	13	2013	1
2005	11		

N=200

Religion – Thirty seven children were recorded as being Christian; one as Buddhist; 59 as no religion; and this was not stated for 103 children.

Ethnicity – One hundred and seventy nine children (90%) were recorded as ‘White – English/Welsh/Scottish/Northern Irish/British’; five as ‘Mixed – Other’, three as ‘Mixed – White and Asian’; one as ‘Mixed White and Black African’; and for 12 this was not stated. This is similar to all looked after children – 89.5% of whom are ‘white’ (Scottish Government, 2015).

Disability – Twenty seven children (14%) were recorded as having a disability (Table 8); 131 (66%) children were recorded as having no disabilities; and for 42 (21%) this information was not known/recorded. This is similar to all looked after children – 13% have a disability, 73% have no disabilities, and for 14% this is not known/recorded (Scottish Government, 2015).

Table 8. Children with disabilities

Disability	Number of children
Multiple disabilities	7
Learning disability	5
Social, emotional and behavioural difficulties	5
Specific learning disability	3
Language and communication disorder	2
Other chronic illness, disability	2
Physical or motor impairment	1
Autistic spectrum disorder	1
Visual impairment	1
Total	27

Parent(s)’ backgrounds

Reports often contained information on parents' backgrounds and whether they themselves had been looked after and accommodated as children.

There were at least 110 children (55%) who had one or both parents who had experienced being looked after away from home themselves as children. This was 87 mothers (44%) and 63 fathers (32%). Forty children (20%) had parents who had both been looked after and accommodated themselves as children¹⁴.

Siblings

For the purposes of this research, siblings were defined as full siblings and half siblings, and step siblings whom the child had some contact or relationship with.

One hundred and seventy five children (88%) have siblings. Most of them (164, 94%) have siblings who were also accommodated, and/or were adopted and/or had some other form of permanence. One hundred and fifty six children (89%) were separated from at least one of their siblings. The pattern of sibling placements is complex and is summarised in Table 9.

Fifty nine children (36%) were in permanent or adoptive placements with their sibling(s), however, 40 of these children were also separated from other siblings who were accommodated or with different permanent or adoptive families.

For 26 children (16%), at least one of their siblings had been adopted or placed permanently before the child was born.

Table 9. Children with siblings – sibling placements

Sibling(s):	No. of children
Accommodated	69
Permanence/adopted at the same time as child by different people	60
Permanence/adopted by same people as child	59
Permanence/adopted before child was	35
Permanence/adopted before child born	26
Total children with siblings permanence or accommodated	164*

*The sum does not equal the total as some children had siblings in different types of placements

Children's backgrounds

Information about the backgrounds of the children before being looked after away from home was examined to identify the types of risks the children had been exposed to. The recorded risks were then put into five categories based on the Scottish National Risk Framework to Support the Assessment of Children and Young People (Calder, McKinnon and Sneddon, 2012) (Table 10).

¹⁴ These are likely to be underestimates as information on parents' (particularly fathers') backgrounds was not always available.

Table 10. Risk framework

Risk categories (number of children)*				
Parent's history	Parent's substance misuse	Child's health	Lived experience/ environment of child	Child's relationships
young parent (8)	alcohol (40)	premature (12)	poor home conditions (22)	non accidental injury (19)
previous removal of other children/social work involvement (164)	drug (54)	foetal alcohol spectrum disorder/risk (8)	chronic neglect/emotional abuse (105)	attachment issues (15)
homelessness (16)	heroin (22)	neonatal abstinence syndrome (24)	child hungry/tired (9)	poor supervision (9)
domestic violence (50)	other illicit drug (11)	head lice (5)	child dirty (10)	death of a parent (8)
depression (8)	methadone (3)	skin infections (4)	missing school /nursery (8)	other mental illness (of child) (1)
other mental illness (of parent or in family) (21)		malnourished (3)	failure to thrive (3)	sexual abuse/sexualised behaviour/contact with sex offender /victim (22)
aggression/ violence (19)		possible developmental delay (32)		child abandoned (8)
volatile behaviour (18)		behavioural difficulties (25)		parent(s)/family criminality/ associations (30)
suicide attempted by parent (3)		delayed development (35)		
parent(s) learning difficulties/parent(s)/vulnerable adults/ isolation (13)				
200 children (100%)	72 children (36%)	88 children (44%)	120 children (60%)	74 children (37%)

* Where recorded – therefore may be underestimates of types of risk and numbers of children affected.

Most children had been exposed to multiple risks in their parent(s)' care. All of the children had risks associated with their parent's history, most commonly that siblings had been removed (82%, 164 children) and domestic violence (25%, 50 children). Most children had experienced risks associated with their lived experience or environment (60%, 120 children), 44% (88 children) with their own health and development, and relationships (37%, 74 children).

Substance misuse by parents could also be a source of risk (36%, 72 children) - for 54 children (27%) parental drug use was a concern, and 40 children (20%) had parent(s) who misused alcohol.

The most common single lived experience risk factor was chronic neglect/emotional abuse which 105 children (52%) had experienced.

Some risk factors had affected children before birth, such as a mother's drug use during pregnancy resulting in neonatal abstinence syndrome (12%, 24 children).

Other health-related risks became evident later: 35 children (18%) had delayed development, 32 (16%) were considered to have possible or likely developmental delay, and 26 (13%) had behavioural difficulties.

The final risk category was about the child's relationships and experiences. Thirty children had parents or family members with criminal behaviour or such associations. Twenty two children (11%) had been the victim of sexual abuse/ displayed sexualised behaviours/had contact with a sex offender or a victim of a sexual offence. Nineteen children (10%) had been victims of non-accidental injury.

Chapter 4. Overall Timescales

This chapter presents the overall timescales across the key points in the lives of the children in this research. The different Orders are presented to examine if there are any similarities or differences in timescales. The following chapters then examine the processes and decision making behind these timescales in detail.

Case studies are provided at the end of this chapter to illustrate children's different journeys through the whole care and permanence processes.

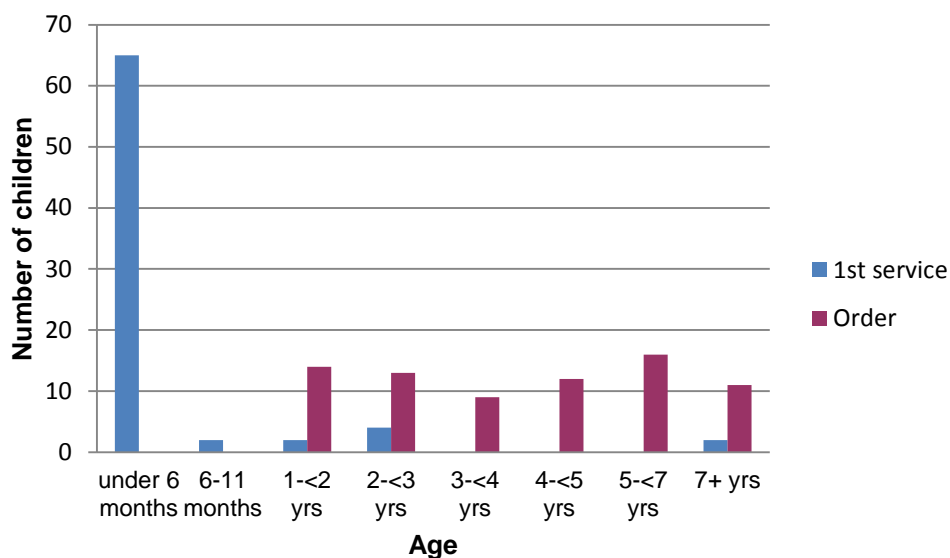
Age when child first involved with services and age when Order made

For the purposes of this research first service involvement is defined as the point when there was a service response to the risks identified for the child (or the unborn child).

Direct Adoption Order

The age of the child at first service involvement and their age when the direct AO was made is shown in Figure 1.

Figure 1. Age at first service involvement and age at Adoption Order (direct)



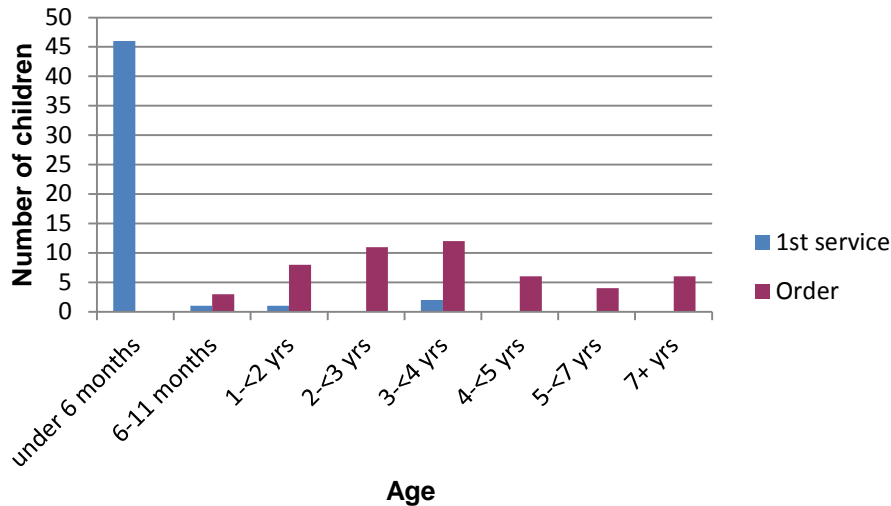
n=75

The majority of children who went on to be directly adopted, were involved with services before they were 6 months old (87%, 65 children). All were over one year old before they were adopted. Almost half (48%, 36 children) were between one and 4 years old, and 52% (39 children) were over 4 years old when their AOs were made (the oldest was 14 years old).

Permanence Order with authority to adopt

The age of the child at first service involvement their age when the POA was made is shown in Figure 2.

Figure 2. Age at first service involvement and age at Permanence Order with authority to adopt



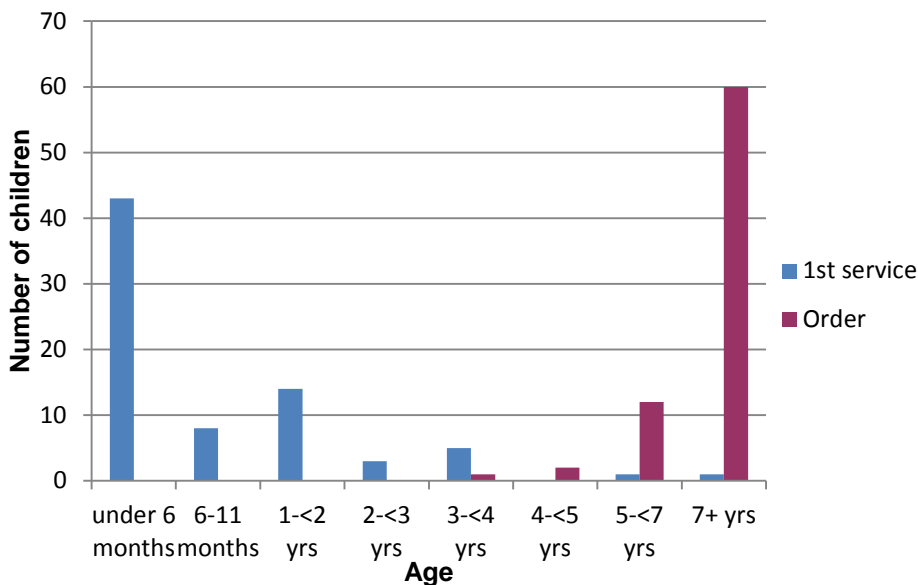
n=50

Almost all (92%, 46 children) who went onto have POAs made were under 6 months old when they were first involved with services. Three children (6%) had POAs made before they were one year old, and the youngest was 7 months old. Most (68%, 34 children) were under 4 years old when the POAs were made, and 32% (16 children) were over 4 years old (the oldest was 10 years old).

Permanence Order

The age of the child at first service involvement and their age when the PO was made is shown in Figure 3.

Figure 3. Age at first service involvement and age at Permanence Order



n=75

Over half (57%, 43 children) who went on to have POs made were under 6 months old when they were first involved with services. There were two children (3%) who were over 5 years old when they first had service involvement. The child who was youngest when their PO was made was 3 years old (1%). All others (99%, 74 children) were over 4 years old when their POs were made (the oldest was 16 years old).

Key timescales

Time between first service involvement and permanence identified

Table 11 shows the timescales between first service involvement and permanence first being identified for the child. 'Permanence identified' is defined, for the purposes of this research, as when it was first recorded that permanence should be considered for a child. This was usually in Child Plans or social work reports, LAC Reviews, CPCCs, permanency planning meetings and other types of multi-agency meetings.

Table 11. Time between first service involvement and permanence identified

Time taken	direct AO	POA	PO	Total
Under 6 months	16	6	2	24
6-11 months	21	9	8	38
1- <2 years	18	13	4	35
2- <3 years	8	8	14	30
3- <4 years	6	4	5	15
4- <5 years	4	7	11	22
5 years and over	2	1	30	33
Total children	75	48	74	197

For almost a half of children (49%, 37 children) who went on to be directly adopted permanence had been identified within a year of service involvement. This was lower for children who went on to have POAs (31%, 15 children), and there were few PO children (14%, 10 children) who had permanence identified within a year of service involvement. Conversely, it took at least 5 years for 2% of children who went on to have direct AOs (two children) or POAs (one child), and 40% (30 children) of those who subsequently had POs.

Time between permanence identified and (first) Order granted

Table 12 shows the timescale between when permanence was identified for the child and the Order made. Again this stage took longer for more children who were granted POs than those who went on to have direct AOs and POAs. For 45% of those who went on to have direct AOs (34 children) and 64% of those who went on to have POAs (30 children) there was less than a year between permanence being identified and the Order being made. There were seven children (9%) who went on to have POs, where this took less than a year, and for over a third (38%, 28 children) it took more than 5 years.

Table 12. Time between permanence identified and Order granted

Time taken	direct AO	POA	PO	Total
Under 6 months	0	3	0	3
6-11 months	1	6	0	7
1- <2 years	33	21	7	61
2- <3 years	14	15	19	48
3- <4 years	11	2	10	23
4- <5 years	6	0	10	16
5- <7 years	8	0	15	23
7 years or more	2	0	13	15
Total children	75	47	74	196

Time between first service involvement and application to court

Most children were involved with services for more than 2 years before the applications to court were made for the Orders (Table 13): – 75% (55 children) where the application was for a direct AO; 71% (34 children) where this was for a POA; and 100% (73 children) where this was for a PO. The longest time any of the children were involved with services before the application was made was almost 15 years (this was one PO case).

Table 13. Time between first service involvement and application to court

Time taken	direct AO	POA	PO	Total
Under 6 months	2	0	0	2
6-11 months	0	2	0	2
1- <2 years	16	12	0	28
2- <3 years	19	14	3	36
3- <4 years	9	7	3	19
4- <5 years	6	3	4	13
5- <7 years	13	7	10	30
7 years or more	8	3	53	64
Total children	73	48	73	194

Time between first service involvement and Order granted

The length of time that children were involved with services before their Orders were made is shown in Table 14. This was over 2 years for all the 75 children where POs were made, 88% with AOs (66 children) and 82% with POAs (41 children).

Table 14. Time between first service involvement and Order granted

Time taken	direct AO	POA	PO	Total
Under 6 months	0	0	0	0
6-11 months	2	2	0	4
1- <2 years	7	7	0	14
2- <3 years	17	12	1	30
3- <4 years	16	12	3	31
4- <5 years	8	6	4	18
5- <7 years	15	7	10	32
7 years or more	10	4	57	71
Total children	75	50	75	200

Time between first accommodated and permanence identified

For most (74%, 91 children) who went on to have direct AOs and POAs and for 49% (36 children) of PO cases permanence was identified within a year of them being first accommodated (Table 15).

Table 15. Time between first accommodated and permanence identified

Time taken	direct AO	POA	PO	Total
Under 6 months	32	20	13	65
6-11 months	24	15	23	62
1- <2 years	11	7	14	32
2- <3 years	4	4	7	15
3- <4 years	3	2	8	13
4- <5 years	1	0	1	2
5- <7 years	0	0	5	5
7 years or more	0	0	2	2
Total children	75	48	73	196

Time between first accommodated and application to court

All of the children, except for seven (4%) where the application was for a POA, had been accommodated for at least a year before the application to court (Table 16).

Table 16. Time between first accommodated and application to court

Time taken	direct AO	POA	PO	Total
Under 6 months	0	2	0	2
6-11 months	0	5	0	5
1- <2 years	24	22	2	48
2- <3 years	23	11	16	50
3- <4 years	9	5	4	18
4- <5 years	3	1	6	10
5- <7 years	7	2	16	25
7 years or more	7	0	27	34
Total children	73	48	71	192

Time between first accommodated and Order granted

As would be expected from the above, the majority (except for four children, 2%) had been accommodated for at least a year before their Orders were made (Table 17).

Table 17. Time between first accommodated and Order granted

Time taken	direct AO	POA	PO	Total
Under 6 months	0	0	0	0
6-11 months	0	4	0	4
1- <2 years	15	17	0	32
2- <3 years	22	13	5	40
3- <4 years	15	9	14	38
4- <5 years	8	5	9	22
5- ,7 years	8	2	16	26
7 years or more	7	0	29	36
Total children	75	50	73	198

Case study 1. Overall timescales – direct adoption

Charlie

Before he is born, a Child Protection Case Conference (CPCC) decides that he can't be cared for by his parents due to their lifestyles and neglect of his older siblings, all of whom have already been adopted. A Child Protection Order is made when Charlie is born and he is placed from hospital with foster carers.

When he is 3 days old, another CPCC recommends that permanent care should be considered. Four weeks later, a LAC review meeting recommends that adoption should be pursued.

An Adoption & Permanence Panel is held when Charlie is one year old. It recommends adoption. Prospective adoptive parents have been found and after matching, a Children's Hearing varies Charlie's SR so that he can be moved to live with them. It also terminates contact with his birth parents. He is 14 months old.

The adoption petition is lodged at the Sheriff Court two months later. The court process takes 4 months. Charlie is 20 months old when the Adoption Order is made.

Case Study 2. Overall timescales – Permanence Order with authority to adopt to Adoption Order

Patrick

Two months before he is born a CPCC decides that Patrick should not be placed in his mother's care due to her drug addiction, homelessness and neglect of his older siblings. His mother agrees that he can be placed with foster carers after he is born. Social work refer Patrick to the Reporter and a Children's Hearing is held when he is two months old.

When he is 4 months old he is registered as a child in need of adoption, and a month later he is moved from his foster carers to his prospective adoptive family who have already adopted one of his older siblings. A Hearing varies his SR to his new carers.

The local authority's application for a POA is made when Patrick is 7 months old, and is granted by the Sheriff within 3 months.

Patrick's adoptive parents lodge application for an AO three months later. When the AO is made, Patrick is 18 months old.

Case Study 3. Overall timescales – Permanence Order

Natalie

When she is one year old a neighbour phones the social work department to raise concerns about the conditions that Natalie and her older siblings are living in. Social workers visit and Natalie's parents agree that they will accept help to improve the cleanliness and safety of their home.

Home conditions start to deteriorate, and social work decide to refer the children to the Reporter, and a CPCC places Natalie on the CPR under category of physical neglect. A Children's Hearing is held, and grounds are established 3 months later. The next Hearing makes a SR at home. Natalie is four years old.

Within weeks of the SR being made, the home situation deteriorates again and Natalie's parents agree that she can be moved to live with foster carers on a voluntary basis. At her next Hearing, her SR is varied to foster carers. Six months after being placed in foster care, a Parenting Assessment concludes that Natalie should not be returned to live with her parents. She is 5 years old.

One year later, when Natalie is 6 years old, she is registered as a child in need of permanent foster care and is moved to foster carers whom she has been matched to. A Hearing reduces contact with her parents to once a month supervised by social work.

After a year with her permanent foster carers, Natalie asks to see her parents less. This is considered at a Hearing which does not reduce the level of contact.

At the next annual review of her SR, the Hearing reduces contact to four times a year. Natalie is 8 years old.

Nine months after this Hearing, the Adoption & Permanence Panel consider whether to recommend permanence. It asks for more evidence and does not make a recommendation at this time.

After 18 months, when Natalie is 10½ years old, another Adoption & Permanence Panel meeting recommends that the local authority should apply for a PO for Natalie to remain with her foster carers. Three months later a Hearing terminates contact. Natalie hasn't seen her parents for over a year and tells the Hearing that she doesn't want to see them.

The PO is made when Natalie is 11 years old. It allows for letterbox contact with her parents on her birthday and at Christmas.

Chapter 5. Care Planning

First involvement with services

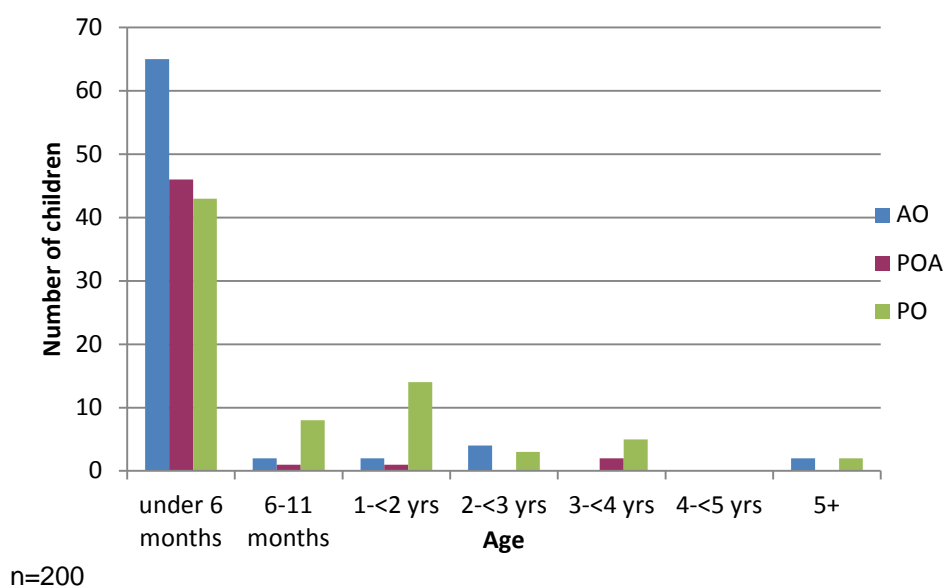
For the purposes of this research, first service involvement is defined as the point when there was a service response to the risks identified to the child (or the unborn child).

A variety of services first responded when concerns were raised about children. From the data available (on 198 children), the service most often first involved was social work - this was in 77 cases (39%). For 56 children (34%) the first service involved was a health service, for 29 children (15%) a CPCC, and for a further 29 children (15%) it was the police. For a small number it was third sector organisations (2%, four children) and education services (2%, three children) who first acted on concerns raised.

Concerns were first raised with services for a number of reasons and by different sources. This most common concerns that initiated service involvement were as follows: the mother's behaviour, health and/or substance misuse during pregnancy; the next reason was that social work were already involved with the family and older siblings; thirdly, parental behaviour or offending raised police concerns that children were at risk; and, fourth, the child's health or non-accidental injury prompted service response. Concerns were also raised by members of the public – seven were anonymous calls to social work or the police, five were by relatives and two by neighbours and, in addition, two parents raised concerns about their own children.

The ages of the children at the point of first service involvement are shown in Figure 4.

Figure 4. Ages of children at first service involvement



The most common age group at first service involvement was under 6 months old. In total, 154 children (77%) were in this group, with 65 children (87% of 75) later going on to have an AO, 46 children (92% of 50) a POA, and 43 children (58% of 75) a PO. The ages of children at first service involvement were most spread out for those who later went on to receive a PO.

Age and assessment of risk

Overall, 132 children (66%) were known to social work services at the time of their births. There were also 97 children (49%) where it was evident that a pre-birth assessment or case conference had been conducted¹⁵, and 52 children (26%) who were accommodated at birth. This was either through health or other services identifying risks through pregnancy, or there were older siblings who were identified as at risk or on compulsory measures of supervision.

Within these 132 children, 35 children were placed on the CPR at their birth or before they were born, with a further 10 children placed on the CPR within a week of their births. There were seven children who were accommodated under a Child Protection Order (CPO) at their births, and a further 20 children within a week of their births.

Table 18. Ages of children when first placed on the CPR or CPO made

Age of children	Number of children placed on CPR	Number children where CPO made
Under 6 months	70	46
6-12 months	8	4
1- <2 years	19	6
2- <3 years	14	8
3- <4 years	14	10
4- <5 years	4	5
5 years and over	13	13
Total children	142	92

N=200

Table 18 shows the ages of the children when they were first placed on the CPR or where a CPO was made. For some children these measures were used more than once - 38 children (19%) were placed on CPR for a second time, with 12 children (6%) placed a third time. There were also 11 children (5.5%), who had been moved from their home under a CPO for a second time, with one child having experienced this for a third time (each CPO had been granted approximately 10 months after the previous one).

A child can be placed on the CPR under more than one category at a time. In this study, the most common category for registration was physical neglect: - 54 children (27%). The next were: at risk of physical neglect (7%, 14 children); neglect (11 children); and physical injury (11 children). There were 17 cases where it was not stated what the category of registration was.

¹⁵ A supplementary report on the timescales in the care and permanence processes for these 97 children accompanies this report (SCRA, 2015a).

Referral to the Children’s Reporter

Reporter decisions

When the Reporter receives a referral they must make a decision as to what the outcome of the referral should be (Table 19).

Table 19. Reporter decisions – first referral

Reporter Decision	Number of children
Arrange Children's Hearing	93
No indication of a need for compulsory measures	21
No Hearing - insufficient evidence to proceed	16
No Hearing - measures already in place	5
No Hearing - refer to local authority	17
No Hearing - family have taken action	3
Total children	155

There were 155 children whose first referral required a decision by the Reporter. For the other 45 children, their first contact with the Reporter was a CPO (and therefore the Reporter did not make a decision), and all of these cases proceeded to a Second Working Day Hearing to decide whether to continue the CPO or not.

For 93 (60%) of the 155 children, the Reporter’s decision on their first referral was to arrange a Hearing. Table 20 shows the time taken between first referral and first Hearing where Reporter decision on first referral was to arrange a Hearing. There were two children for whom these data were not available.

Table 20. Time between first referral and first Children’s Hearing for those children where the Reporter decision on the first referral was to arrange a Hearing

Time Taken	Number of children
Under 1 month	13
1- <2 months	13
2- <3 months	25
3- <4 months	18
4- <5 months	13
6- <11 months	8
12 months or more	1
Total children	91

For over half of the children (56%, 51 children), where the Reporter’s decision was to arrange a Hearing on their first referral, their Hearing was held within 3 months.

For 62 children of the 155 children (40%), the Reporter decision on their first referral was not to arrange a Hearing (Table 21). All of these children had at least one further referral to the Reporter, and the Reporter then decided to arrange a Hearing. Table 21 shows the time between first referral to the Reporter and first Hearing for these children.

Table 21. Time between first referral and first Children’s Hearing for those children where the Reporter decision on the first referral was NOT to arrange a Hearing

Time Taken	Number of children
Under 3 months	1
3- <4 months	1
4- 5 months	2
6- 12 months	15
1- < 2 years	19
2- <3 years	7
3- <4 years	2
4- <5 years	5
5 years and over	10
Total children	62

For 58% of these children it took over a year between their first referral and first Hearing. The longest time between first referral and first Hearing was 9 years (for two children).

Accepted or established grounds for referral

Once a Hearing has been arranged, the Hearing itself then needs to decide as to whether compulsory measures of supervision are required or not. The grounds of referral are presented at the Hearing and the relevant persons (usually the parent(s)) are asked to accept or deny the grounds. Where grounds are not accepted, they are sent to the Sheriff Court to be established. Also if the child is too young to understand the grounds, they will be sent to court.

Table 22 shows the grounds of referral to the Reporter that were accepted at a Children’s Hearing or were established at court - resulting in the SR being made by a Hearing. All 200 children in this study were referred under the 1995 Act.

Table 22. Accepted/established grounds of referral where first Supervision Requirement made

Grounds of referral (Section 52(2) 1995 Act)	Number of children referred
(a) Beyond control of any relevant person	0
(b) Bad associations or moral danger	2
(c) Lack of parental care	186
(d) Victim of a Schedule 1 offence	32
(e) Member of the same household as a victim of a Schedule 1 offence	20
(f) Member of the same household as a Schedule 1 offender	8
(g) Member of the same household as an incest victim and perpetrator	0
(h) Not attending school	2
(i) Allegedly committed an offence	0
(j) Misused alcohol or drugs	0
(k) Misused solvents	0
(l) In the care of the local authority and special measures are necessary	0
Total children	200
Child Protection Order	45

N=200

As children could be referred on more than one ground, the total number of grounds is greater than the total number of children. It is clear that by far the most common ground of referral was 'lack of parental care', with 186 children (93%) referred on this ground.

For 45 children the first Hearing arranged for the child followed a CPO. The pattern of established grounds of referral for these children was similar to that of the wider group with 42 children (93%) with (c) 'lack of parental care' grounds (eight children (d) 'victim of a Schedule 1 offence'; eight children – (e) 'member of the same household as a victim of a Schedule 1 offence'; three children– (f) 'member of the same household as a Schedule 1 offender'; and one child (b) 'bad associations or moral danger'.

Table 23 shows the time taken between the first Hearing and the grounds being accepted or established at court. There were three children for whom data were not available.

Table 23. Time between first Children's Hearing and grounds being accepted or established.

Time Taken	Number of children
Under 1 month	29
1 month	63
2 months	57
3 months	22
4-5 months	22
6-11 months	2
12 months or more	2
Total	197

There were 63 children (32%) for whom it took one month for grounds to be established, followed by 57 children (29%) where grounds took two months. Overall, there were 149 children (76%) where this process took up to 3 months.

Supervision Requirements

Once the grounds of referral have been established, another Hearing is arranged and it is at this point a SR can be made. Table 24 shows the overall time between the first arranged Hearing and the Hearing that made the SR.

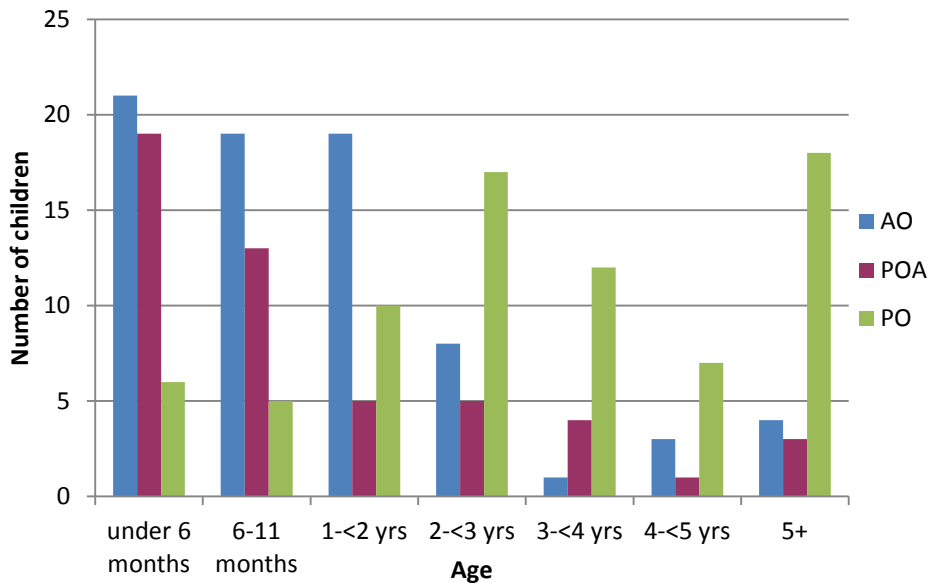
Table 24. Time between first Children's Hearing and Supervision Requirement made

Time Taken	Number of children
Under 1 month	3
1 month	32
2 months	55
3 months	44
4-5 months	40
6-11 months	20
12 months or more	5
Total	199

The time taken between the first Children’s Hearing and the one that made the SR, ranged from less than one month to over a year. For 90 children (45%) this part of the process took up to 3 months.

The ages of children when they were referred to the Reporter varied across the sample. Having been through the court and Hearings stages, Figure 5 shows the ages of the children when their first SRs were made.

Figure 5. Age at first Supervision Requirement



n=200

There were differences in the ages of children when first placed on a SR and the subsequent Order granted. Children who later received a PO were much more likely to be placed on a SR at 3, 4 or 5 years old or more, whereas those who were granted a direct AO or POA were commonly placed on a SR by the time they were one or 2 years old.

Table 25 shows the breakdown of the ages of the children when placed on SRs across the different subsequent Orders.

Table 25. Age at first Supervision Requirement, by Order later granted.

Age of children	direct AO	POA	PO	Total
Under 6 months	21	19	6	46
6-12 months	19	13	5	37
1- <2 years	19	5	10	34
2- <3 years	8	5	17	30
3- <4 years	1	4	12	17
4- <5 years	3	1	7	11
5 years and over	4	3	18	25
Total children	75	50	75	200

Eighty three children (42%) were placed on a SR before they were one year old and 72 were of them were later granted a direct AO or POA and 11 a PO. Conversely,

25 children (12.5%) were over five years old when their SRs were first made, and seven of these children were later granted a direct AO or POA and 18 children were granted a PO.

When a child is placed on a SR, the place of residence for the child is also stipulated. Table 26 shows the types of first SRs for the 200 children, broken down by Order later granted.

Table 26. First type of Supervision Requirement.

Type of first SR	direct AO	POA	PO	Total
Other approved foster carer	56	42	38	136
Other residential placement	0	0	1	1
Parent(s)/relevant person(s)	10	5	28	43
Relative/friend – approved foster carer	2	1	2	5
Relative/friend – other	6	2	6	14
Not recorded	1	0	0	1
Total children	75	50	75	200

The most common first type of first SR made was with an approved foster carer. This was the case for 136 children (68%).

The second most common type of first SR was with parent(s) or relevant person(s) - 43 children (22%). Eighteen of these 43 children had CPOs whilst on SRs 'at home'. Proportionally there were more children who later received a PO who were first placed on an SR 'at home' with parents. Twenty eight of the 43 children (65%) whose first SR was at home were later granted a PO.

Chapter 6. Placements

First placements away from home

Children had first been placed with foster carers, relatives, community placements or special assessment residences due to concerns about their parents' care. Fifty eight children (29%) were accommodated at birth.

Table 27. Statutory basis of first placement away from home

Measure	Number of children
Section 25	100
CPO	57
Warrant	24
Supervision Requirement	9
Section 61(5) (police powers)	2
Not evident	8
Total children	200

Half had been placed with the agreement of their parent(s) under voluntary measures (section 25, 1995 Act), and almost half (83 children, 42%) through emergency measures such as CPOs, Place of Safety Warrants or by the police (section 61(5), 1995 Act). Table 28 shows the types of first placements away from home.

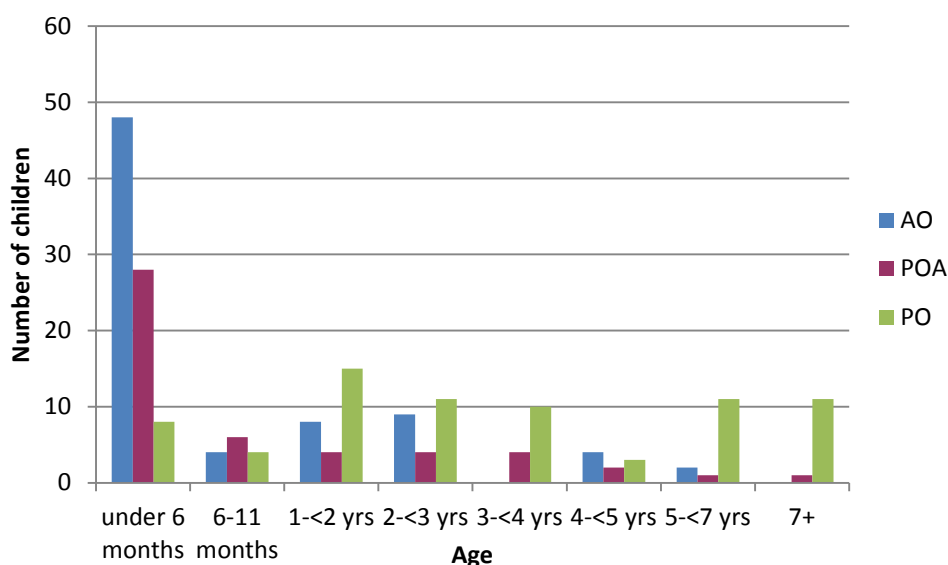
Table 28. Type of first placement away from home

Measure	Number of children
Foster	151
Kinship	43
Other community	2
Parent/relevant person	2
Children's Unit	2
Total children	200

The most common type of first placement was with foster carers (76%, 151 children), with most of the remainder being kinship placements (22%, 43 children). Two children (not siblings) had been placed with their father due to concerns surrounding their mothers.

Children who went on to be directly adopted or have POAs tended to be younger when they were first placed away from home compared with children who went on to have POs (Figure 6). Forty eight children (64%) who went on to be adopted, and 28 (56%) of those who were granted a POA, had been placed away from home for the first time before they were 6 months old. Of the children who were later granted a PO, 48% were at least 3 years old when they were first moved away from their parents.

Figure 6. Children’s ages when they were first placed away from home



n=200

Numbers of moves and placements

Parallel planning

Local authorities have to consider a twin track or parallel plan when a child is accommodated – planning for both rehabilitation to birth parents and the possibility of a permanent placement if that rehabilitation should fail. It was clear that parallel planning had been actively considered for 156 children, and for 83 (53%) this had been put in place and for 73 (47%) it was rejected.

Rehabilitation attempts

Sixty six of the 200 children (33%) experienced rehabilitation attempts home to their parents(s) (or to a parent who they did not normally live with) once they had been accommodated. Fifteen of these children experienced two rehabilitation attempts, three children had three rehabilitation attempts, and another three had four.

Number of moves

In most cases it was possible to determine the total number of moves that the children had experienced. The calculation of moves and placements included final placements. It is not known though for a number of the children with POAs how many future moves they may have after the point their records were analysed for this study.

Placements have been counted as all those which were not with a parent. A move to a parent was therefore counted as a move but not a placement. This includes a move to a parent for whom the child did not normally live with. The first move from hospital at birth to either the parental home or a carer placement has not been included as a move. The number of moves is shown in Table 29.

Table 29. Number of moves

Number of moves	direct AO	POA	PO	Total
0	4	3	0	7
1	21	11	11	43
2	18	17	14	49
3	13	9	11	33
4	8	4	5	17
5 or more	11	6	34	51
Total children	75	50	75	200

Six children who were first placed with foster carers and one child placed in kinship care remained there from their birth (although it is not known for certain that the three who were granted POAs may not still move). There were 43 (22%) children who experienced one move. Fifty one children (26%) experienced five moves or more. The highest number of moves experienced by any one child was 15.

The researchers were also able, in some circumstances, to record whether the changes in placements were planned or unplanned moves. This analysis is *after* the child had first been placed away from their parents¹⁶. Data were available for a total of 526 moves. Out of these, 350 moves (67%) were planned and 176 moves (33%) were not. It was also evident that those with fewer moves had more planned moves but for those with multiple moves, as time went on, more moves became unplanned.

Number of placements

Placements were defined as formal placements with relatives/friends, community placements or other carers but not with birth parents. As far as possible, the number of placements was calculated to include the final placement.

Table 30. Number of placements

Number of placements	direct AO	POA	PO	Total
0	0	0	0	0
1	7	9	11	27
2	36	23	14	73
3	16	11	15	42
4	6	3	11	20
5 or more	10	4	24	38
Total children	75	50	75	200

Table 30 shows the total number of placements the children experienced. The most common number of placements was two - 73 children (37%). Children who went on to be granted direct AOs were more likely to have had two placements. Thirty eight children (19%) had experienced five placements or more, including 10 children who went on to be directly adopted.

¹⁶ It could be said that all of the very first moves were unplanned, as they were a move away from their parent in negative circumstances. However, some of these moves were in a sense planned, such as *via* a pre-birth case conference.

Length of time in placements (before final placement)

Table 31 shows the longest time the children spent in any one placement, *before* they moved to their permanent home.

Table 31. Longest period of time in a single placement prior to final placement

Time spent	direct AO	POA	PO	Total
Under 6 months	6	9	15	30
6-11 months	14	9	10	33
12-17 months	17	9	12	38
18-23 months	14	7	10	31
2- <3 years	13	7	8	28
3- <4 years	1	0	3	4
4- <5 years	3	0	3	6
5 years and over	0	0	3	3
Total children	68	41	64	173

There was a range of longest periods of time in any one placement. There was a concentration of children staying in a placement for up to 6 months, a year and 2 years, across all the Orders. Two thirds of the children were living in a placement for up to two years before their final move. Those children who went on to receive a POA did not stay in any single placement for more than three years.

Final Placement

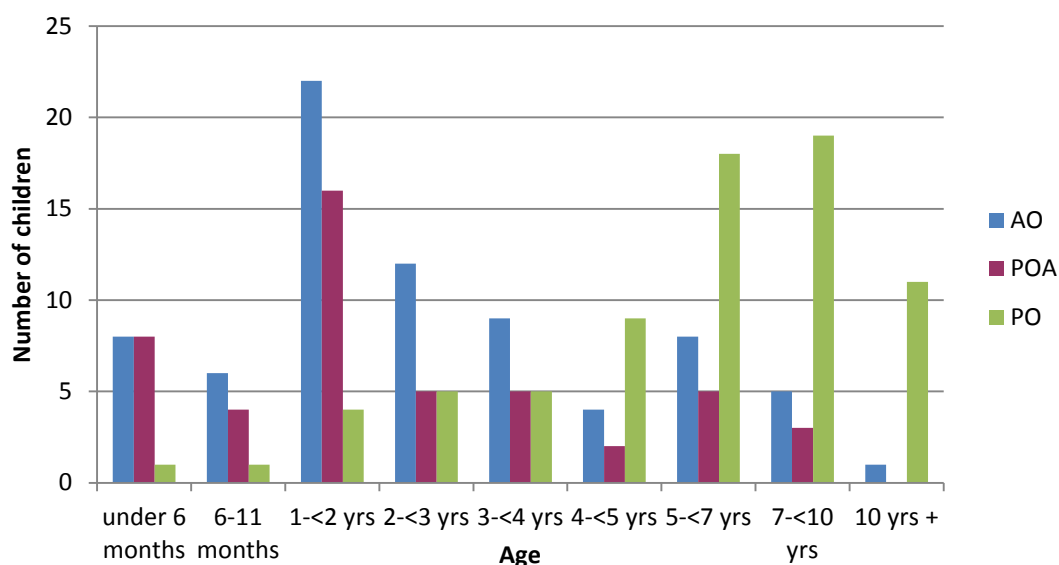
Table 32 shows the length of time children had been accommodated before they were moved to their final placements. Overall 105 children (62%) had been accommodated for over 18 months before they moved to their final placement. This was 56% of children who went on to have AOs, 61% of those with POAs and 62% of those with POs.

Table 32. Time between first being accommodated to move to their final placement

Time spent	direct AO	POA	PO	Total
Under 6 months	12	5	14	31
6-11 months	11	3	2	16
12-17 months	9	5	4	18
18-23 months	16	5	5	26
2- <3 years	12	10	9	31
3- <4 years	3	3	12	18
4- <5 years	3	1	7	11
5 years and over	7	1	11	19
Total children	73	33	64	170

The ages of the children when they started their final placement varied across the Orders, with more older children going on to have a PO (Figure 7). However, there were still eight children who went on to be directly adopted who were between 7 and 10 years old when they started their final placement, and one child was over 10 years old. Twenty two children who went on to have direct AOs, and 16 children with POAs were between one and 2 years old at the beginning of their final placements.

Figure 7. Ages of children at the start of their final placements



n=200

There was clear variation as to the type of carers that the children were living with, or going to be living with. Table 33 shows the permanent placement types (or planned types).

Table 33. Type of permanent carer

Carer for permanence	direct AO	POA	PO	Total
Existing foster carer PO	0	0	52	52
Existing relative	3	0	1	4
Existing foster carer adopting	19	7	0	26
Local authority - not a family placement*	0	0	6	6
New parent adopter	52	29	0	81
Not evident	1	12	5	18
Other**	0	2	11	13
Total children	75	50	75	200

*Examples include residential school, and residential therapeutic unit.

** Examples include PO with new foster carers, permanent placement breaks down, and permanent carer type not identified.

For the majority (69%, 52 children) who went on to have POs, their existing foster carers were considered to be the permanent carers for the child. In a number of these cases, the child was moved to this carer with permanence as the plan. However, as Table 34 shows, most (71%, 47 children) had been in a placement with their permanent foster carers for at least 2 years when their POs were granted.

In both Orders for adoption, existing foster carers and new adoptive carers were found (Table 33)¹⁷. For AOs, 19 children's (25%) existing foster carers adopted them, and 52 children (69%) were adopted by new parent adopters. Most (73% 53

¹⁷ As it was not always clear for the children with POAs what their final destination would be, it is not possible to accurately assess this.

children) had been living with their adopters for less than 2 years before their direct AO was made (Table 34).

The length of time children had spent in their permanent placements at the time of their Orders being made is shown below.

Table 34. Time in final placement when Order granted

Time taken	direct AO	POA	PO	Total
Under 6 months	9	12	8	29
6-12 months	26	11	2	38
1- <2 years	18	7	9	34
2- <3 years	7	0	11	18
3- <4 years	4	1	13	18
4- <5 years	4	0	8	12
5- <7 years	4	0	7	11
7 years or more	1	0	8	10
Total children	73	31	66	170

Children had spent less time in final placements before the POAs were made than direct AOs and POs. This was except one child who went on to have a POA who had moved back to a previous foster carer and was in that placement for over three years when the POA was granted. At the time of the study, the plan was for the carers to adopt the child.

Just under half of the children (48%) who went on to be directly adopted had been living with their carers for less than a year when their AOs were granted.

Where a PO was granted, children had been living in their placements for longer periods of time. Only 15% of these children were in their permanent placement for less than one year at the time of their PO. The biggest proportion (20%) of children with POs had been in their final placements for between 3 and 4 years, though 12% had been with their permanent carers for 7 or more years.

Permanence Order conditions

Permanence Orders are intended to be flexible and to allow distribution of parental rights and responsibilities appropriately between the birth parents, local authorities and foster carers or kinship carers. For 45 children (60%) their POs granted that parental rights and responsibilities be shared between the local authority and their foster carers; for 23 children (31%) these were vested in the local authority only; for two children (3%) these were shared between the local authority, foster carers and a relative; and for one child (1%) these were shared between the local authority, foster carers and their birth parents (remaining four – not stated or not recorded).

Chapter 7. Permanence Timelines

Permanence decision

For some children, decisions that they be removed from their parents and permanence pursued were made very early in their lives. There was evidence that pre-birth case conferences sometimes even discussed the likelihood that permanence would be sought straight from birth. For other children, this plan was made after a much longer period. Children were with their parents or other relatives until it was decided that this was not in their best interests in the long-term.

The decision made by services to pursue permanence away from home was normally recorded in the child's background report or Child Plan and was also recorded in other places such as Hearings reasons, or CPCC minutes. This decision was made in a range of fora, commonly LAC Reviews and also in others such as Core Group meetings or Legal meetings.

Data were collected at different points as to whether or not permanence had been considered within each Child's Plan. This was first examined at the point where SRs were made. At this point, all children should have had a social work report, containing a plan, for their Children's Hearing. Table 35 shows the number of cases where permanence was considered at the time of the first SR, as recorded in the Child's Plan.

Table 35. Is permanence considered in the Child's Plan at first Supervision Requirement?

Permanence considered	direct AO	POA	PO	Total
Yes	17	12	3	32
No	27	29	26	82
Not evident	1	0	6	7
Total children	45	41	35	121*

*Not all SCRA case files retained a copy of this social work report. There were 121 children in the study where a report was in SCRA's files.

Out of the 121 reports, 32 (26%) already had mentioned permanence in the Child's Plan. From the reports evident, 17 children (38%) who went on to receive a direct AO had permanence as part of their Child's Plan at this point. Similarly for those who later had a POA, 12 of the 41 children (29%) had permanence as part of their Child's Plan. Just three out of 35 children (9%) who later had a PO had permanence considered in their Child's Plans at the time of their first SR. It should be mentioned that of the 121 children, 27 were not accommodated at this time, and were living with their parent(s). One of the 27, however, did have a plan for permanence in their Child's Plan at this time.

The second point was where permanence had been identified, and Child's Plans were examined to see if they included this consideration of permanence (Table 36).

Table 36. Is permanence recorded in the Child's Plan once permanence is identified?

Permanence considered	direct AO	POA	PO	Total
Yes	36	26	30	92
No	6	9	11	26
Not evident	1	1	1	3
Total children	43	36	42	121

There were 121 cases in the SCRA files that had a social work report available for that moment in time. As would be expected, the proportion of reports that outlined permanence as part of the Child's Plan had increased. Overall 92 reports (76%) contained this in the Child's Plan. However, there were 26 reports (21%) that made no reference to permanence in the Child's Plan, although permanence had been identified for the child.

It was possible to determine the time from first service involvement in the child's life to when permanence was identified, and this is shown in Table 37.

Table 37. Time between first service involvement and permanence identified

Time taken	direct AO	POA	PO	Total
Under 6 months	16	6	2	24
6-12 months	21	9	8	38
1- <2 years	18	13	4	35
2- <3 years	8	8	14	30
3- <4 years	6	4	5	15
4- <5 years	4	7	11	22
5 years and over	2	1	30	33
Total children	75	48	74	197

The time taken to identify that the child should be permanently placed away from home varied across the subsequent Orders made. Where this decision was made within a year of services being involved, 37 children (19%) went on to receive a direct AO, 17 children (9%) a POA, and 10 children (5%) a PO. On the other hand, POs were much more common for children as they got older - 41 children (21%) were granted a PO when the decision for permanence was made after at least 4 years, whereas six children (3%) were granted a direct AO and eight children (4%) were granted a POA after this period of time.

Matching

Once permanence had been identified, local authorities needed to find a 'match' to the child in terms of who their long-term carer would be. This is made by the Adoption & Permanence Panel and approved by the local authority's Agency Decision Maker. Table 38 shows the time between permanence being identified and 'matching'. The dates of these two decision points were available for 149 children.

Table 38. Time between permanence identified and matching/Adoption & Permanence Panel

Time taken	direct AO	POA*	PO	Total
Under 6 months	6	8	4	18
6-11 months	19	7	3	29
12-17 months	19	6	5	30
18-23 months	8	7	4	19
2- <3 years	7	1	12	20
3- <4 years	4	1	9	14
4- <5 years	1	0	7	8
5 years and over	5	0	6	11
Total children	69	30	50	149

*At the time of the research, not all of the children who were granted a POA had been matched with their prospective adopter. Therefore the number of children in this category is slightly lower.

Eighteen of the 49 children (12%) had been matched to their permanent carer within 6 months of permanence being identified. A further 29 children (19%), most of whom went on to have direct AOs, were matched between 6 and 11 months of the permanence decisions. For over two thirds of children (68%), this process took more than one year, with over a fifth (22%) taking 3 or more years.

Advice Children's Hearings

Before an application for a direct AO can be made to the court, for children who are subject to compulsory measures of supervision, an Advice Children's Hearing must be held. The purpose of this Hearing is to prepare a report to the Sheriff providing its advice regarding the proposed Order.

Once an Adoption & Permanence Panel has made its recommendation for permanence, the Agency Decision Maker has 14 days to ratify the decision. The birth parents are then notified within 7 days and have 28 days to respond to the local authority as to whether they agree or not with the decision. Where parents do not agree, the local authority informs the Children's Reporter within 7 days (see Appendix 1 for detailed timescales).

For POs, the matching panel or Adoption & Permanence Panel may be held after the decision for a PO has been made, and in fact an Advice Hearing has been held or requested.

Table 39 shows the time taken between the Adoption & Permanence Panel and the Advice Hearing being requested where an Adoption & Permanence Panel was held first.

Table 39. Time between Adoption & Permanence Panel and Advice Hearing requested

Time taken	direct AO	POA	PO	Total
Under one month	11	5	5	21
1-5 months	39	7	5	51
6-11 months	3	3	5	11
12-23 months	2	0	7	9
24 months or more	1	0	4	5
Total children	56	15	26	97

As would be expected, and allowing for communications with parents, just over half of the cases (53%) took more than one month but less than five months, although 22% took less than one month. There were however, five children (5%) for whom this process took more than 24 months.

Once an Advice Hearing has been requested by the local authority, it should be arranged by the Reporter. If parents do not agree with the permanence decision then the Hearing should be arranged within 21 days of the request. Table 40 shows the time taken to arrange the Advice Hearings.

Table 40. Time taken between Advice Hearing being requested and arranged

Time taken	direct AO	POA	PO	Total
21 days or less	34	22	33	106
22-31 days	17	18	11	29
32-41 days	8	1	5	14
42 days or more	3	4	10	17
Total children	62	45	59	166

Whilst the majority (64%) of the Advice Hearings were arranged within 21 days, a further 29 Hearings (19%) took up to a month, and 31 Hearings (19%) took up to two months.

An Advice Hearing can be continued to a future time for specific reasons. This occurred in 61 cases (30%), and timescales between dates of the two Hearings were available in 59 cases. The reasons for the continuations are presented in Chapter 12. Table 41 shows the time between the two Advice Hearings.

Table 41. Time between first Advice Hearing and Advice Hearing that prepared report

Time taken	direct AO	POA	PO	Total
21 days or less	8	6	7	23
22-31 days	4	7	0	9
32-41 days	4	1	7	12
42 days or more	4	6	5	15
Total children	20	20	19	59

Once an Advice Hearing has produced its report, this should be sent to the court within 5 days. It was sometimes difficult to assess the time taken for this as the only way to gather the data was to look at the date of receipt stamped on the report in the court file. Not all reports were stamped, or appeared to have been received along with the petition. Data were available in 138 cases (Table 42).

Table 42. Time between Advice Hearing and report received by court

Time taken	direct AO	POA	PO	Total
5 days or less	20	12	10	42
6-10 days	15	10	10	35
11-20 days	5	2	3	10
21-30	1	7	0	8
31 days or more	9	6	28	43
Total children	50	37	51	138

For 42 children (30%) the court had received the report within 5 days. However, for 43 children (31%) this process took more than one month.

The final stage of the permanence process prior to court proceedings is the submission of the petition by the local authority or the adopting parents. The time between the Advice Hearing and the petition being submitted to court is shown in Table 43.

Table 43. Time between Advice Hearing and petition submitted to court

Time taken	direct AO	POA	PO	Total
Under 1 month	9	22	5	36
1 - 2 months	16	14	18	48
2 - 3 months	6	1	8	15
3 - 4 months	15	2	5	22
4 - 5 months	5	2	16	23
6 - 11 months	5	3	7	15
12 months or more	3	3	14	20
Total children	59	47	73	179

Adoption agencies (local authorities) must submit their petition for a POA to court within 28 days of receiving the advice report from the Children’s Hearing, or an adoption application must be lodged¹⁸. SCRA and court files did not contain information on when the adoption agency received the Hearing’s report, so the time from the Advice Hearing is taken as an approximation of this timescale.

Twenty two (47%) of POA petitions were submitted within a month of the Advice Hearing, and 11 (23%) took over 2 months. There were three POA applications that took over a year to be made from the time of Advice Hearings. Factors that may have contributed to these delays for two cases were that they were transferred to another Sheriff Court. In the third case, the child’s mother appealed the decision of the Hearing that there should be letterbox contact (this decision was upheld by the Sheriff), and there was a record that the local authority acknowledged that there had been unacceptable delays in completion of the POA paperwork.

It was also found that in 14 cases the petition for direct adoption was submitted prior to the Advice Hearing having been held. In three cases the first Hearing had been continued, but in 11 it had not. In all of these 14 cases the petition was submitted by adopting parents and not the local authority.

¹⁸ Regulation 23(3) (4) and (6) Adoption Agencies (Scotland) Regulations

Chapter 8. Court Proceedings

Petitions and reports

Petitions

When the local authority or prospective adoptive parents submit a petition, reports must also be submitted to court which outline the child's circumstances and background¹⁹. In examining the court files it was found that some applicants were unsure as to whether a report could be submitted with the application or not, or whether an interlocutor from the court was required first. The times between the petitions and report submissions are shown below.

Table 44. Time between application submission and report submission

Time taken	direct AO	POA	PO	Total
Under 1 month	51	46	70	167
1-2 months	12	0	0	12
2-3 months	4	0	2	6
3-4 months	0	0	0	0
4-5 months	1	0	0	1
6-11 months	1	0	0	1
12 months or more	0	0	0	0
Total children	69	46	72	187

From the data available, there appeared to be very little delay in the submission of reports to the court. Most were submitted along with the petition, and 89% within a month. There was some slight delay with adoption applications, with 12 reports submitted within 2 months and a further six after this point.

Curator ad litem and Reporting Officer reports

Once petitions and reports have been submitted, the Sheriff appoints officers of the court to investigate the case and give advice to the court on the child's welfare and best interests; to seek the child's consent if they are aged 12 years or more; and also to ascertain if the birth parents fully understand the PO or adoption process and to witness their consent if they wish to provide this (Table 45). These two types of appointments are called curators ad litem (for children) and Reporting Officers (for parents), though often the same person carries out both roles. However, where the application is for a PO without authority to adopt, the Sheriff is not to appoint a Reporting Officer unless the child is aged 12 years or more for the purpose of witnessing that child's consent²⁰.

Children's consent

There were 26 children who were aged 12 years or more when the applications were made. The 21 children, for whom PO applications had been made, all gave their consent. Three children, for whom direct AO applications had been made, gave their consent. Two further children were not considered capable of providing consent due to their disabilities, and this was not sought.

¹⁹ Section 17 Adoption and Children (Scotland) Act 2007

²⁰ Rule 32 Act of Sederunt (Sheriff Court Rules Amendment) (Adoption and Children (Scotland) Act 2007. No. 284

Children's views

Curators ad litem sought the views of 76 children (38%). There were 39 children who were aged 5 years old or more at the time of the application where curators ad litem did not seek their views, for six of these children this was because of their learning difficulties or other disability. The reason most often given for the child not being asked their views was because they were too young - examples from curator ad litem reports:

'The child is only 8 years 11 months old and therefore the issue of whether she wishes to express a view on the matter does not arise.'

'Child clearly too young to express formal view' (child was 9 years old)

'Because of the child's age he is unable to understand the meaning of adoption and is therefore not able to express his views on whether he wishes to be adopted by the petitioners.' (child was 5 years old)

Parents' consent

Birth parent(s) gave their consent for nine POAs and 13 direct adoptions. However, it should be noted that Reporting Officers were unable to contact birth parent(s) to obtain their views for 28 of the 124 AO and POA cases (for one this information was not available).

Timescales

The time taken between the receipt of the report and the appointment of the officers is shown below.

Table 45. Time taken by court to appoint curators ad litem and Reporting Officers

Time taken	direct AO	POA	PO	Total
5 days or less	26	19	32	77
6-10 days	17	14	19	50
11-20 days	12	6	14	32
21-30 days	10	6	4	20
31 days or more	6	1	5	12
Total children	71	46	74	191

Data were available for 191 children. For 77 children (40%) appointments were made within five days, and a further 50 appointments (26%) made within 10 days. There were 12 cases (6%) that took more than one month.

When a petition is lodged, the court must fix a date for a preliminary Hearing. It was noted that when Sheriffs appointed the investigating officers this was usually when a preliminary hearing date was fixed (Table 46). For 179 children (90%), this was done within 5 days. In fact, in all but one of these 179 cases, the appointment was made the same day. There were though 21 cases (10%) where this took over one month. Reasons for this were not always clear but in three cases petitions had to be returned as details did not match accompanying certificates and in two cases the court dealing with applications was changed.

Table 46. Time between appointment of curators ad litem and Reporting Officers and preliminary diet fixed

Time taken	direct AO	POA	PO	Total
5 days or less	67	48	64	179
6-10 days	0	0	0	0
11-20 days	0	0	0	0
21-30 days	0	0	0	0
31 days or more	8	2	11	21
Total children	75	50	75	200

Once appointed, curators ad litem and Reporting Officers have 4 weeks to submit their reports (Table 47).

Table 47. Time taken to produce curator ad litem and Reporting Officer reports

Time taken	direct AO	POA	PO	Total
28 days or less	18	14	21	53
29-56 days	44	26	43	113
57-84 days	6	5	4	15
85 days or more	7	1	7	15
Total children	75	46	75	196

Reports met the 4 week deadline in 53 (27%) of the 196 cases. The majority (58%) took between 5 and 8 weeks. There was little difference found across the different Orders in process.

There were a number of reasons for the delays in producing the reports. The reasons why were not always in the court records and where available were as follows: difficulties in contacting parents, other family members or child (13 cases); Sheriff instructed the curator ad litem to produce a supplementary report (seven cases - in four it was to obtain the child's views); potential conflict of interests (five cases); disagreement over payment of fees (one case); late submission of local authority report (one case); delay in appointment by court (one case); and request for extension due to other pressures (two cases). There were a further 13 cases where the preliminary hearing was continued to allow reports to be produced and reasons for this weren't apparent.

As the preliminary hearing date had already been set when curators ad litem and Reporting Officers were appointed there was often little time between receipt of their reports and the hearing being held (Table 48).

Table 48. Time between receipt of curator ad litem and Reporting Officer reports and hearing held

Time taken	direct AO	POA	PO	Total
28 days or less	62	38	65	165
29-56 days	11	7	9	27
57-84 days	2	0	0	2
85 days or more	0	1	1	2
Total children	75	46	75	196

There was a period of 28 days or less for 165 children (84%) for the hearing being held after reports were received. There was little difference across the types of Orders.

Court hearings

Once the first court hearing had been held, court proceedings from then on largely depended on how the birth parents were responding to the Order application. Where parents lodged a response against the Order being made, the process could then take a number of months whilst evidence was presented and, even in some cases, conditions on the Order negotiated (Tables 49 and 50).

Table 49. Time between application submission and Order granted

Time taken	direct AO	POA	PO	Total
1- <2 months	9	12	21	42
2- <3 months	8	10	13	31
3- <4 months	14	2	4	20
4- <5 months	14	6	10	30
6-11 months	24	15	19	58
12 months or more	4	3	6	13
Total children	73	48	73	194

Sists for Legal Aid were made at first calling in 45 cases, and not in 163 cases (this information was not evident for 18 cases).

Looking at the overall court process from the submission of application to the Orders granted, the data show that there is a substantial spread of timelines across all the Orders. Out of the 194 children for whom data were available, 73 children (38%) had an Order granted within three months. Permanence Orders and those with authority to adopt were the majority of the Orders in this timescale. In fact, 47% of POs (34 children) were granted within 3 months, and 46% of POAs (22 children). This is in comparison to 23% of direct AOs (17 children). However, across all the Orders, there were still 58 children (30%) where the court process took between 6 and 11 months, and 13 children (7%) where it took more than one year. Table 50 shows the main factors that contributed to longer court proceedings (where this information was available).

Table 50. Main contributory factors to longer court proceedings*

Reason	Number of cases
Difficulties in intimating birth parents and/or failure of birth parents to attend	44
Birth parents fail to instruct solicitor and/or solicitor withdraws from representing them because of lack of instruction	30
Errors or missing documents in petition paperwork, requiring resubmission to court	25
Negotiations with birth families over Order conditions	16
Need for expert reports	17
Total children	101**

* In addition, delays in production of curator ad litem and Reporting Officer reports are provided in Table 47.

** The sum does not equal the total as some cases had more than one of these reasons.

A final task for the courts to conduct, in relation to the children, is to notify the Reporter that the Order has been granted and the child's SR has been terminated by the Sheriff. Data were collected from SCRA files as to when this notification was received from the court (Table 51).

Table 51. Time between Order granted and notification received by SCRA

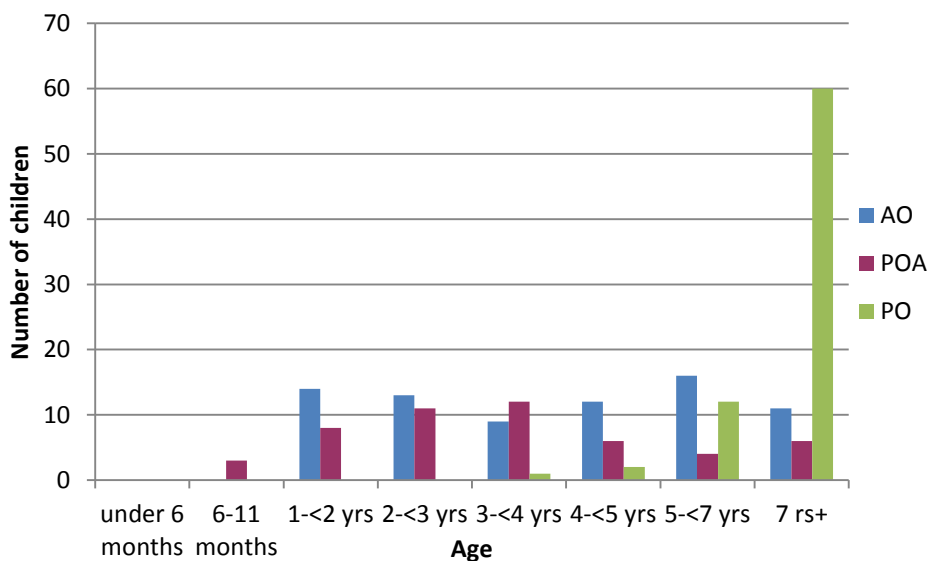
Time taken	direct AO	POA	PO	Total
28 days or less	47	33	44	124
29-56 days	12	8	14	34
57-84 days	1	4	3	8
85 days or more	4	2	3	9
Total children	64	47	64	175

Most courts had notified the Reporter that an Order had been granted within 28 days. This applied to 124 children (71%).

Ages of children when first Order made

Concentrating on those children for whom we have the most data, Figure 8 shows the ages of the children at the time their (first) Orders were granted.

Figure 8. Ages of children at (first) Order granted



n=200

Adoptions following Permanence Orders with authority to adopt

There were 50 children in the total sample who had been granted a POA. It was not always possible for the researchers to know from SCRA's records or those of the courts as to what happened next for these children. Not all of these children had been granted an AO at the time of the study. Data on when a subsequent AO had been made, and when, were available from court records for 12 children and from two local authorities for nine children. Table 52 shows the overall times taken for these 21 children throughout the court processes.

Table 52. Court timescales for children initially granted a Permanence Order with authority to adopt with a subsequent Adoption Order

Time taken	Petition to POA granted	2nd Petition to AO granted	Overall time from 1st petition to AO
Under 1 month	0	1	0
1-<2 months	4	0	1
2-<3 months	7	0	0
3-<4 months	1	1	0
4-5 months	1	6	1
6-11 months	7	11	9
12 months or more	1	2	10
Total children	21	21	21

The data for these 21 children show that the second stage of applying for an AO was not necessarily any faster than the process in achieving the POA, in fact it appeared that for these children at least it was a bit slower. For example, 12 children had a POA granted within four months, but only two children had an AO granted within the same timescale. That said, although there were 10 children for whom both Orders took over 12 months, there were two children for whom this process took over 2 years (i.e. 2 years and 4 months, and 2 years and 2 months).

Chapter 9. Decision making

Focus groups were carried out with Adoption & Permanence Panels²¹; and interviews with social workers, LAC Reviewing Officers and solicitors²² in Aberdeen City, Dundee City, Inverclyde and Perth & Kinross Councils. Case studies 4 to 7 describe the processes for permanence planning and decision making in these local authorities.

Focus groups with Adoption & Permanence Panels

The composition, function, remit and regulation of the Adoption & Permanence Panel are set out in the Adoption Agencies Regulations (Scotland) 2009. Key functions are:

- Formally recommending adoption for a child;
- Approving adopters;
- Matching a child with approved adopters; and
- Any other matters referred to them which are relevant to the agency's functions under the 2007 Act, such as adoption support plans and adoption allowances (Scottish Government, 2011a).

Depending upon the local authority, the Panel may also make recommendations on registering foster carers and potential adopters, rehabilitation to birth parents, temporary care whilst permanence is progressing, change in the Child's Plan, or contact with birth family.

The four focus groups stressed that their remit is not to make decisions, but to make recommendations on:

- Whether a child is in need of permanent care away from home; and
- The legal route by which to pursue permanence.

They were also clear that their role is not to reassess the Child's Plan - instead it is to provide an additional level of scrutiny of it.

Adoption & Permanence Panels must have at least six members, such as: senior social workers; education professionals; psychology professionals; adopters; adults who have been adopted or have placed a child for adoption; and local councillors. There must also be a medical advisor and a legal advisor. Participants said that this variety of members ensures that recommendations are informed by different professional practices and personal experience.

²¹ In Perth and Kinross this is called the Adoption & Fostering Panel - its remit is broadly the same as in the other three areas except for responsibilities for approving foster carers. For ease, the term Adoption & Permanence Panels is used throughout this report.

²² Interviews with local authority solicitors were carried out with those from Aberdeen City, Dundee City, and Perth & Kinross Councils.

Decision making process

Participants explained that they receive a number of reports prior to the meeting (these will include: minutes of meetings of Matching Panel, LAC reviews; legal advice; child assessment and plan (form E); school reports; medical reports; assessments of birth parents, siblings and potential adopters/permanent carers; etc.). This information informs discussion at the meeting. The vast majority of meetings reach unanimous recommendations. Sometimes, a majority recommendation is made, and this will include a record of any dissent or reservations. Where the Adoption & Permanence Panel is unable to make a recommendation, it can instruct the social worker and/or legal services to provide further information. Timescales for the provision of additional information and the date for another meeting are set to help prevent any drift.

The Agency Decision Maker is presented with the Panel's recommendation, and s/he is responsible for making the decision to pursue permanence and the legal route to do this. If the Agency Decision Maker feels there is not enough information or clarification is needed, they can refer the case back to the Adoption & Permanence Panel for further scrutiny.

Barriers and enablers to decision making

Information provided to the Adoption & Permanence Panel

Some frustration was expressed in the focus groups about incomplete or contradictory information and the delay this can cause. Participants said they need good quality assessment grounded in professional experience, training and knowledge (e.g. on child development). The social work recommendation to the Panel needs to be supported by evidence. Reports should include detailed background and chronology; contact assessment; sibling assessment; and show that kinship care and rehabilitation have been explored and the reasons why these options have been rejected. Assessments must also be based on the birth parent(s) current circumstances.

Attendees at the Adoption & Permanence Panel

Participants said that the absence of key individuals can make coming to a recommendation more difficult, particularly if it is the allocated social worker. Members felt it very important to be able to question the writer of the social work report who has knowledge and understanding of the family situation. Attendance of the senior social worker was also considered essential as they provide objectivity and give a level of quality assurance that the information presented by the Social Work Department is accurate and current.

Some focus groups advised that they sometimes defer making a recommendation to allow birth parents to attend. When birth parents are well prepared for attending the Adoption & Permanence Panel it can help inform discussion. There was a general view that if birth parents are well supported it can help them in coming to terms with a permanence recommendation, and can make later processes more straightforward and less adversarial.

Sibling groups

The difficulties and challenges in making permanence recommendations for sibling groups was emphasised by participants. The needs and rights of individual children

can conflict with those of their siblings. For example, the plan for a sibling group may be permanent foster care together but the needs of the youngest child may well be better met through adoption.

Long-term uncertainty

Focus groups raised how it can be difficult to make a recommendation in cases where the long-term future of the child is still uncertain. For example, if no permanent placement has been identified, there is uncertainty about resources to secure a long-term placement, or there is limited information on how a placement might turn out and what safeguards are in place if it breaks down.

Child's views

Adoption & Permanence Panels reported that knowledge of the child's views can greatly assist them in making recommendations. Sometimes, although not often, the child may attend the meeting and provide their views in person. In the absence of the child, their views are most often sought from the allocated social worker and/or their current carers.

Children's Hearings

There was consensus across the focus groups that making decisions and recommendations on permanence cannot be managed without professional input. Participants questioned how Children's Panel Members can have enough knowledge of the issues and their complexity to be able to make decisions concerning permanence cases. They raised concerns about the impact on the professional morale of social workers when Hearings do not understand or question their recommendations. Some suggested that having Children's Panel Members observe the Adoption & Permanence Panel would help them to understand the work and level of scrutiny that has gone into each child's case; and this had been done in some areas.

The presence of legal representatives at Children's Hearings was discussed as a potential delaying factor. As Children's Panel Members are volunteers, participants thought that it could be intimidating for them if legal representatives were present. It was suggested that Children's Panel Members should be better trained to have the confidence to make decisions even in the presence of legal representatives.

Interviews with social workers and LAC Reviewing Officers

Seven social workers and six LAC Reviewing Officers were interviewed.

Timescales and sources of delay

All were clear that the timescales in decision making on permanence must be within the child's timeframe. That is, what is best for the child and meets their needs, rather than others involved (e.g. adoptive parents, birth parents, etc.). Interviewees agreed that clear timelines make the process work well.

'Think time-scales should be adhered to strictly and if parents are not prepared for the case then they should not be given further opportunities to do so. Think Sheriffs need a greater understanding of what the child needs and not appease parents.'

They also felt that potential adopters should be aware that it can be a lengthy and uncertain process, and that they should be prepared and supported to manage this.

'They are not fully aware of how long things will take. This puts pressure on adopters and I am more aware of that in the last year or so. They can then get down about the whole process – it's taking so long. In terms of training for adopters they need to be very aware that things might not happen quickly. They are very enthusiastic to start with but when things don't happen then that can go. Having a child that may or may not be theirs for a year down the line. How they are supported is very important, supported through that.'

Parental opposition

Interviewees said that parental opposition can be one of the main sources of delay, particularly in the court process. The involvement of legal representation can often turn the focus to the birth parent(s) rather than the child. For example, court hearings being continued for the birth parent(s)' presence, or to appoint legal representation, or to be intimidated, or for them to have sight of papers, or disagreements over post-permanence contact. Appointment of expert witnesses and/or the need to get expert reports, particularly on contact post-permanence, can also cause delays in the court process.

Child's views

All interviewees said that obtaining the child's view was done at various points in the process and using age appropriate methods.

'How depends on the age of the child. We have various resources - books – worksheets – rather than just sitting down. You need to be creative. If a child has an autistic spectrum disorder you might take them on a car journey so they would talk to you. You need to take each individual child into consideration.'

'Younger children it would be around observation / collecting information from various services involved – nursery, health, social work from contact, from family contact, etc. All indicators of how the child is experiencing what is actually happening. For some older children we would use discussion, drawing, stories.'

It was also raised that in lengthy permanence cases, the child's views can fluctuate which can cause problems to and potentially disrupt the child's current and/or potential permanent placement. Interviewees emphasised the need to find a balance on seeking the child's views, making sure they are current and doing what is in their best interests.

Sibling groups

It was explained one worker tends to deal with a sibling group. This does not necessarily mean that the children will all be placed together or that their plans will be the same. Placing sibling groups can be in conflict with what is in the best interests of individual children and it can mean that rather than pursuing adoption, which might be the preferred route for a child if they were in a separate placement, permanent foster care through POs is sought instead.

In cases where a child has been adopted and a sibling is subsequently born, interviewees said that they would favour approaching the first child's adoptive

parent(s) to enquire whether they would wish to adopt the younger sibling too, to keeping siblings together as far as is possible.

Children's Hearings

Some of the social workers interviewed felt that the birth parent's legal representatives can use 'court room' tactics in Children's Hearings to get what the birth parent wants. Overall, it was felt that there is too much of a focus on birth parent(s) and their legal representatives in the process, to the detriment of the child.

'The legislation says that the child's needs should be primary consideration however I think that parents' rights are often prioritised, particularly when parents attend Children's Hearings with legal representation.'

A common theme amongst interviewees was about contact decisions by Children's Hearings, for example:

'Contact is a big decision and a big issue. Even when we do put forward a good argument for that then we can still be up against decisions which we don't feel are in the best interest of the child – and they can come from the Children's Hearing.'

'Social Workers are told by Panel Members that children have to be distressed before contact is reduced or removed however the definition of distress used is very narrow and does not take into account the uncertainty for children and how this can provoke anxiety. High levels of contact for babies are also set meaning daily transporting and significant amount of time spent away from the primary care giver.'

Delays can also arise in the Hearings System when grounds for referral need to be established. Interviewees said that lack of established grounds can make it difficult to pursue permanence, so a delay at this early stage can hold up the overall process.

Dual registration of carers

It was suggested that it would be useful to have more dual registration of carers, although this can present challenges, particularly by adding uncertainty for potential adopters.

Drafting the petition

It was reported that there can be delay between the drafting and lodging of the petition, which can be down to the individual worker's case load and/or the priorities of legal services at any given time.

'Being freed to do Form E and the Permanence Application paperwork. Fieldworkers have very busy caseloads. They need protected time to do the work.'

Impact of legislative change

There was a general consensus that the introduction of the PO in the 2007 Act has been positive. It was considered beneficial to children as it gives them a sense of security and normality, where their carers can decide on day to day issues such as school trips or medical treatment. It also allows flexibility in terms of continued involvement with birth family.

'Think the benefits of the Permanence Order is that it allows, where appropriate, for birth parents to retain some parental rights and responsibilities and hence not as 'final' as the previous legal option that was around when we were looking to remove parental rights and responsibilities. I have seen cases where the sharing of parental rights and responsibilities has worked appropriately and gives the child a sense of security and 'normality' in that it removes them, where appropriate, from the Children's Hearings System and LAAC reviews can be reduced to annual.'

Interviewees also raised some concerns about the aspects of the 2007 Act to do with the Children's Hearings – court interface:

'I think it has complicated things, actually. I think the interface between the children's hearings and court for example.'

'I believe the role of the Children's Hearing has to be considered and how it does not fit very well with permanency. Children are removed from their parents' care as a last resort and for Panel Members not to be able to consider long-term plans for children is not good for children. There is somewhat of a contradiction however as Panel Members can increase contact and then give advice to a Sheriff supporting the local authority's plans for adoption.'

Several LAC Reviewing Officers raised concerns over there being no legal timeframe for POs, and that this could mean that they weren't progressed as quickly as they could be.

Interviews with legal services

Four local authority solicitors (all east Scotland) were interviewed.

Court processes

Sheriff Court Practice Note No. 1, 2009 states that it is: 3. "...the duty of the Court to secure that all applications and other proceedings under the Act are dealt with as expeditiously as possible and with the minimum of delay."

Allocation of court time – several raised issues with how court time is allocated with either there not being enough time being assigned for evidence and/or dates being spread apart and not being able to run the case over consecutive days.

Legal Aid – 'Legal Aid causes delay.' 'Decisions on Legal Aid should be made more quickly.' A Sheriff will not expect a solicitor to act until they have Legal Aid.

Opposition to application – Interviewees raised that birth parents do not have an opportunity to legally challenge the decision that their child is to be adopted until the case gets to court. One local authority solicitor suggested that birth parents:

'should have the opportunity to oppose the idea of adoption - their only chance to challenge that decision then comes when the case calls at court, and by then their prospects in challenging the adoption are diminishing'.

The parent(s)' solicitors will oppose the application, and there was a general view that cases were becoming more litigious, as one explained:

‘Solicitors will now take it all the way even if they have no hope of a case.....Previously it would be fought early on but then the case would diminish and solicitors would explain to their clients that they were unlikely to win. That feels like it is happening less’.

Those interviewed felt that such delays in the court process were always caused by parents and their representatives and not by the applicants.

Local authority processes

All local authority solicitors interviewed said that they are involved in the child’s case from when first providing advice to the LAC review to the Order being made.

Preparation of report for court – All interviewees raised the additional work and time for them in redrafting the report for court prepared by social work to support the local authority’s case. This includes presenting the report in more ‘legal/defined language’ and ensuring that the evidence presented meets the legal tests.

Child’s views – were obtained by social work and interviewees would expect these to be included in reports.

Comparison of 1978 and 2007 Acts

All raised the problems created by the 2007 Act’s requirement to lodge the petition in the area where the child is. [Under the 1978 Act the application took place in the seat of the local authority.] This creates a variety of difficulties including:

- Potential identification of the location of the child, particularly when in smaller communities. This sometimes means that a different Sheriff Court needs to be found or the application is made to the Court of Session.
- Witnesses including birth parents have to travel. This has resource implications. Birth parents may have to appoint another solicitor as Legal Aid does not cover the cost of travel:

‘we are asking vulnerable, disadvantaged birth parents to travel for the case to be heard – and for them to instruct solicitors in an area which they don’t know or have knowledge of, when they might have a relationship with their own solicitor who might have full knowledge of the case.’

- In the Court of Session there is also the additional cost of the case being presented by an advocate or solicitor-advocate with a right of audience.

Also raised was that the legal tests are unnecessarily complicated in the 2007 Act, and makes drafting submissions difficult. For example, interviewees expressed the view that the 2007 Act has introduced unnecessary repetition (for example, sections 14, 83, and 84). The same information satisfies each test but each section needs to be addressed separately creating a lot of repetition in submissions.

Case study 4 Aberdeen

<p>186 square km Population of 224,970 409 children subject to CSOs in 2013-14</p> <p>1. Child is accommodated and comes into the LAAC Review system. If this is on a planned basis, then a planning meeting should be held beforehand or within 3 working days of the child being accommodated. If this is on an emergency basis, then a Review should be held within 3 working days of the child being accommodated. Thereafter, Reviews are held at the 2 week, 6 week and then 18 week point of the child's timeline. Each Review will give consideration as to the permanence options for the child but by the 18 week Review, there is an expectation that a recommendation is made about permanence. This includes rehabilitation to parental care. If rehabilitation to parental care is ruled out, the Review may also be in a position to make a recommendation about the best permanence option for the child and the legal route to secure this. If not, a Review is held within six weeks, to consider and make a recommendation about the proposed shape of the permanence plan.</p> <p>2. Aberdeen City Council's Permanence Team focuses on and specialises in permanence cases. Cases are generally allocated at the point rehabilitation to parental care is ruled out by the LAAC Review. This team does not have the capacity to manage all children's cases, therefore, Area Teams also have responsibility for permanence cases.</p> <p>3. At the point rehabilitation to parental care is ruled out, there are 12 weeks for the child's circumstances case to be presented to the Adoption & Permanence Panel. The Panel additionally scrutinises the proposed permanence plan and legal route to secure this plan and makes a recommendation, which is then considered by the Agency Decision Maker. The Adoption & Permanence Panel also considers proposed adoption and permanent foster care matches as well as prospective adopter and permanent foster carer applications.</p> <p>4. Birth parents have the option of attending the Adoption & Permanence Panel with all members of the Panel present. The purpose of this is to allow them a direct opportunity to give their views about the proposed plan for their child/children. Children and young people are also able to attend, should this be seen to be in their best interests and in line with their age and developmental stage. This is mainly at the point where a match is being considered. Most children and young people opt not to.</p> <p>5. Practice is evolving in relation to consideration of the legal routes to secure adoption. Aberdeen City has, until recently, tended to apply for a POA rather than a direct AO petition, this being seen to provide the adoptive family with a more straightforward AO process. However, practice is developing in relation to considering the advantages and disadvantages of both legal routes, with more recommendations and decisions being made to secure children through direct petition. This practice development is being informed by Aberdeen City Council's involvement in the Permanence and Care Excellence Programme (PACE) in partnership with the Scottish Government and CELCIS.</p> <p>6. Social work and legal services work together to prepare reports for submission to the Sheriff Court, this can be a lengthy process. Once a child's plan is approved, the permanence process moves into the family finding stage. However, developing practice has found Aberdeen City Council looking at progressing this, in appropriate circumstances, prior to the child's plan being approved with some recent examples of the plan and the match being presented together to the Adoption & Permanence Panel. Once a proposed match has been identified, this is considered by the Adoption & Permanence Panel who make a recommendation about the match to the Agency Decision Maker.</p> <p>7. A Children's Hearing is requested to give advice to the Sheriff on the permanence plan, where the child is subject to compulsory measures of supervision.</p> <p>8. PO or POA application lodged at Sheriff Court.</p> <p>9. In relation to points 8 and 9, a child may be moved to their prospective permanent home if agreed by the Children's Hearing or Sheriff Court, depending upon where in process the application is.</p> <p>10. In instances where the child's legal route is already resolved or the decision is to make application for a direct petition, the prospective adopters can petition the court 13 weeks after the child is placed with them.</p> <p>11. Contact is a particular challenge in relation to permanence.</p>	<p>TIMELINE</p> <p>Child Accommodated</p> <p>Rehabilitation ruled out at LAAC Review</p> <p>A1 completed and sent to all agencies</p> <p>Info sent to Health (i.e. single assessment)</p> <p>Info sent to Legal (i.e. single assessment)</p> <p>Social work to meet with PIO regarding Plan</p> <p>LAAC Chair to contact social work to ensure case is on track; if not discuss with team manager</p> <p>Pre-Adoption (Permanence) medical</p> <p>Legal Advice</p> <p>LAAC Chair to contact social work to ensure case is on track; if not discuss with team manager and escalate to CSM if timescale is going to be missed.</p> <p>Permanence Pack submitted to PIO</p> <p>Permanence Plan presented to Adoption & Permanence Panel</p> <p>LAAC Chair to contact social work to confirm case presented on schedule</p>
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Case study 5 Dundee

<p>67.34 square km Population of 143,390 490 children subject to CSOs in 2013-14</p> <ol style="list-style-type: none"> 1. Child accommodated and the statutory LAAC Review process (under the council's strategy and performance service) is triggered. LAAC Reviews are chaired by the LAAC Reviewing Officer. The Children's Hearings process may also be involved at this stage 2. If a permanence recommendation is made at the 3 month LAAC Review, the LAAC Reviewing Officer has an intermediate discussion with the allocated Social Worker on permanence plans. This is to ensure they are on task and to ensure there is no drift up to the 6 month LAAC Review. Dates for the Adoption & Permanence Panel are arranged with the senior officer for fostering and adoption. Dundee City Council favours moving the child to their prospective long-term placement as soon as possible to establish them in their new home. 3. Social Worker prepares form E for Adopt and fostering panel. If a POWAA or PO is being pursued SW and Legal Services work together on the paperwork for the Adoption & Permanence Panel and the application to the Sheriff Court. The Adoption & Permanence Panel receives extensive papers on the case 2 weeks before its meeting. 4. Members of the Adoption & Permanence Panel may discuss before the meeting starts any areas requiring exploration. The Social Worker and team manager attend the Panel, as do Legal Services who also provide written advice. Most birth parents attend the Adoption & Permanence Panel; young people may also attend; and foster carers are invited to attend part of the discussion. The Panel may ask for and defer for more information to enable them reach a recommendation. 5. The Adoption & Permanence Panel makes recommendations on whether a child should be recommended for permanent care and what the legal route to that should be. Dundee City Council favours the POA route and it would be rare for it to submit a direct AO petition. Dundee City Council views the POA as a clearer process however is beginning to consider direct adoption in some cases where appropriate. 6. The Agency Decision Maker (ADM) makes their decision taking account of the recommendation of the Adoption & Permanence Panel. S/he also has access to all the reports and minutes. S/he may or may not agree with the recommendation of the Panel and in these cases the SW team need to reconsider their options. 7. Family finding begins as soon as permanence has been agreed by the ADM, and it can be a lengthy process. Dundee City Council has a Family Finding Group as well as a dedicated worker who specialises in this. 8. Following the decision of the ADM, a Children's Hearing is requested to give advice to the Sheriff on the application. In some cases if a match is identified quickly this can be progressed prior to the PO/POA being lodged. This has effect of moving the child quicker to their long-term placement rather than waiting for the Court process to conclude. 9. PO/POA application lodged at the Sheriff Court. 10. Where child not already in permanent placement, child is moved to their permanent home when the order is granted. 	<p>TIMELINE</p> <p>Child Accommodated</p> <p>Initial LAAC Review within 5 days, full LAAC Review within 6 weeks.</p> <p>Possible Children's Hearing</p> <p>6 week LAAC Review</p> <p>3 month LAAC Review makes decision about permanence route and tasks completion of Form E (12 week timescale). Date for Adoption & Permanence Panel requested from senior officer fostering and adoption. Permanence decisions for children over 12 years can be made at the LAAC Review. SW get advice from Legal Services.</p> <p>Permanence discussion between LAAC Reviewing Officer and SW</p> <p>SW draft reports for Adoption & Permanence Panel</p> <p>6 Month LAAC Review</p> <p>Agency Decision Maker makes decision based on recommendation of Adoption & Permanence Panel, LAAC Reviewing Officer remains involved to co-ordinate until Adopt Order is granted by</p> <p>Children's Hearing held to provide advice to the Sheriff</p> <p>Family Finding Worker involved in finding a family for the child</p> <p>PO/ POA application lodged at Sheriff Court</p> <p>Once family identified, Children's Hearing held to move child to permanent placement</p> <p>PO/POA granted at Sheriff Court</p>
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Case study 6 Inverclyde

<p>160 square km Population of 81,000 201 children subject to CSOs in 2013-14</p> <p>1. When a child is accommodated away from home the statutory LAAC Review process is triggered. A Senior Social Worker chairs the LAAC Review and makes decisions on whether the child should progress to permanence planning meeting or to rehabilitation. Senior Social Worker also has a view on open cases allocated to Social Workers. The Children's Hearings process may also be triggered (if child is not already subject to a CSO), e.g. as a result of a CPO.</p> <p>2. The Fostering Panel matches the child to a foster placement. (if this is a permanent fostering placement - it is the Adoption & Permanence Panel).</p> <p>3. Six month LAAC Review makes decision on whether to pursue permanence or rehabilitation.</p> <p>4. The case is referred to the Service Manager for a Permanence Planning meeting to be arranged. This is attended by social work services and legal services and recommends whether the case progresses to the Adoption & Permanence Panel.</p> <p>5. Where the decision of the Permanence Planning meeting is to progress to the Adoption & Permanence Panel, Form E is completed and a section 17 report is prepared by the allocated Social Worker. There is dialogue between the Social Worker and Legal Services during this.</p> <p>6. Form E, Section 17 report and other relevant papers are sent electronically to Adoption & Permanence Panel members about ten days in advance of the meeting. There is discussion before the Panel starts about issues and areas which require exploration. The Social Worker and Senior Social Worker attend the Panel; the birth family and young person may meet with a panel member and panel advisor prior to the Panel and foster carers are invited to attend part of the discussion. The Panel may ask for more information for them to make a recommendation.</p> <p>7. The Adoption & Permanence Panel makes the decision about the legal route for permanence. Inverclyde Council's preferred route for adoption is direct AO petition. POAs are rare. (we do not dual register adopters as foster carers, if a temporary carer comes forward to permanently care for a child a reassessment is done).</p> <p>8. Agency Decision Maker makes their decision; ratifying the recommendations of the Adoption & Permanence Panel.</p> <p>9. A Children's Hearing is requested to give advice to the Sheriff on the PO or AO application, and they may also consider child's placement and contact with the birth family.</p> <p>10. PO or AO application lodged at the Sheriff Court.</p>	TIMELINE
	Child Accommodated
	72 hour LAAC Review
	Possible Children's Hearing
	6 week LAAC Review
	3 month LAAC Review
	6 month LAAC Review makes decision on whether to pursue permanence or rehabilitation
	Service Manager arranges Permanence Planning Meeting
	Permanence Planning Meeting decides whether to refer to Adoption & Permanence Panel
	Completion of paperwork for Adoption & Permanence Panel
	Adoption & Permanence Panel makes recommendation
	Agency Decision Maker makes decision based on Adoption & Permanence Panel recommendation
	Children's Hearing held to provide advice to the Sheriff
Permanence application lodged at Sheriff Court	
PO/AO granted at Sheriff Court	

Case study 7 Perth & Kinross

<p>5,286 square km Population of 146,652 148 children subject to CSOs in 2013-14</p> <ol style="list-style-type: none"> Perth & Kinross Council has a dedicated Permanence Lead Service Manager who oversees the Permanence Planning Framework and is involved in permanence planning from day one to the final placement. Effort is concentrated on the first 6 months of a child being accommodated. This is supported by the 'Change is a Must' team (developed with funding from the drug and alcohol partnership) and the Early Years Service with its focus on pre-birth and in the home. Perth & Kinross Council develops a 'working agreement' with parents so there is clarity about issues and what parents are able or willing to change. Legal Services and Children's Services work in partnership on cases from an early stage. There is an open channel of communication between them at different stages of the process. LAAC Reviewing Officers have a quality control role and oversee cases of looked after and accommodated children and the progress of their Care Plans. They review what other professionals are doing and move the case along on if required - by tasking workers or by speaking directly to team leaders or the Improvement Officer. There are also monthly meetings, chaired by the Permanence Service Manager, to review all the cases of looked after and accommodated children who are either recommended or approved for permanent care away from home. Once the Fostering & Permanence Panel approve a child for adoption then the child is transferred to the Permanence Team. This holds the child's case as well as recruiting and supporting adopters. From the time a child is transferred to the Permanence Team the process of identifying and matching possible families begins. When time allows a Permanence Team worker and the allocated children and families worker will produce the Form E together. Fostering and adoption recommendations are made by the Adoption & Fostering Panel. A Kinship Care Panel deals with kinship care cases. Both Panels can make recommendations about permanence and, if a child is over 12 years, the LAAC Review can also make a permanence recommendation. These recommendations include whether a child should be registered for permanent care, what legal route will be used to achieve this, and what contact the child should have with their birth parents. The Adoption & Fostering Panel also recommends who should be approved as foster carers/adopters and gives approval for the matching of children and prospective carers. Papers are provided 2 weeks before the Adoption & Fostering Panel, and the Chair sees these in advance. Social Workers and birth parents are invited to the Panel. If birth parents are in attendance, the number of people present is reduced. The Panel generally makes unanimous recommendations. Perth & Kinross Council uses Permanence Orders with Authority to Adopt. The legal guidance provided to the Adoption & Fostering Panel states that a direct Adoption petition is not a possible route. The Agency Decision Maker is asked to ratify the recommendation of the Adoption & Fostering Panel. Following this, a Children's Hearing is requested to give advice to the Sheriff on the application. Permanence application is lodged at Sheriff Court. Perth & Kinross Council tends to wait until the full legal process is complete before moving a child to a decided permanent placement. 	<p>TIMELINE</p> <p>Child Accommodated</p> <p>72 hour LAAC Review</p> <p>Possible Children's Hearing</p> <p>6 week LAAC Review</p> <p>3 month LAAC Review</p> <p>SW obtain legal advice before asking 6 month LAAC Review to make a permanence recommendation</p> <p>6 Month LAAC Review makes recommendation to rehabilitate or pursue the permanence plan (recommendations to this LAAC Review are always shared in advance with families)</p> <p>3 months to get Form E completed, book Adoption & Fostering Panel and begin family finding</p> <p>Permanence Planning meeting decides whether to refer to Adoption & Fostering Panel</p> <p>Adoption & Fostering Panel recommendation</p> <p>Agency Decision Maker ratifies the recommendation of the Adoption & Fostering Panel</p> <p>Case transferred to the Permanence Team</p> <p>Children's Hearing held to provide advice to the Sheriff</p> <p>Permanence application lodged at Sheriff Court</p> <p>PO/POA granted at Sheriff Court</p> <p>Child moved to Permanent placement</p>
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Chapter 10. Contact

Contact set by Children's Hearings

Children's Hearings when making, varying or continuing an SR/CSO must consider whether to include a direction regulating contact between the child and a specified individual(s) or specified class of individuals²³. Specified individuals or groups are usually the child's parents, siblings, or other family members. Specified individuals can also be friends or partners of parents.

The regulation of contact can be as prescriptive or not as the Hearing considers appropriate. For example, the Hearing can set out where the contact is to take place, how often and whether it is to be supervised or not. The Hearing can also decide that the child shall have no contact.

To assess how contact for a child with their birth family changed from when they were first placed on compulsory measures of supervision to when the SR was terminated by the Sheriff making the PO, POA or direct AO, contact conditions were recorded from when they were first made and at each time they were varied by Children's Hearings.

The levels of contact set in SRs were assessed at four stages:

1. As conditions of first SR
2. In place at the time of the meeting that first identified permanence²⁴ (as recorded in SCRA's case files)
3. In place at the time of the Matching Panel
4. Included in the SR at the time of the Advice Hearing.

Because contact conditions are made according to each child and family's circumstances they are diverse. To assess how contact changed for the 200 children, contact conditions were categorised as:

- Supervised at social work discretion
- Supervised set frequency
- No conditions set
- No contact
- Unsupervised
- Supervised one parent, no contact other parent
- Not evident

At the points of the permanence meeting, Matching Panel and Advice Hearing, additional categories were included:

- Supervised reduced set frequency
- Supervised increased set frequency
- Supervised same set frequency
- Letterbox

²³ S29(A)(1) of The Children's Hearings (Scotland) Act 2011.

²⁴ For example: LAC Review, Child Plan Review, Legal advice meeting, Permanence (planning) Review, Adoption & Permanence Panel.

Contact with parents

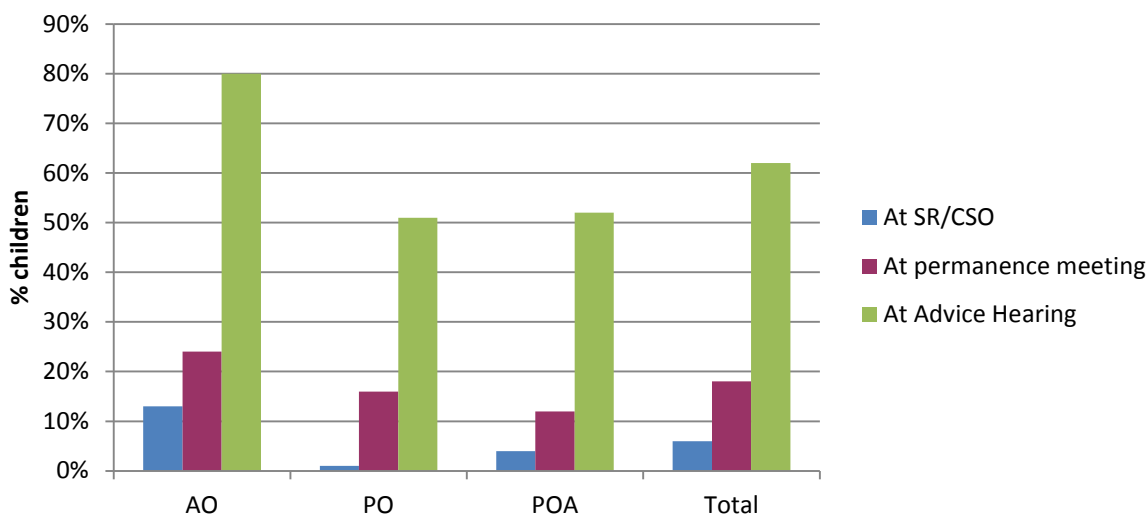
Contact conditions with parents were assessed against whether the children went onto to have direct AOs, POs or POAs and for all 200 children, and are shown in detail in Table 53.

Contact was reduced as permanence planning proceeded, and the numbers of children where the SR conditions specified that they were to have no direct contact with their parent(s) increased.

At first SR, 6% (13 children) had conditions of no direct contact with their parents. At the time of the permanence meeting this had increased to 18% overall (36 children) and was 24% of those children (18) who went onto have direct AOs (Figure 9).

Advice Hearings set contact conditions when reviewing the SR, as well as providing advice to the Sheriff on the PO, POA or direct AO applications. There were conditions of no direct contact with parent(s) made previously and continued or made at the Advice Hearings for 124 children (62%). For those children where there were to be applications for direct AOs – this was 80% (60 children); and was 51% and 52% for children where the applications were for POs (38 children) and POAs (26 children), respectively (Figure 9).

Figure 9. Children with no contact with birth parents or letterbox contact only when Supervision Requirement first made, at time of permanence meeting and at Advice Hearing



When the SRs were first made, 187 children (94%) were having some sort of contact with their parent(s), and for most (62%, 125 children) this was supervised by social work. However, for 28% (57 children) their Hearings had not set contact conditions in the SRs. In 35 cases this was because the conditions of the SR were for the child to live at home with their parent(s) (Table 53).

At the time of the permanence meeting, 123 children (62%) were having supervised contact. For 2% contact (three children) was unsupervised; for another 2% the amount of supervised contact had been increased; and for 10% (21 children) the level of supervised contact had been decreased. More Hearings were setting

contact conditions, with 14% of SRs at this stage having no contact conditions (27 children) (Table 53).

Advice Hearings continued or set conditions of supervised contact for 66 children (33%), with an additional child (0.5%) having their level of supervised contact increased. 4% of Advice Hearings (eight children) had not set contact conditions.

Contact with siblings and extended family

It was unusual for Hearings to set contact conditions for those other than parents. This was more common at Advice Hearing stage.

Siblings

There were 25 children whose Advice Hearings considered whether there should be on-going contact with their siblings (who were not co-placed with them). Three of these children went on to have direct AOs, five had POAs, and 17 POs. For two of the PO children, the Advice Hearing specified that they were to have no contact with their siblings, and for another PO child there was to be letterbox contact. In all other cases, contact was to be a voluntary arrangement between foster carers and the children or to be arranged and facilitated by social work.

Extended family

A similar number of children (23) had Advice Hearings that considered contact conditions with their extended family. For nine children this was to include conditions of no contact or letterbox only contact with grandparents. Twelve were to have contact supervised by social work, and for two children this was to be a voluntary arrangement. In addition, there were three children where the Advice Hearings specified that they were to have no contact with their mother's current or previous partners.

Table 53. Levels of contact with birth parents

Level of contact	Number of children																
	At 1 st SR/CSO				At permanence meeting ²⁵				At Matching Panel				At Advice Hearing				
	AO	PO	POA	Total	AO	PO	POA	Total	AO	PO	POA	Total	AO	PO	POA	Total	
Supervised discretion SW	9	19	13	41 (20%)	5	21	14	40 (20%)	2	9	6	17 (8%)	2	13	4	19 (10%)	
Supervised frequency set	32	18	20	70 (35%)	12	6	8	26 (13%)	2	5	1	8 (4%)	0	4	1	5 (2%)	
No conditions set	17	34	6	57* (28%)	12	13	2	27 (14%)	5	4	3	12 (6%)	4	2	2	8 (4%)	
No contact	10	1	2	13 (6%)	18	10	6	34 (17%)	30	15	5	50 (25%)	55	27	21	103 (52%)	
Supervised 1 parent, no contact other parent	5	1	8	14 (7%)	1	5	2	8 (4%)	6	1	6	13 (6%)	2	4	7	13 (6%)	
Unsupervised	1	1	1	3 (2%)	0	3	0	3 (2%)	0	0	0	0	0	1	0	1 (0.5%)	
Supervised reduced set frequency	n/a	n/a	n/a	n/a	6	8	7	21 (10%)	12	7	2	21 (10%)	2	4	4	10 (5%)	
Supervised increased frequency set	n/a	n/a	n/a	n/a	2	1	0	3 (2%)	0	0	0	0	1	0	0	1 (0.5%)	
Supervised same set frequency	n/a	n/a	n/a	n/a	16	3	6	25 (12%)	7	3	7	17 (8%)	3	9	6	18 (9%)	
Letterbox	n/a	n/a	n/a	n/a	0	2	0	2 (1%)	3	5	1	9 (4%)	5	11	5	21 (10%)	
Not evident	1	1	0	2 (1%)	3	3	5	11 (6%)	8	26**	19**	53 (26%)	1	0	0	1 (0.5%)	
Total children	75	75	50	200 (100%)	75	75	50	200 (100%)	75	75	50	200 (100%)	75	75	50	200 (100%)	

*Where no contact conditions were set, in 35 cases (50%) this was because the child was on SR/CSO at home with their parent(s) (i.e. seven AO children, 20 PO children and four POA children).** Some POA and PO children had not been matched at this stage.

²⁵ The Permanence meeting is defined as the one where permanence was identified for the child. This was usually LAC Reviews, CPCCs, permanency planning meetings and other types of multi-agency meetings.

Contact set by Sheriff

Adoption Orders may contain whatever conditions the court sees fit²⁶. Permanence Orders (with or without authority to adopt) may specify such arrangements for contact between the child and any other person as the court considers appropriate and in the best interests of the child²⁷. In both AOs and POs/POAs these conditions were usually related to contact (or no contact) with birth parents(s).

Contact with birth parent(s)

In 78% of cases (156 children) there were conditions of no direct contact between the child and their parent(s). 92% of POAs and AOs specified no direct contact with parents (115 children), although indirect (letterbox) contact was permitted in 48% of POAs (24 children) and 16% of AOs (12 children) (Table 54).

40% of POs (30 children) permitted continued direct contact with parent(s), in all cases this was to be supervised. Continued contact with birth parent(s) was included in the conditions of two AOs, in both, contact was to take place twice a year and to be supervised.

Table 54. Level of contact with birth parent(s) set by Sheriff

Level of contact	Number of children			
	direct AO	PO	POA	Total
No contact	57	25	22	104 (52%)
Letterbox	12	16	24	52 (26%)
Supervised reduced set frequency (from at Advice Hearing)	2	9	0	11 (6%)
Supervised set frequency	0	0	2	2 (1%)
Supervised same set frequency (as at Advice Hearing)	0	7	0	7 (4%)
Supervised at discretion of petitioner	0	14	1	15 (8%)
No conditions set	2	4	0	6 (3%)
Not evident	2	0	1	3 (2%)
Total children	75	75	50	200

Contact with siblings and extended family

Like Hearings, it was unusual for Sheriffs to consider contact with other family members in Orders.

Siblings

Two AOs specified that the children were to have letterbox contact with their siblings, and another that direct contact was to be arranged on a voluntary basis between the adoptive parents.

Three POs specified regular contact with siblings, and in one of these that the child was to have an annual holiday with their siblings. Two included that contact with siblings was to be arranged on a voluntary basis and another that this was to be arranged at the discretion of the petitioner.

Four POAs set regular contact with siblings, and one stipulated that this was to be a discretion of the petitioner.

²⁶ S28(3) 2007 Act

²⁷ S82 2007 Act

Extended family

One AO terminated contact with grandparents, and two permitted letterbox contact. Two POs specified regular contact with grandparents, one allowed letterbox contact with extended family, and three allowed contact with family to be arranged at discretion of petitioner.

Two POAs set regular contact with grandparents and another two allowed letterbox contact.

Parents' and children's views on contact

The research initially planned to gather parents' and children's views on contact each time contact conditions were varied. It intended to do this through examination of reports and Hearings' decisions and reasons. However, this analysis was not possible as these views were rarely recorded.

Adoption & Permanence Panels' views on contact decisions and Children's Hearings

Issues around decision making by Hearings about contact were explored in focus groups with Adoption & Permanence Panels.

There was a consensus in the focus groups that it can be difficult for Hearings to make decisions about contact, primarily because Children's Panel Members are volunteers and there was a general view that they don't have the necessary professional knowledge or experience to do this. Participants advised that a deeper understanding of the expertise of social work staff may help Children's Panel Members place more trust in their assessment of contact. For example, one Adoption & Permanence Panel felt that Hearings use contact as a method to assess parenting capacity, even where social workers argue that contact is detrimental to the child. This they explained could be down to different thresholds and understanding of distress rather than what is best for the child. It was also acknowledged that this could be the result of poorly written social work reports which include little on assessments of contact and/or parenting.

There was also a general view that Hearings can be influenced by the presentation and/or reasons put forward by birth parent(s), which can make them parent rather than child-led. The difficulty in balancing parental distress with making decisions in the child's best interests was acknowledged, however it was observed that Children's Panel Members appear to find it difficult to not be unduly influenced by this. They explained that it can take a long time in their involvement with a family for a social worker to 'pull out' of feeling sympathetic to birth parents and/or giving them chances to change their behaviour, and that Children's Panel Members need to be more aware of this.

There was concern amongst participants about the uncertainty of possible decisions about contact and the distress this can cause to children, parents and carers when attending Hearings. It was suggested that there may scope for specialised Children's Panel Members, particularly where permanence is being considered.

Alternatively, it was suggested that decisions around permanence should not be made in the Hearings System.

Adoption & Permanence Panels raised questions on when contact should be terminated, and that because permanence was being pursued does not necessarily mean that contact cannot continue. Some suggested that prospective adopters need to be better supported to understand that child(ren) may have on-going contact with their birth parents up until the Order is made, or even after. All decisions and arrangements should be in the best interests of the child and not the adults involved, whether they be the birth parent(s) and/or prospective adopters.

Participants also raised that social work do not always consider sibling contact post-permanence when presenting cases to the Adoption & Permanence Panel. This can be very important to a child's identity in terms of understanding their family history and composition. However, at the same time there is a need to consider what is realistic for the child, his/her prospective permanent family, and their siblings and carers. It helps the Adoption & Permanence Panel's considerations when the Social Work Department has outlined and evidenced the plans for sibling contact post-permanence.

Social workers and LAC Reviewing Officers views on contact

Interviewees explained that contact could be a contentious issue, and often a cause of stress and pressure for potential adopters who can struggle to understand why 'their' child is still having contact with birth parent(s) who are soon going to lose their parental rights and responsibilities. They advised that, in some cases, a child can continue having contact with their birth parent(s) up until the Advice Hearing, if not the decision of the Sheriff, which can be difficult for all involved. Some felt that the Hearings System can seem to be in direct conflict with permanence proceedings in instances where the Hearing reinstates contact; this, interviewees explained, can not only undermine the child's permanent placement it can also slow down work with the child in preparing them to move.

Interviewees reported that the issue of contact can sometimes delay the family finding process for a child as potential adopters do not want to have to deal with their future child having contact with their birth family. They felt that sometimes permanence needs to be legally secured first before family finding for a child. At best, this delays moving a child to their permanent home and, at worst, the delay becomes so significant that the child is no longer considered 'adoptable'. It was also explained that finding a family for a child who still has regular contact with birth parent(s) can be challenging as the logistics of attending contact can be difficult if a child is placed with a family in another geographical area, even if the placement best meets the child's long-term needs.

There is a general expectation that letterbox contact will continue post-permanence, but sometimes even direct contact will continue with a child's birth family, whether this be their birth parent(s), grandparent(s) or sibling(s). For some adopters this can be difficult to bear, particularly when the child(ren) have become part of their families.

Case study 8. Direct Adoption Order - contact

Ella

A SR at home is made when she is four years old. A year later a CPO is made and Ella is placed in foster care with condition of contact with her parents twice a week. A month later, a LAAC review recommends permanence. Over the next 6 months, contact with her parents is reduced by Children's Hearings as Ella's parents fail to attend, and contact is set at letterbox only. Two years later, Ella is matched with prospective adopters and moves to live with them. A month later an Advice Hearing supports the AO application and terminates contact with her parents.

The AO application is lodged a month after the Advice Hearing and is granted by the Sheriff 6 months later. The Sheriff sets letterbox contact once a year, and for this to be terminated if the birth parents fail on two successive occasions to send any communication.

Ella is 8 years old: *'I want to live here because I love my new mum and dad and my dogs and I feel safe'*.

Case study 9. Permanence Order with authority to adopt then Adoption Order - contact

Kelsey

His parents agree to him being placed with foster carers from hospital after his birth. After 8 months, his mother withdraws her consent and social work refer him to the Reporter. A month later a Children's Hearing is held which makes a Place of Safety Warrant to secure Kelsey's placement with his foster carers, and sets contact with his parents at once a month for 1 hour supervised by social work. Grounds are established 2 months later, and a month after this a Children's Hearing makes a SR with the same level of contact with his mother. His father agrees to terminate his contact with Kelsey.

Less than a month after the SR is made, the Adoption & Permanence Panel recommend that a POA should be sought. His foster carers intend to adopt him. Both his birth parents support this.

An Advice Hearing is held 2 months later, and supports the local authority's application for a POA. The Advice Hearing continues contact at the same level (i.e. 1 hour/month supervised) with his mother.

The POA application is lodged at court a month after the Advice Hearing, and the Sheriff grants the POA 3 months later. The Sheriff terminates any direct contact between Kelsey and his parents and sets indirect contact (letters, cards, photographs) at a frequency to be determined by the local authority.

Kelsey's foster carers lodge the AO application 5 months after the POA is made, and the AO is made 6 weeks later. Kelsey has only ever lived with his foster carers who are now his adoptive parents. He is almost 2 years old.

Case study 10. Permanence Order - contact

Abbie

A SR is first made when Abbie is 2 years old, this is at home with her mother. When she is 6 years old, her SR is varied to foster care and the Hearing does not set contact conditions. Six months later there is a rehabilitation attempt, however, this does not work and after 2 months Abbie is returned to her foster carers. A Hearing sets contact with her mother at once a week, supervised. Six months later, contact is reduced to once a month, supervised. Abbie's mother appeals this decision.

A year later, Abbie is moved to long-term foster carers, and this is intended to become permanent placement. The SR's conditions are that contact with her mother is to be at social work discretion which plans to reduce the level of contact.

Three years after being placed with permanent foster carers, the Adoption & Permanence Panel recommends that a PO is sought, and 3 months later the Advice Hearing is held. Abbie is 12 years old and gives her views to the Hearing – she wants the PO to go ahead and still wants to see her mum and enjoys contact with her. The Advice Hearing supports the PO application and recommends to the Sheriff that the PO include a condition of contact with her mother.

Three months after the Advice Hearing, the PO application is lodged and is granted within 2 months. The Sheriff includes a condition of contact with her mother once every 3 months, supervised by social work.

Other conditions in Permanence Orders and Permanence Orders with authority to adopt

Permanence Orders can include other conditions to those related to contact or those granting the authority to adopt – i.e. '*determining any question which has arisen in connection with any parental responsibilities or parental rights in relation to the child, or any other aspect of the welfare of the child*'²⁸. These conditions can therefore be very broad. There were 13 POs and POAs with such conditions:

- Nine included the right to apply for a passport for the child.
- Eight - that child could have medical interventions and treatment.
- Five - that child could go on holiday and school trips abroad.
- Five – choice of child's school and education
- Two – that birth parents would be kept informed if AO did not go ahead.

²⁸ S82(1) 2007 Act

Chapter 11. Routes to adoption – geographical differences

The two legal routes to adoption examined in this research are POA applications by local authorities followed by AO applications made by prospective adopters, and direct AO applications by prospective adopters.

There were clear differences in the routes to adoption between local authorities in the west of Scotland and those in the north and east (Figure 10). Those in the west favoured direct adoptions with 95% of the 75 direct adoptions and 2% of the 50 POAs being in the west of Scotland. In contrast, 98% of the POAs and 5% of direct adoptions were in the north and east of Scotland. The numbers and proportions of POs were similar in both regions (Figure 10). These data are broken down by local authority area in Table 55.

Figure 10. Percentage of Permanence Orders, Permanence Orders with authority to adopt and direct Adoption Orders in the west, and north & east of Scotland

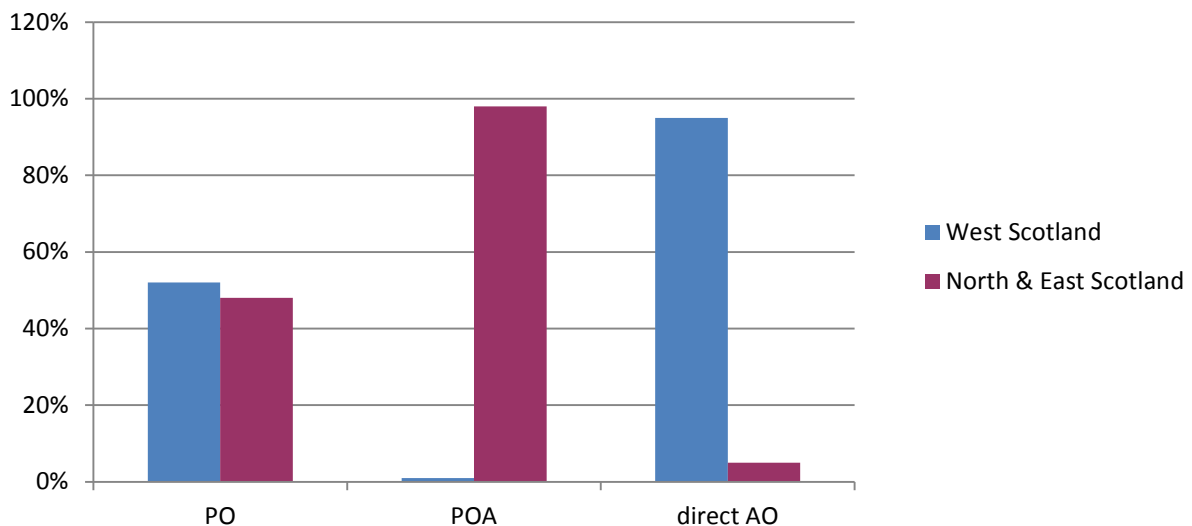


Table 55. Permanence Orders, Permanence Orders with authority to adopt, and direct adoptions in each local authority area*

Local authority	West Scotland				Local authority	North and East Scotland			
	PO	POA	direct AO	Total		PO	POA	direct AO	Total
Argyll & Bute	0	0	2	2	Aberdeen City	0	2	2	4
Dumfries & Galloway	1	0	1	2	Aberdeenshire	0	2	0	2
East Ayrshire	5	0	7	7	Angus	0	3	0	3
East Dunbartonshire	0	0	1	1	Dundee	6	8	0	14
Glasgow	9	0	14	23	East Lothian	3	2	0	5
Inverclyde	3	0	6	9	Edinburgh	11	11	0	22
North Ayrshire	3	0	2	5	Falkirk	3	2	0	5
North Lanarkshire	8	0	5	13	Fife	1	9	1	11
Renfrewshire	2	0	8	10	Highland	5	6	0	11
South Ayrshire	0	0	5	5	Midlothian	2	2	0	4
South Lanarkshire	5	1	11	17	Perth & Kinross	1	1	0	2
West Dunbartonshire	3	0	9	12	Stirling	3	0	0	3
					West Lothian	1	1	1	3
Total children	39 (52%)	1 (2%)	71 (95%)			36 (48%)	49 (98%)	4 (5%)	

*The local authority areas: Clackmannanshire, East Renfrewshire, Eilean Siar, Moray, Orkney, Scottish Borders, and Shetland were not in the research sample.
Total POs = 75; POAs = 50; direct AOs = 75

Decision making on legal route

Legal services

The route to adoption was explored in interviews with four local authority solicitors (all east Scotland). They considered a number of factors when providing advice to the Adoption & Permanence Panel and Agency Decision Maker, including:

Age of the child – one area took the view that there was more likelihood of a child under 6 years old being adopted, and if child was older it would apply for a POA in the hope that a potential adopter could be found. Another considered it more difficult to find adopters for boys after age 7, girls after age 9; and that if a child has reached 10 years old s/he was more likely to have links with birth family and adoption would not be appropriate. However, all said they took into account the child's needs.

Opposition from birth parents – if birth parents were unlikely to oppose the adoption, then direct adoption would be advised.

Siblings – All agreed that they would have to look at individual circumstances, and it was clear that it was needs and best interests of children that were the main considerations. For example, if siblings were placed together in a loving, stable home then the local authority would seek POs rather than split the children up and seek adoption for the youngest child even though there was a strong likelihood of this being successful.

Practice - One area would always go for a POA if there was any likelihood of adoption. There was also a view: '*that the local authority should do the hard work and get the POA if possible*' when the child had already been placed with potential adopters.

Legal services are influential in deciding the legal route. Although all interviewed said that it was a joint process leading to consensus between legal services, social work and the Adoption & Permanence Panel; and ultimately it was the decision of the Agency Decision Maker. However, it was rare for legal advice not to be followed.

Adoption & Permanence Panels and interviews with social workers and LAC Reviewing Officers

Geographical differences in adoption routes were also acknowledged in the focus groups with Adoption & Permanence Panels.

North and east Scotland rationale – Permanence Orders with authority to adopt

The Adoption & Permanence Panels in Aberdeen City, Dundee City and Perth & Kinross Councils explained that it would be rare for them to recommend direct adoption where the child was identified for adoption. This view was supported and informed by advice from legal services and was often a policy decision.

It was felt that going down the route of a POA prior to adoption is a clearer process for the child and adoptive parents. Firstly, a POA can be lodged at court prior to an adoptive placement being identified. Where an adoptive family has been found (and in some cases the child is already living with them) the use of a POA prior to an AO removes any potential conflict between the birth parent(s) and the adoptive parent(s), as the local authority absorbs this burden. The POA was therefore considered to help speed up the process by allowing permanence proceedings to begin before a permanent placement has been found. A POA also allowed the child to be moved to a permanent placement at any point, whether the adoption petition has been lodged at court or not.

Whilst this appears to be a legacy of the previous use of Freeing Orders (1978 Act), some authorities are beginning to question the *status quo*. For example, Aberdeen City Council's Adoption & Permanence Panel had started to see a change from its involvement with the PACE Programme (CELCIS, 2015a)²⁹. There is now much more focus on what is the best option for the child, and following the legal route that best meets the child's needs can speed up the process. Previously they would only recommend direct adoption if it were clear that the birth parent(s) had relinquished the child. Now they are of the view that parental objection is not in itself a reason for a POA rather than direct adoption.

West of Scotland rationale – direct adoption

West of Scotland local authorities favour direct adoptions over POAs (Figure 10). Inverclyde Council's Adoption & Permanence Panel advised that POAs are rare in its area and they would always go down the direct adoption route unless a permanent

²⁹ The PACE programme started in early 2014 in Aberdeen City and Renfrewshire Councils and aims to improve the permanence process through application of improvement methodologies (CELCIS, 2015a).

placement for the child had not yet been identified. They advised that, in their view, the legal route to permanence has to be what is in the child's best interests and whether that is direct adoption or POA this decision is taken purely on what presents the best outcome for the child.

Chapter 12. Advice Children's Hearings

There are two circumstances in which Children's Hearings have a role in the court process for permanence:

1. Advice related to AOs and POs – before petition lodged at court
2. Advice on POs – section 95 reports – after petition lodged at court

1. Advice related to Adoption and Permanence Orders

A review of a SR/CSO must be requested by the local authority when it is making an application for a PO, or is placing the child for adoption, or it is aware that an application for an AO has been or is being made³⁰. As well as carrying out the review of the SR/CSO the Hearing must prepare a report providing advice to the court³¹. This report should provide the Hearing's opinion on the appropriateness of the PO or AO or the placing for adoption, and the court is obliged to consider this advice when making the PO or AO.

The Reporter has 5 days, from the date of Advice Hearing that prepared the report, to give a copy of it to the court (and the child, relevant person(s), safeguarder, the Chief Social Work Officer of the local authority, and if it is an AO application the prospective adopters).

Advice Hearings reports and reasons

It was rare for Hearings not to agree with the social work recommendation for permanence. This happened in two cases (1%)³². In one, the reason the Hearing gave for not supporting the recommendation was that the mother contested the proposed application. In the other case, the Hearing advised the court against the application as it was concerned that this would affect existing contact arrangements between the child and their mother and siblings. In a third case, the Hearing agreed with the application and its advice to court reflected this, but it did not agree with the social work recommendation to reduce contact with parents.

The most common reasons given in the Advice Hearings reports in support of the applications are shown in Table 56.

³⁰ Section 31(2)(c), (d) and (e) of The Children's Hearings (Scotland) Act 2011

³¹ Section 141(2)(c) of The Children's Hearings (Scotland) Act 2011

³² In four cases there was no information in SCRA case files on social work recommendation and/or Advice Hearings reasons.

Table 56. Reasons for Advice Hearings' support of Adoption Order or Permanence Order applications

Reasons in reports	Number of reports*
Long-term stability/ security for the child	136 (69%)
Length of time child with/quality of relationship with prospective permanent carers	89 (45%)
Parent(s) unable or unwilling to change their lifestyle	61 (31%)
Parent(s) failure to attend contact and/or poor quality of contact with child	51 (26%)
Parent(s) poor history of care of child	47 (24%)
Failed rehabilitation attempts	45 (23%)
Child's views	41 (21%)
Parent(s) views	38 (19%)
Child's complex needs or medical needs	17 (9%)
Total**	194

*Most reports had more than one reason

**Total = 194 as two Hearings did not support; and four - no reports in SCRA case files

Time between Advice Hearing and receipt by court

In 30% of cases the report providing advice to the Sheriff was received within the required 5 day timescale. In 31% of cases, this took more than a month (Table 42).

Continuations of Advice Hearings

The appointment of safeguarders by Hearings has been suggested as a factor in delaying plans to achieve permanence for looked after children (Gadda, Hill, Young and Welch, 2015). The appointment of safeguarders by Advice Hearings was examined to find out the extent to which this resulted in continuations of Hearings and thus extending the time for advice being provided to the court. Other reasons for Advice Hearing continuations were also examined.

Sixty one of the 199 Advice Hearings³³ (31%) were continued, and six of these (3%) were continued twice. The most common reason for the first Advice Hearings being continued was because of late or no reports (33%), followed by non-attendance of family member(s) or social worker (21%), and appointment of a safeguarder (15%) (Table 57).

³³ There was one Advice Hearing where it was not clear whether it had been continued or not.

Table 57. Reasons for first continuation of Advice Hearings

Reason for continued Hearing		Number of Advice Hearings
Late or no reports received by: Total: 20 (33%)	Parents	5 (8%)
	Panel Members	3 (5%)
	Hearing	12 (20%)
Non-attendance by: Total: 13 (21%)	Family members	9 (15%)
	Child	1 (2%)
	Social worker	2 (3%)
	Social worker and family	1 (2%)
For appointment of a safeguarder and their report		9 (15%)
For appointment of legal representative for parent(s)		5 (8%)
Further information required		2 (3%)
Other*		9 (15%)
Not known/recorded		3 (5%)
Total		61

* Where recorded, the other reasons were: a conflict of interests as a Panel Member knew the family (two cases), there was no long-term plan for the child (two cases), parent had not received Hearing papers and had been unable to instruct a legal representative (two cases), parent's legal representative could not attend (one case).

The reasons for the six second continuations of Advice Hearings were: family member(s) did not attend (three cases), parent did not receive report (one case), for a parent to attend not wearing handcuffs (one case), and not known (one case).

Time between first Advice Hearing and Advice Hearing that prepared report

Sixty one Advice Hearings were continued (as explained above). For 54%, there was less than a month between the first Advice Hearing and the one that prepared the report to the Sheriff. 25% took more than 6 weeks (Table 41).

2. Advice on Permanence Orders – section 95 reports

A different type of Advice Hearing might be held once an application has been made to the Sheriff for a PO. This is when a review of the SR/CSO is held during the permanence process (i.e. after the application but before PO made) either to consider new grounds or review the existing SR/CSO³⁴. The Hearing cannot make or vary the SR/CSO at this stage (except by interim variation), as it is the court that should deal with issues affecting the child.

If the Hearing proposes to vary the SR/CSO (e.g. to change child's placement, contact conditions with parents, etc.) it must prepare a report (i.e. section 95 report) setting out the proposed variation and its reasons for this³⁵. The report should also contain the child's existing SR/CSO³⁶.

³⁴ Section 96(1) and (2) of The Adoption and Children (Scotland) Act 2007, as amended by The Children Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 Ch. 1 para 17.9

³⁵ Section 95 of The Children and Adoption (Scotland) Act 2007

³⁶ The Adoption and Children (Scotland) Act 2007 (Compulsory Supervision Order Reports in Applications for Permanence Orders) Regulations 2014 (SSI 2014 No. 113).

The Court must consider the section 95 report and has four options:

- (a) to allow the variation and refer to the Hearing, or
- (b) not to allow the variation and not refer to the Hearing, or
- (c) fix a court hearing about the proposal, or
- (d) makes any order appropriate for the expeditious progress of the case.

There were 11 cases (out of the 125 PO and POA cases) where Hearings prepared section 95 reports. Information in SCRA and court records was often incomplete, and that available is summarised below.

The Reporter sent the section 95 report to the court within the 7 day timescale in eight cases (in three cases this information was not in SCRA's records).

The section 95 reports proposed changes to where the child should live (three cases) or variations in level of contact with parents (eight cases).

The Sheriff's decision was available for four cases:

Two cases – (a) to allow the variation and refer to a Hearing. The Hearing followed the court decision in one case (in the other case this information wasn't in the SCRA file).

One case – (b) not to allow the variation; and

One case – (d) to make an interim Order.

Interim Orders

Section 97 of the 2007 Act provides that the court can make an interim Order where an application has been made for a PO and the child is subject to compulsory measures of supervision. The Sheriff when making the interim Order can terminate the SR/CSO if s/he considers that it is no longer required. There is no involvement of the Children's Hearing in the making of an interim Order, and therefore no Advice Hearing or report.

In four cases (additional to those above) the Sheriff made interim Orders – three to allow the children to be moved to long-term foster carers or prospective adopters, and in one case to terminate the child's contact with their mother.

Views of Adoption & Permanence Panels, social workers and LAC Reviewing Officers

Focus groups with Adoption & Permanence Panels and interviews with social workers and LAC Reviewing Officers raised the same issues about difficulties in moving a child to a permanent placement once the PO application had been made. This demonstrates either a lack of knowledge or understanding of sections 95 and 97 of the 2007 Act which can be used to move a child after the petition has been lodged.

It was generally considered difficult to move a child where a POA application has been lodged in court and a permanent placement is subsequently identified, as there was a view that the Sheriff will not make a decision to move the child until the Order

is granted and Children’s Hearings will not do so for fear of pre-empting the Sheriff’s decision. Some said that prospective adoptive placements have been lost specifically because of this issue and others advised that it is a downfall that Children’s Hearings cannot move children to prospective permanent placements after the petition has been lodged. An example was given where moving a sibling group to their permanent placement was delayed as the POA cases were on-going in court - this process took over a year so these children experienced a delay of over a year in being moved to their permanent home.

Survey of Panel Members

A survey of Panel Members was carried out to gain their views on the role of Advice Hearings in permanence and adoption applications and their preparedness for providing advice to the court.

The response to the survey was very low – 23 Panel Members responded³⁷, and of these many did not answer all the questions. Six respondents had been Panel Members for less than 2 years, five between 3 to 5 years, six between 6 to 10 years and six over 10 years. Table 58 provides the responses to those questions answered by over half of respondents.

Table 58. Responses to Panel Member survey

Question	Yes (%)	No (%)	Number of respondents
Have you received training on taking part in Hearings to provide advice to the Sheriff on Adoption or Permanence Order applications?	91%	9%	23
Do you feel you understand the Hearing’s role in the permanence process?	100%	0	13
Do you feel prepared for being part of a Hearing giving advice on an Adoption or Permanence Order application?	92%	8%	13
Have you sat on a Children’s Hearing which has been asked to give advice to a Sheriff in respect of an Adoption or Permanence Order application?	77%	3%	13

The responses indicate that almost all Panel Members who responded have received training on Advice Hearings, understand what is involved, and feel confident in providing advice to the court.

³⁷ There are approximately 2,500 Children’s Panel Members

Chapter 13. Discussion

The Scottish Parliament's (2013) Inquiry into decision making on whether to take children into care, came to a number of conclusions, including:

- *'We believe that the current decision-making processes are not always delivering the best outcomes for children and their families.*
- *Despite the enormous efforts being made across Scotland to bring about improvement, too many children have been left too long in an unsuitable home environment. Too few children move quickly enough into stable, loving homes and go on to enjoy the same life chances as other children.'*

Similarly, the Scottish Government (2011b) concluded in its response to the 2011 SCRA research reports:

'Protracted timescales work against the well-being of the child, their outcomes and their future'.

The Scottish Government also set out actions to address a range of issues including:

- *'Survey-based information from local authorities, Health Boards and third sector on changes in local procedures, the speed of decision-making, number of placements and the numbers of POs applied for and completed.*
- *Integration of all partners in the decision making process for children, including the courts and Children's Hearings so that the rights of the child are always held central to the process.*
- *Increased use of POs to secure the stable future for children who would benefit from their use.*
- *The beginning of a sustained increase in adoption rates from 2013-14.'*

This chapter discusses the research findings in the context of the conclusions of Parliamentary Inquiry and the Scottish Government's response to and the actions arising following the 2011 SCRA research reports.

Children's backgrounds

Looked after children who go on to be adopted or have some other sort of permanent care are among the most disadvantaged and vulnerable children in our society. All the 200 children in this research had been exposed to multiple risks in their birth parents' care, with 93% of them being referred to the Reporter on 'lack of parental care' (neglect) grounds. These risks required that these children be removed from their parents' care.

Birth parents too were vulnerable and most were victims of domestic abuse, poor mental health, and/or addictions. Many had other children removed from their care and accommodated or adopted. Of the 200 children, 55% had at least one parent who themselves had been looked after and accommodated as a child. This strongly implies that many birth parents too had not experienced secure, loving care from their own parents. It is known that the strongest predictor for children being

insecurely attached is having a parent who is not securely attached themselves (Moullin, Waldfogel, and Washbrook, 2014).

Timescales to permanence

Research highlights the need for decisions about children to be made within a child's timeframe – which is different to and distinct from the adult timeframes of the decision makers and adults involved in their life (Brown and Ward, 2012).

For 91% of children in this study it took over 2 years from their first involvement with services to the Order being made at court. This is similar to previous findings (SCRA, 2011a), and can perhaps be explained by a body of research evidence that services tend to overestimate the capacity of families to improve, and to prioritise keeping families together even where it may compromise the children's development (Department for Education, 2011).

If the stages are broken down it can be seen that the longest period was between the children first being accommodated to the application to court which for 71% of children took over 2 years. The court process from application to the Order being made for most children (63%) took less than 6 months, and for 7% it took over a year.

It was not that decisions on permanence were not being made for these children, for most (65%) permanence was identified within a year of them being accommodated. However, permanence was not always being considered when children were first placed on compulsory measures of supervision – only 26% of child plans considered permanence at this point. Once permanence was identified, it took varying lengths of time for children to be matched with their permanent carers or adoptive parents, and for 68% it took over a year.

However, looking at all looked after children, very few go on to achieve permanence. In 2014, 7.2% of children ceasing to be looked after the reason for this was adoption (Table 2), and 10% of looked after children the legal basis was PO, POA or Freeing Order (Table 4).

The 2011 SCRA research concluded that looked after children who go on to be adopted or have some other form of permanence experience multiple delays. The Scottish Government (2011b) in its response stated that:

'individual decisions have to take overall account of the circumstances of the care of each individual child, but believes overall that processes could be quicker.'

The issue of delay has also been recognised in court judgements:

'The damaging consequences of delay in the determination of adoption proceedings have long been well-known. The longer the proceedings unfold, the stronger the attachments which the child is likely to form with the prospective adopters, and they with the child. The child may identify wholly with the new family. It may be profoundly damaging to the child if the court does not endorse that new identity. The protracted uncertainty may itself be damaging and distressing. In the interests of the welfare of

*the child, or out of common humanity towards all the individuals involved, it is imperative that unnecessary delay should be avoided.*³⁸

This research has found that it is the early stages of care and permanence planning following the child being accommodated that take the longest time in the overall process.

Achieving permanence

There is now clear evidence that delays in children achieving stable, loving and permanent homes can have life-long consequences. A child's age is the most important factor to affect a looked after child's chances of being adopted (Thomas, 2013); and research has found that children's chances of adoption reduce by almost 20% for each year of delay (Selwyn, Sturgess, Quinton, and Baxter, 2006).

Research consistently shows that age at joining the new family (not age when entering care) is the variable that has most impact on adoption outcomes, including placement disruption (Boddy, 2013). A study of all adoptions in England over a 12 year period found that adopted children who experienced delays in decision making, or who were placed over the age of 4 years old, were more likely to experience a disruption to their adoptive placement. Most of the young people who had left their adoptive homes early had been late placed (average 5 years old) into their adoptive families. They were older children who had been abused and neglected in their early years (Selwyn, Wijedasa, and Meakings, 2014).

42% of the children in this study were over 4 years old when moved to their final placements. This was 76% of children who went on to have POs made and 22% of those where direct adoptions or POAs were to be made.

Although, as discussed above, the timescales to the Orders being made could take several years, most children (61%) had been living in their permanent placements for over a year. This is particularly the case for children with POs, of whom 85% had been living with their carers for over a year and 23% for over 5 years before the POs were made.

69% of the children with POs were living with their existing carers, as were 23% of those with direct adoptions and POAs. This suggests that there may be a case for earlier consideration of concurrent planning to achieve earlier permanence (Wassell, 2012; CELCIS, 2015b), and greater use of dual registration of carers as foster carers and adopters or permanent carers as was raised in the interviews with social workers.

Seven children (4%) had lived with the same carers since birth, 22% had experienced one move and 24% two moves. Similarly, 14% of children had experienced one placement and 36% two placements. Thus, a half of the children had experienced the relative stability of few moves and placements.

³⁸ ANS and Another v M.L – Lord Reed in the Supreme Court:

Other children, however, had experienced the instability of multiple moves and placements with 26% having had five moves or more. A third had experienced rehabilitation attempts to their parent(s) (with 21 children (10%) having more than one rehabilitation attempt) all of which ultimately were unsuccessful.

Most children had lived for substantial lengths of time in one placement before being moved to their permanent one – 24% had lived in one placement for over 2 years.

Research has shown that the experience of multiple placements in care can prevent children from developing secure attachments to new carers, and that young people who have been looked after have felt overwhelming sense of loss and rejection at various points in their care journey (Furnivall, McKenna, McFarlane and Grant, 2012).

‘Ensuring that a child has a stable, safe, loving home – whether with their parents or other carers – can be considered to be the long term goal of any intervention to support children. In other words, support for looked after children should be aimed at achieving permanence. Where an intervention is made too quickly or too late, or does not meet a child’s needs, where children return home only to return back into care because underlying issues have not been resolved, where placements continually break down and where there are many unplanned crisis moves, it can be considered that decision-making processes are not achieving the best outcome’ (Scottish Parliament, 2013).

Routes to adoption

The guidance on the 2007 Act sets out the areas for local authorities to consider when deciding whether an application should be made for a POA or if the prospective adopters should be supported in making a direct AO application:

- Where birth parents are actively opposing the plan and seek the return of the child to their care, they are more likely to view the process as fair if the child is not placed with adoptive parents until they have had an opportunity to put their case to court.
- Where the child is continuing contact with contesting birth parents, work with the child may be affected by the conflicting views of those around him/her.
- Where the views of the child are clear and they are prepared for a move, delay may be damaging.
- Some prospective adopters may feel confident about going ahead themselves, others may be unhappy about embarking on a legal process which places them in direct conflict with birth parents.
- Where there are no suitable adoptive families, the added security of a POA may be helpful in finding a possible family.
- The opportunity to avoid unnecessary moves by placing the child on a fostering basis with approved adopters (Scottish Government, 2011a).

This research found striking differences between local authorities in the legal routes used. Those in the west of Scotland virtually never made applications for POAs and favoured direct adoptions, whilst the opposite was true of those in the east with very few direct adoptions. This implies that local authorities are not considering and applying the guidance and legislation to the circumstances and interests of individual

children and their parents (both birth and adoptive) and are instead following established approaches. Regardless of the reasons for the difference in approach, the resulting effect is that experience of the adoption process may be very different depending on where the child is from.

Contact

Research by Biehal and co-workers (2009) found that support services are most effective in supporting children and their carers if they engage effectively with children and listen to what they are saying through their words and behaviour, ensure that contact arrangements in both adoption and long-term foster placements do not undermine the child's sense of belonging and permanence in their new family, and review contact plans regularly to make sure they continue to meet the needs of the child.

This research found that it was rare for children's and parents' views to be recorded in the information presented to Hearings. This has important implications for Hearings' decision making. For example it could mean that the only information Panel Members have on the parents' and children's views is in what is said at the Hearing. This is more likely to be the parents' views as children may be very young, excused from attending, or do not feel they can express their views in front of those present. This may go some way to help explain the perceptions of participants in focus groups and interviews about Panel Members apparently being swayed by parents and not changing contact conditions as recommended by social work.

The level of contact with birth parents, as set by Hearings, was assessed at four stages: 1. as conditions of first SR; 2. at the time of the meeting that first identified permanence; 3. at the time of Matching Panel; and 4. included in the SR at the time of the Advice Hearing. When the SRs were first made there were conditions of no direct contact with parents for 6% of children, by the time of the Advice Hearings this had increased to 62%. For children where direct adoption applications were to be made, 80% had no direct contact with their parents at the time of the Advice Hearing; and this was 51% and 52% of children where there were to be applications for POAs and POs, respectively. It was rare for contact to be increased at these four stages. The only instances were for four children (2%) whose contact had been increased at the time of the permanence meeting, and for one child (0.5%) at the time of the Advice Hearing. These findings imply that Hearings were actively considering contact, and responding to the child's circumstances according to his/her stage in permanence planning process. This is in contrast to the views expressed in interviews and focus groups that Hearings could be influenced by the presentation of birth parents rather than the assessments and recommendations made by social workers on contact, and what is in the best interests of the child.

Adoption Orders may contain whatever conditions the court sees fit. Permanence Orders (with or without authority to adopt) may specify such arrangements for contact between the child and any other person as the court considers appropriate and in the best interests of the child. For 92% of AOs and POAs there were conditions of no direct contact with birth parents. For 3% of adoptions and 6% of POAs, the Sheriff set conditions of continued direct contact with birth parents. 40%

of POs had conditions of direct, supervised contact with birth parents, and 55% had conditions of no direct contact with parents.

In its response to the 2011 SCRA research reports, the Scottish Government (2011b) stated that:

'The child's care planning team and the Children's Hearing need to be clear about the significant impact on permanency planning of existing or changed contact arrangements'.

This research found no evidence to the contrary.

Children's and birth parents' views

It was rare for children's views to be included in reports or reflected in Children's Hearings decisions. However, the social workers and LAC reviewing officers interviewed explained how they do actively engage with children using age-appropriate methods to gain their views; and Adoption & Permanence Panels described how they seek the child's views directly or through their carer or social worker. Focus groups and interviewees also described the difficulty in balancing the birth parents views with the best interests of child, particularly for Hearings where parents' legal representatives are in attendance. It was not possible for this research to assess Children's Panel Members' opinions on this due to the very low response rate to the survey.

For many children, their views were not sought by curators ad litem and preparation of their reports (and those of Reporting Officers) did, in most cases, add delay to court proceedings. This latter reflects the conclusion from SCRA's previous research (2011a) that:

'there scope for improving the operation of curators ad litem and Reporting Officers nationally'.

A recent consultation with care experienced young people on the permanence process highlights the importance of communication with children as it found they had a limited understanding of what was happening. It concluded that a child's views should be listened to throughout the permanence process regardless of their age to ensure their understanding and address their concerns as they arise (Who Cares? Scotland, 2014).

Children's Hearings

Children's Hearings have a limited direct role in decision making on permanence; this is restricted to two types of advice Hearings. Their role in the process can however be significant although indirect, and is mainly concerned with when a child should be removed from their parent(s)' care, changes in placement, and in levels of contact whilst the child is under compulsory measures of supervision.

The Hearing's direct roles are in 1. provision of advice to the Sheriff on the PO or adoption application, and 2. in preparing for advice to the Sheriff after a PO

application has been made and there is a need to vary the SR/CSO or consider new grounds (section 95 process).

Both roles can have an influence on permanence planning.

Advice Hearing to give advice to the Sheriff on the PO or adoption application

Some commentators have suggested that it is the Hearings System and differences between Hearings and social work on contact and rehabilitation that cause delays in permanence being decided (McLean and Hudson, 2010), and this was also raised in the focus groups with Adoption & Permanence Panels in this study. There are also reports that the appointment of safeguarders by Hearings is a cause of delay in the permanence process (Gadda, Hill, Young, and Welch, 2015). These issues were examined in this research, specifically for Advice Hearings on the PO, POA or AO applications.

Two Hearings (1%) did not agree with the social work recommendations and did not provide advice supporting the applications to the Sheriff. A further Hearing agreed with the application and not the recommended reduction in contact. This clearly demonstrates that it is rare for Advice Hearings not to agree fully with social work recommendations on permanence and adoption applications.

Where an Advice Hearing cannot make a substantive decision it is continued, and this can contribute to delay in the application being made. 31% of the Advice Hearings were continued, and for 46% of these there was more than a month between the two Hearings. The main reasons for the continuations were no or late social work reports (33%), non-attendance by family member(s) and/or social worker (21%), and appointment of a safeguarder (15%). Previous SCRA research (2012) on children on long-term SRs had very similar findings. It examined 1,686 Hearings and found that 433 were continued; the main reasons were: non-attendance by family members and/or social worker (44%); no or late report (26%); and 16% for the appointment of a safeguarder.

Virtually all the Advice Hearings did agree with the applications and provided advice to the Sheriff. However, almost a third of these were continued before a substantive decision could be made and advice provided, and this did contribute to delay. Given this, it could be questioned what value the Advice Hearing and its report to the Sheriff adds to the permanence process. It would be of interest to know what weight Sheriffs place on Hearings' advice in making POs and AOs. This was commented on in interviews with local authority solicitors:

'What weight is given to the advice? None. I have never known it to be raised [in court] and have never heard colleagues say it has been raised.'

And by another: *'I would say I don't get the impression that a lot of weight is given to the advice given by a Hearing.'*

The Scottish Executive's Adoption Policy Review Group (2005) (whose report informed the 2007 Act) was of the view that removing Hearings' involvement from permanence cases altogether would be a retrograde step. It also valued the independent scrutiny of the Hearing of the decisions made by the Adoption & Permanence Panel. This research required review of all reports to Hearings, and there was very little or no mention of Adoption & Permanence Panels and their

recommendations in the information available to Children's Panel Members. The lack of awareness of Children's Panel Members of the work of Adoption & Permanence Panels was raised in the focus groups.

Adoption & Permanence Panels consider a wide range of information and evidence – typically this will include a permanence plan for the child, matching meeting minutes, Form E, legal advice, report on the carers, medical report on the child, nursery/school report, and LAC review minutes. It would be difficult for a Hearing which has comparatively few reports (e.g. Child Plan, school report, and possibly a safeguarder report) and no information on the deliberations of Adoption & Permanence Panel to effectively provide an independent scrutiny of its recommendations.

Section 95 process

Section 95 reports were prepared by Hearings in 9% of PO and POA cases. Information was often incomplete in SCRA and court records on the section 95 process.

It was raised in focus groups and interviews about Hearings' apparent reluctance to change contact and/or residence conditions of a CSO/SR once a PO application had been made, when, in fact, Hearings are prohibited from doing so³⁹ and it is the court that should deal with all issues during the PO application process.

The section 95 process has a number of stages and adds a level of complexity to permanence proceedings. As one local authority solicitor said:

'we avoid section 95 now. The child has already moved by the time the application is lodged and section 95 isn't needed. Too unpredictable.....A definite legal route and certainty for families earlier would be better.'

The section 95 process is not often used and there is a lack of understanding about it. This is perhaps an opportune time to review whether the section 95 process is necessary and if there is a more straightforward legal route to respond to a change in a child's circumstances after the PO application has been made. This could mean that there would be no need for Children's Hearings to be held to provide advice in these cases.

Availability of information

One of the conclusions from SCRA's 2011 research report was that:

'There is a need for standards and management information in relation to all stages of the permanence decision-making process. This would allow assessment of performance at local authority and national level.'

In addition, the report notes that:

'There is no national overall record of children who have been adopted or have been subject to other forms of permanence proceedings.'

³⁹ Section 96(1) and (2) of the 2007 Act.

This is still the case on both.

The lack of overall information made identifying the children for this research difficult. It was also difficult (and, in some cases, not possible) to track cases where a POA had been made in one Sheriff Court and the AO in another. Much more importantly these difficulties mean that it is still not possible to assess performance to support improvement in permanence planning and policy at local or national levels.

The Scottish Government (2013) in its response to the Parliamentary Inquiry, stated that it would:

'work with local authorities to determine baseline information on the use of POs and on key aspects of how each authority operates its care system'.

This work has begun and the plans are that a permanence dataset will be collected through the Children Looked After Statistics from 2016-17. This should mean that from 2018 onwards there will be more robust information and understanding of the permanence process and outcomes for the children involved in it.

Numbers of children achieving permanence

The Parliamentary Inquiry concluded:

'If long term supervision orders are not desirable, then clarification is needed of the legal basis of permanence where a child cannot live with her or his family. This is particularly pertinent in the context of the relatively low numbers of adoption and permanence orders made each year.' (Scottish Parliament, 2013)

In 2013, the Scottish Government stated that:

'at present too many children spend too long (more than two years) on supervision and there needs to be a greater focus on achieving permanence for these children'.

Permanence Orders

The numbers of children on compulsory measures of supervision for 5 and more years has continued to increase, and in 2013-14 was 20% of children on compulsory measures of supervision (2,324 children). This is against a trend of fewer children being looked after.

Information on POs is more limited, and indicates an increase – of 8% of looked after children since 2013, and in 2014 this was 1,251 children. It is perhaps too early to draw conclusions on whether the increase in POs is a sustained one. That the numbers of children on long-term supervision continues to increase, implies that there are more children who would benefit from the security and stability that a PO or adoption would provide.

Adoption

Less than 500 children are adopted each year in Scotland. There has been a 65% increase in the numbers of looked after children ceasing to be looked after by means of adoption over the past 5 years, and in 2014 this was 337 children (7% of children ceasing to be looked after, and 13% of those who were looked after away from

home). There has been a similar increase in the numbers of POAs and in 2012-13, 230 POAs were made.

The proportion of looked after children being adopted is slightly lower in Scotland than other countries in the United Kingdom. In England, in 2014, 5,050 children ceased to be looked after because they were adopted, this is 17% of children who ceased to be looked after (Department for Education, 2014). Similarly in Wales in 2013-14, 17% of children ceased to be looked after because they were adopted (i.e. 345 children) (Welsh Government, 2014)

Residence (section 11) Orders

The numbers of Residence Orders made has increased by 62% over 5 years to 533 in 2012-13. This is another route to children being placed in permanent placements, and there is very little information available on the use of Residence Orders or outcomes for children. The 2014 Act introduced measures to provide kinship carers with additional help and support. It is not known yet if this will lead to more children being secured permanently with relatives, and it will be difficult to assess this without information being collected on these children.

Chapter 14. Conclusions

The aim of this research was ‘to assess progress in delivering improvements in permanence processes since the implementation of the Adoption and Children (Scotland) Act 2007’. This chapter draws together the study’s findings to identify those aspects that are working well, and to raise questions and suggest areas for improvement.

Is the 2007 Act working?

This research did find evidence of progress and that some aspects of the legislation are working well. The clearest example of this is POs (without authority to adopt). They are being used across Scotland and, as intended, to respond to children’s individual circumstances. However, it is likely that more children could benefit from the security and stability provided by POs rather than remaining in the Hearings System.

Should a set timescale be introduced for the length of time a child can be accommodated and/or in what is intended to be long-term placement before a local authority decides to progress an application for a PO?

There are also areas where the 2007 Act has been less successful. The section 95 process adds a layer of complexity, is not well understood or used often, and can add delay to court proceedings.

There is a need to review the legal process for moving a child after a PO application has been made. This should consider if it is necessary for Children’s Hearings to be involved and if there is a more straightforward legal route through the courts.

Another aspect that is working well is the role of Adoption & Permanence Panels. They provide a high level of scrutiny of the evidence and plans for children’s permanent placements. They also provide an opportunity for birth parents, carers and children and young people to have their views considered. However, this assessment and scrutiny is not visible to Children’s Hearings which, at the same time in the child’s life, are making decisions around contact and where they are to live. This was recognised by the Adoption Policy Review Group which made a recommendation that communication between Permanence Panels and Children’s Hearings be improved (Scottish Executive, 2005a). There is some evidence of progress with some Adoption & Permanence Panels inviting Panel Members to observe their proceedings.

Children’s Hearings need to have more information and understanding about other aspects of care and permanence planning for a child. This could be through training, improved communication, and availability of such information in reports.

Reports and evidence

The above is part of a wider issue around the reports produced for Children's Hearings, for court in applications for adoptions and POs, and by court appointed officers. Those local authority solicitors interviewed commented on the time they took to redraft reports prepared by social work to ensure that evidence was clear in reports for court, and on the amount of repetition required by the 2007 Act in submissions. Social workers interviewed also commented on the time they spent on admin and paperwork. Production of curator ad litem and Reporting Officer reports did add delay to court proceedings and curators ad litem did not always seek children's views.

This offers an opportunity to review the numbers of different reports produced with a view to streamline them and thus to minimise the resources required in their production, and to ensure that Children's Hearings and courts have the evidence they need.

It is a requirement of the 2007 Act that a Children's Hearing be held to produce a report to the court to provide its advice on the AO or PO application. This research found that it is questionable what value this advice adds and if it is necessary for the court process. However, it was not possible to get Children's Panel Members' views on this, and it was not within the study's scope to explore with Sheriffs what weight they place on the Hearing's advice.

There would be merit in consulting with Sheriffs on the value of the Children's Hearings advice in their decision making on adoption and PO applications.

Legal route to adoption

One of the features of the 2007 Act is the greater flexibility it provides in legally securing permanent placements for children and in routes to adoption. However, this flexibility is not always apparent in how the legislation is being applied. There are clear geographical differences in the use of direct adoptions and POAs, which imply that local authorities are making decisions on legal route based on long standing practice rather than the individual circumstances of children. For example, for nine of the 50 POAs, the birth parents gave their consent for the POAs – would direct adoption therefore have been more appropriate?

From the interviews, it was found that it is the advice of local authorities' legal services that is most influential in determining the legal route to adoption. There is evidence that local authorities involved in the PACE programme are starting to question how they decide on the legal route to adoption.

There should be consideration of wider roll out of the PACE programme, and the programme itself should more closely involve local authorities' legal services teams.

Moves and placements

It is known that excessive placement moves can severely impact on young people and their development. It can cause young people to live transient, chaotic lives and it can result in an inability to form secure attachments, sustain positive relationships and experience good outcomes both during and after care (Furnival, 2011; Who Cares? Scotland, 2014). Over a quarter of the children in this study had experienced five or more moves (one child had 15 moves). A third of moves were not planned. However another quarter of the children had experienced no moves or only one move. These findings are similar to SCRA's previous research (2011a), and its conclusion is still relevant and applicable:

'Some children experienced multiple moves and placements, others had the security of long-term carers before moving to their adoptive parents. Both these circumstances can impact on the development of a child's attachment to adoptive parents. There are few standards or guidance on numbers or length of placements and we should use this opportunity to discuss, consider and agree the numbers of moves and placements a child should experience which takes into account age and stage of development. Agreement and monitoring of these would allow local authorities to assess their performance in minimising them.'

Drift and delay

Timescales

The longest overall period was between the children first being accommodated to the application to court which for 71% of children took over 2 years. The court process from application to the Order being made for most children (63%) took less than 6 months.

The guidance on the 2009 Regulations says that after 6 months the majority of looked after children should have a clear plan either to achieve a return home or permanent placement elsewhere (Scottish Government, 2011b). In this study, this was met for 33% of children – in that there was less than 6 months between them being accommodated and permanence identified. However, even when permanence had been identified it was not always included in Child Plans.

In England, as part of the 'Action Plan for Adoption: Tackling Delay', an Adoption Scorecard was introduced (Department for Education, 2011). One of its indicators is the number of children where it has taken less than 18 months from when they first entered care to when they moved in with their adoptive family. Between 2011 and 2014, this target was met for 58% of looked after children who were adopted in England (Department for Education, 2014b). In comparison, this study found that in Scotland, 35% of children had been accommodated for less than 18 months before they moved to their final placement (44% AOs, 39% POAs, and 31% POs).

There are prescribed timescales for Children's Hearings and the court process. Local authorities do work to timescales set in guidance or their own policies (see case studies 4 to 7). However, there is an absence of management information and monitoring performance of permanence processes in Scotland, and this may

contribute to timescales in guidance not being met. A new national data set will be available in 2018 following collection in the 2016-17 Children Looked After Statistics return.

Is there value in Scotland introducing a similar scorecard approach to that used in England to allow monitoring and scrutiny of the permanence process for looked after children?

Role of Children's Reporters

The Children's Reporter does not have a direct role in the permanence process, but their role in deciding if a child should be referred to a Children's Hearing and in getting grounds for referral established in court can have an influence in care and permanence planning and the timescales for this.

There were 62 children where the Reporter did not decide to arrange a Hearing when they were first referred. All these children were referred again and the Reporter did decide to arrange a Hearing. For 42% this happened quickly and Hearings were held within a year of first referral, and for others it took much longer. This raises questions about what has changed in a short period of time for the Reporter to then decide that compulsory measures of supervision may be necessary.

Do Reporters have the evidence they need to make effective decisions the first time a child is referred?

Almost a quarter of grounds for referral took over 2 months to be established in court. It was raised in interviews that it can be difficult to progress permanence plans until grounds are established and compulsory measures of supervision are in place. Other SCRA research has also found wide variations in the lengths of time for grounds to be established (SCRA, 2015).

There is a need to explore what factors lead to grounds of referral taking many months to be established to identify how these timescales can be reduced.

Children's Hearings

An issue that came across strongly in interviews and focus groups was Children's Hearings' decision making around contact with birth parents. There was a general view that Hearings are swayed by the presentation of birth parents and sometimes give less weight to the assessments and recommendations of social workers in their decisions, and that this can contribute to delay to the permanence planning process. It was also raised that the increased presence of parents' legal representatives is making Hearings more adversarial. However, looking at Hearings' decisions, it was apparent that contact was being reduced as permanence plans progressed, and that it was very rare for Advice Hearings not to agree with social workers' recommendations. One possible explanation for this contradiction came from interviews with local authority solicitors, which highlighted that birth parents do not have the opportunity to legally challenge recommendations and decision on permanence until they come to the court stage. The Children's Hearing is then therefore be the only legal recourse birth parents have to challenge, although

indirectly, the permanence plans for their child before the application is made to court.

Is there a need to consider if birth parents should be provided with the means to legally challenge at an earlier stage in the process the permanence plans and decision making for their child?

In terms of timescales, there has been little change since SCRA's 2011 research reports and from introduction of the 2007 Act. This supports the findings of the Care Inspectorate (2014) which concluded that there is still room for improvement nationally in the quality and application of key processes in assessing and responding to risks and needs of children and young people.

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Glossary of terms

Accommodated under section 25 - Separately from the Children's Hearings System, social workers can take a child into care where a parent is unable to care for them and does not object. They have powers to accommodate a child: if no-one has parental responsibility for them, if they are lost or abandoned or if the person caring for them is prevented from providing suitable accommodation or care (section 25 Children (Scotland) Act 1995).

Adoption agency - An office/agency authorised by law to provide information and perform functions (e.g. home visits, court processes, and place children with prospective adopters) in relation to the adoption process.

Only adoption agencies may make arrangements for the adoption of children, the approval of adopters and the matching of children and adopters, unless they are permitted non-agency ones by relatives, etc.

All local authorities are adoption agencies and there are also voluntary adoption agencies, registered adoption services, although they do not make arrangements for children.

The Adoption Agencies (Scotland) Regulations govern the adoption functions of local authorities and registered adoption services in Scotland.

Adoption & Permanence Panel - Every adoption agency is required to set up an adoption panel with at least six suitably qualified and experienced members, including a medical adviser and a legal adviser. The panel makes recommendations (not decisions) on all matters referred to it by the agency, particularly about adoption or permanence plans for children, approval of adopters and the matching of children with adopters. Its recommendations are passed to the Agency Decision Maker for decisions.

Advice Hearing - A Children's Hearing which is arranged to review the child's Supervision Requirement and to provide advice to the court on proposed permanence plans.

Agency Decision Maker – A senior member of the management of an adoption agency whose responsibility it is to make agency decisions about children's adoption plans, approval of adopters and the matching of children and adopters. Often the decision follows the recommendation of the Adoption & Permanence/Fostering Panel but an ADM does not have to follow recommendations.

Child Protection Case Conference (CPCC) - The purpose of a CPCC is to consider whether a child – including an unborn child – is at risk of significant harm and if so, to consider a multi-agency action plan to reduce the risk of significant harm (including the development of a Child Protection Plan). They are formal multi-agency meetings which enable services and agencies to share information, assessments and chronologies in circumstances where there are suspicions or reports of child abuse and neglect. There are several types of CPCC: an initial CPCC; a pre-birth CPCC; a review CPCC and a transfer CPCC.

Child Protection Committee - Child Protection Committees are locally-based, interagency strategic partnerships responsible for child protection policy and practice across the public, private and wider third sectors. On behalf of Chief Officers, their role is to provide individual and collective leadership and direction for the management of child protection services in their area.

Child Protection Order (CPO) - The most commonly used legal measure to protect a child in an emergency situation is a CPO made by the Sheriff. The making of a CPO requires removal a child from (usually) his or her parents, it also determines whether that child should have contact with their parents and what that contact should be, and if the whereabouts of the child should be disclosed to their parents.

Child Protection Register - All local authorities are responsible for maintaining a central register, known as the Child Protection Register, of all children – including unborn children – who are the subject of an inter-agency Child Protection Plan. It has no legal status but provides an administrative system for alerting practitioners that there is sufficient professional concern about a child to warrant an inter-agency Child Protection Plan.

Children's Reporter - is the first contact that a child and family will have with the Children's Hearings System. Children are referred to the Reporter if it is considered that they may need compulsory measures of supervision. The Reporter investigates each referral and then makes a decision as to whether the child should be referred to a Children's Hearing.

Compulsory Supervision Order (CSO) – Made by a Children's Hearing under section 91(3)(a) or section 119(3) of the Children's Hearings (Scotland) Act 2011. It specifies the implementation authority (local authority) and where the child is to reside. It can also contain other conditions such as regulation of contact with parents or other family members (in 2013 CSOs replaced Supervision Requirements which came under the Children (Scotland) Act 1995).

Concurrent or parallel planning or twin tracking - An approach that seeks to eliminate delays in attaining permanent families for children in the foster care system. Concurrent planning involves considering all reasonable options for permanency at the earliest possible point following a child's entry into foster care and concurrently pursuing those options that will best serve the child's needs. Typically the primary plan is reunification with the child's family of origin. In concurrent planning, an alternative permanency goal (e.g. adoption) is pursued at the same time rather than being pursued sequentially after reunification has been ruled out.

Curator ad litem - Independent person appointed as an officer of the court by the Sheriff or judge to investigate the circumstances of the case and report to the court on all aspects of it, from the perspective of the child's welfare as paramount consideration. A curator is appointed in every sheriff court application for adoption and POs and also in almost every Court of Session application.

Getting it right for every child (GIRFEC) - The GIRFEC approach is a Scotland-wide programme of action to improve the wellbeing of all children and young people. Its primary components include: a common approach to gaining consent and sharing

information where appropriate; an integral role for children, young people and families in assessment, planning and intervention; a co-ordinated and unified approach to identifying concerns, assessing needs, agreeing actions and outcomes, based on the Wellbeing Indicators; a Named Person in universal services; a Lead Professional to co-ordinate and monitor multi-agency activity where necessary; and a skilled workforce within universal services that can address needs and risks at the earliest possible point.

Grounds of referral to the Children's Reporter - The reasons for the referral to the Reporter as listed in section 67(2) of the Children's Hearings (Scotland) Act 2011 (previously in section 52(2) of the Children (Scotland) Act 1995).

Looked After Child Review (LAC Review) - The regular meeting between the child, carers, parents and social work department (and other agencies, if involved) to share information on progress and discuss ongoing/future plans and possible placements. The purpose of this meeting is to review and make sure the Child's Plan is meeting the needs of the child.

Matching Panel - An Adoption & Permanence Panel meeting which recommends a match for a specific child with specific adopter(s) or long-term carers.

Pre-birth CPCC - The purpose of a pre-birth CPCC is to decide whether serious professional concerns exist about the likelihood of harm through abuse or neglect of an unborn child when they are born. The participants need to prepare an inter-agency plan in advance of the child's birth. They will also need to consider actions that may be required at birth including whether there is a need to apply for a CPO at birth.

The pre-birth CPCC should be take place no later than at 28 weeks pregnancy or, in the case of late notification of pregnancy, as soon as possible from the concern being raised.

Pre-proof hearing - A procedural hearing held by the Sheriff or judge to check that all parties involved in the case are ready, any outstanding issues are resolved and a list of witnesses and productions to be led is lodged. The Sheriff or judge will also ask whether there are any questions of admissibility of any evidence and whether there may be any questions under the European Convention of Human Rights or other procedural matters which need to be addressed.

Proof hearing - A court hearing which involves the leading of evidence, usually from witnesses in person, although affidavit evidence, reports and/or other productions may be put before the court. In permanence and adoption cases, there will be a proof hearing when birth parents or others oppose an application for adoption, PO or POA. The purpose is for the court to hear all the evidence and then assess it and decide whether to find grounds established or grant the order applied for.

Reporting Officer - Independent person appointed as an officer of the court by the Sheriff or judge to ascertain if the birth parents fully understand the adoption process and witness their consent if they wish to provide this.

Safeguarder - Person appointed by a Children's Hearing or the court, to provide an independent assessment of what is in the child's best interests. He or she should speak to the child, carers, parents and professionals and submit their report and recommendations to the Children's Hearing or court.

Schedule 1 offence – An offence listed in Schedule 1 of the Criminal Procedure (Scotland) Act 1995. This is a list of offences against children, including violent offences, sexual offences and neglect and abandonment.

Adoption and Permanence Orders – timescales

The relevant secondary legislation with timescales:

- Adoption Agencies (Scotland) Regulations 2009 (2009 Regs.) and
- for Sheriff Court applications, the Act of Sederunt (Sheriff Court Rules Amendment) (Adoption and Children (Scotland) Act 2007) 2009 (AS 2009).
- Children’s Hearings (Scotland) Rules as amended. Rule 22(7) and (8)
- Children’s Hearings (Scotland) Act 2011 (Rules of Procedure in Children’s Hearings) Rules 2013

There are also Practice Notes under the 2007 Act, about judicial case management.

Stage	Timescale Statutory	Timescale - not statutory	2007 Act
Plan that considers options including permanence		6 months from the child being looked after away from home	Scottish Government Guidance on 2009 Regs.
Preparation of report for Adoption Agency Panel		Report for adoption panel completed within 12 weeks of LAC review recommending adoption	National Care Standard 2.1
Adoption Agency decision	within 14 days of Adoption Panel recommendation		Regulation 13(1), 2009 Regs
Adoption agency (a) notifies parents (and others) of agency’s decision; and (b) issues Memorandum, Certificate of receipt and form for agreement/non-agreement	Within 7 days		Regulations 14 and 16(2) (adoption) or 17(2) (POA) of the 2009 Regs
Parent(s) return signed certificate stating agreement or non-agreement with Adoption Agency decision	Within 28 days		Reg 16(3) (adoption) or 17 (3) (POA) 2009 Regs
If parents return the agreement form within 28 days and agree with the plan - there should be an Advice Hearing in due course	No further timescales for Agency notification to Principal Reporter, for Hearing being convened or for lodging court application		

	– SCRA Practice Instruction is that Advice Hearing be convened without undue delay.		
If parents return the agreement form and do not agree, or they do not return the form within 28 days, Adoption Agency must notify the Principal Reporter that it intends to proceed with the plan for adoption	Within 7 days		Regulation 23(2) of the 2009 Regs
Principal Reporter must convene a Children’s Hearing	Within 21 days of notification when parents do not agree plan		Rule 22(8) Children’s Hearings Rules 1996 as amended
Principal Reporter must notify the date, time and place of the Children’s Hearing to , local authority/adoption agency, the child and the relevant person(s), any appointed safeguarder, and the National Convenor	7 days		Rule 22(1) Children’s Hearings Rules 2013
Principal Reporter must send a copy of the report by a Children’s Hearing to the court, local authority/adoption agency, the child and the relevant person(s), any appointed safeguarder, and the persons making the application. (This timescale applies even in agreed cases)	5 days		Rule 65(4) Children’s Hearings Rules 2013
Adoption Agency must make an application to the Court for a POA <u>or</u> an adoption application must be lodged	28 days from date agency receives the report from the Children’s Hearing		Regulation 23(3) plus (4) and (6), 2009 Regs
Adoption agency must provide a report to the court about the application as a whole, including the suitability of applicants in adoption cases			S17 for adoption; AS 2009 r.31(2)(b) for POAs
If no report is available to be lodged along with the petition, the sheriff must pronounce an interlocutor requiring the report in adoptions and POAs, and no provision about freeing reports	within 2 weeks , with discretion to fix another period		Adoption, r.8(8), POA r.31(4), AS 2009
Court timescales When an application is lodged, Sheriff Clerk must fix a preliminary hearing date	First Hearing fixed on receipt of curator ad litem report		Adoption, r.14.1(a) POA, r.33(1)(a), AS 2009
Practice Notes for all Sheriffdoms required/require sheriffs to case-manage pro-actively.	Not less than 6 weeks and not more than 8 weeks after application lodged,		

Form of response opposing application	To be lodged within 21 days of intimation		Adoption, r.16, POA, r.34, AS 2009
Production and submission of reports from Reporting Officer and curator ad litem	4 weeks from date of appointment or other period in Sheriff's discretion		Adoption, r.12(1)(d) & (4), POAs, r.44(1)(e) & (4), AS 2009
At preliminary hearing, if case not completed, <ul style="list-style-type: none"> • preliminary hearing may be continued once • proof hearing fixed • pre-proof hearing fixed • Answers ordered and any other documents as appropriate 	Continuation for not more than 4 weeks No earlier than 12 weeks and no later than 16 weeks after preliminary hearing No more than 6 weeks and no less than 2 weeks before the proof hearing To be lodged within 21 days or other period at Sheriff's discretion		AS 2009 Adoption, r.18(2), POA, r. 35(2) Adoption r.18(1)(b)(ii), POA, r.35(1)(b)(ii) Adoption r.18(1)(b)(iii), POA, r.35(1)(b)(iii) Adoption r.18(1)(b)(iv) & (3)(a), POA, r.35(1)(b)(iv) & (3)(a)
Proof hearing completed, judgement must be issued	Within 4 weeks		Adoption r.22(1) & (3), POA r.38(1) & (3), AS 2009

Length of time child must live with adoptive parent(s) before AO may be made

In adoption agency cases, i.e. child placed by agency, or in adoptions by close relatives or step-parents	Child must be aged at least 19 weeks old; and have lived with adoptive parents for 13 weeks.		S15(1), (2) and (3)
In non-agency, non-close relative and non-step-parent adoption	Child must be at least 12 months old; and have lived with adoptive parents for 12 months		S15(1) and (4)

Reviews after POAs granted

Local authority holding the POA must review the child's case under the looked after provisions, until the POA is terminated by adoption or is revoked, whether the child is placed or not	Reg.44, at least once a year Reg 45, essentially every 6 months After 6 months , then every 6 months		s.29, 1995 Act and LAC (S) Regs 2009, regs.44 or 45 Reg.26, 2009 Regs
Where a child is subject to a POA and not placed , additional review duties			

Research variables - quantitative

Child's gender, date of birth, ethnicity, and religion were recorded for all cases.

SCRA case files	Court records
No. siblings adopted pre birth	
No. siblings permanence/ adopted same time	Advice from Children's Hearing received by court
No. siblings NOT adopted	Date petition lodged
1st contact services – type and details	Petitioner
1st contact services - DATE	date 'section 17' report requested from local authority
Known at birth – Y/N	date s17 report received by court
Pre birth/at birth assessment – Y/N	
Current or previous CPR registration	Date Curator appointed
1st CPR date	Date Reporting Officer appointed
2nd CPR date, etc.	Does Curator seek child's views directly – Y/N
CPR category(s)	Child's views from Curator report
1st SCRA referral	Reporting Officer contacts birth parents – Y/N
1st SCRA referral - grounds	Date Curator report produced
1st SCRA referral - Reporter decision	Date Reporting Officer report produced
Last SCRA referral	Birth parents consent?
1st Hearing	Child (12 and over) consent?
1st Hearing decision	Preliminary court hearing date set (1st calling)
1st Supervision Requirement/Order	Preliminary court hearing held (1st calling)
1st Supervision Requirement/Order type	Sist for Legal aid made at 1 st calling - Y/N
CPO(s)	
CPO(s) date(s)	
History of accommodation (inc. s25)	Date of Hearing
Accommodated at birth?	Order granted
Date of 1st move	SR/SO terminated
Number of moves	Date SCRA informed of Order made
Number of placements	Date child received into care of adoptive parents
Contact conditions	Age of child when Order made
	Appeals against Adoption Order
ever returned home once removed?	Child's views evident?
Parenting assessment(s)	Issues about timescales
Contact assessment(s)	Permanence Order with Authority to Adopt made and date?
Impact of contact on child considered?	
Permanence first identified - date	Any previous Adoption Orders/ applications for adoption/POs/PROs/ Freeing orders?

Parallel Planning considered, evident in Child's Plan, and when?	Application to vary, discharge or terminate Permanence Order
LAAC Review, permanence?	Time between POA made and Adoption Order (where possible)
Permanence meeting/review - date	Final contact conditions set by Sheriff
Prospective adopter/permanent carer identified - date	Any other conditions set by Sheriff?
Prospective adopter/permanent carer – type	
Matching Panel date	
Moved to adoptive/permanent placement - date	
Advice Hearing requested - date	s95 – used?
Advice Hearing held - date	Children's Hearing decides to vary SR/CSO and applies to Sheriff for permission
Advice Hearing continued, and reason why	Sheriff's decision – date and decision
Advice Hearing substantive decision made - date	Hearing considers Sheriff's decision - date
Advice Hearing decision	Hearing substantive decision made – date and decision
Advice Hearing – agrees/disagrees with social work recommendation?	
Child has care plan?	
Care plan considers permanence?	
Issues around overall timeline	
Issues around placements, attachment	
Mother and father – looked after and accommodated as children – Y/N	
Child – any disability?	
Description of disability or significant health concerns	

**Combined Information and Consent Form for participating in the:
SCRA Study - Permanence and Adoption in Scotland, 2013 – 2014.**

1. The Scottish Children’s Reporter Administration Research Team consists of Gillian Henderson, Information and Research Manager; Lucy Hanson, Melissa Hunt, Indiya Kurlus and Adele Laing – Research Officers; Zoie Montgomery, Research Assistant.
 2. The project is assessing a sample of 200 cases where a child was permanently placed outwith their birth family across Scotland in 2013 / 2014 under the Adoption (Scotland) Act 2007. It follows on from a previous study which looked at cases under previous legislation and hopes to make some comparison between the current and previous permanence processes.
 3. The Focus Group discussion / interview is designed to take no more than an hour.
 4. There are no known risks in participating in the focus group or interview. You are not obliged to answer any questions that you find objectionable or which make you feel uncomfortable.
 5. The Focus Group discussion will be noted in writing and transcribed at a later date. It will be accessed by the SCRA research and information team as anonymous data and will be analysed using ENVIVO or SPSS software. Information will remain confidential and be anonymous when reported.
- Interviews will be recorded using Microsoft Sound Recorder and will be stored on secure memory sticks and a secure research laptop computer before being transcribed into an anonymous written document and analysed using ENVIVO or SPSS software.
6. Your signature below confirms that your participation is voluntary and that you are free to withdraw at any time; that your contribution to the research will remain anonymous and that the confidentiality of your data will be maintained by the SCRA Research team in line with the Data Protection Act 1998.
 7. The research results are due for national Publication in the Summer of 2015 as a paper document and online and information from the study may form the basis for future training course, further focussed study and future academic papers.
 8. You may contact the researcher, SCRA or the Research Directorate at the Scottish Government if you have any questions, concerns or complaints about the research procedures.
 9. This study has been approved and funded by the Scottish Government.
 10. I have read this Letter of Information / Consent Form and I have had any questions answered to my satisfaction; the SCRA research team will keep a copy of this agreement for their records – and I may have a copy if I wish.

NAME:	SIGNATURE:
DATE:	

Appendix 4

Interview Schedule - Social workers

GENERAL

- How long have you been working as a Social Worker?
- Describe the kind of cases you have on your caseload.

CHANGES TO THE LEGISLATION

- Have you experience applying for Permanence under both the old Adoption (Scotland) Act 1978 and the new Adoption and Children (Scotland) Act 2007?
- What effect has the legislative change had, in your experience?
- Have you altered the way you look at permanent placements since the new legislation was enacted?

THE PROCESS

- How do you identify children for Permanence?
- Please describe your role in permanence cases?
- Talk me through the process of pursuing a PO/POA/AO, beginning with identification of the child as a being potentially in need of permanence through to completion?
- Does this process always apply?
- What influences the decision whether to apply for a Permanence Order or a Permanence Order with Authority to Adopt or an Adoption Order?
Follow up: Is there is a process for deciding which order to apply for?
- Who makes the final decision?
- Who do you work with to help you with your decision making?
- How do you handle cases involving siblings?
- Is decision making affected by the age of the child? Does the age of the child have an influence on the permanence route decided?
- Do you obtain / take the child's views into consideration?
- In thinking of the permanence process for a child from start (when child is first identified for permanence by agencies) to finish (final long term placement) are there ever any problems – and what would they be?
- Does the child always remain the focus of decision making? How is this ensured?
- In your opinion what works well in permanence / adoption?
- And not so well in the same processes?

INTERAGENCY WORKING

- Who are the relevant agencies when children are on a permanence care path?
- How well are the relevant agencies communicating with one another?
 - How do they work together?
- Do you think that your Local Authority and Children's Hearings are working well together in regards to issues surrounding permanence?
What could be improved?
- Do you think that your Local Authority and the Court are working well together in regards to issues surrounding permanence?
 - What could be improved?

CONCLUSIONS

- If you could make any changes to the permanence process, what would they be?
- Anything else you would like to mention?

Appendix 5

Interview Schedule - Legal Services

GENERAL

- How long have you been working in Legal Services/as a Local Authority Solicitor?
- Do you specialise in permanence and adoptions or do you handle a mixture of business?
- Do you tend to work a permanence case from start to finish or do you specialise in specific aspects of it?

CHANGES TO THE LEGISLATION

- Have you experience applying for Permanence under both the old Adoption (Scotland) Act 1978 and the new Adoption and Children (Scotland) Act 2007?
- What effect has the legislative change had, in your experience?

THE PROCESS

- Please describe your role in the permanence/adoption process.
- Talk me through the process for applying for PO/POA/AO? (*from the legal perspective*)
- Does this process always apply?
- What influences the decision whether to apply for a Permanence Order or a Permanence Order with Authority to Adopt or an Adoption Order?
- Who makes the final decision?
- How do you handle cases involving siblings?
- Does the age of the child have an influence in the permanence route decided?
- Do you obtain/take the child's views into consideration?
 - Who do you work with to help you?
 - What, in your opinion, works well and not so well?

INTERAGENCY WORKING

- Do you think that your Local Authority and the Children's Hearings System are working well together in regards to permanence?
 - What could be improved?
- Do you think that your Local Authority and the Court are working well together in regards to permanence?
 - What could be improved?

CONCLUSIONS

- If you could make any changes to the permanence process, what would they be?
- Anything else you would like to mention?

Appendix 6

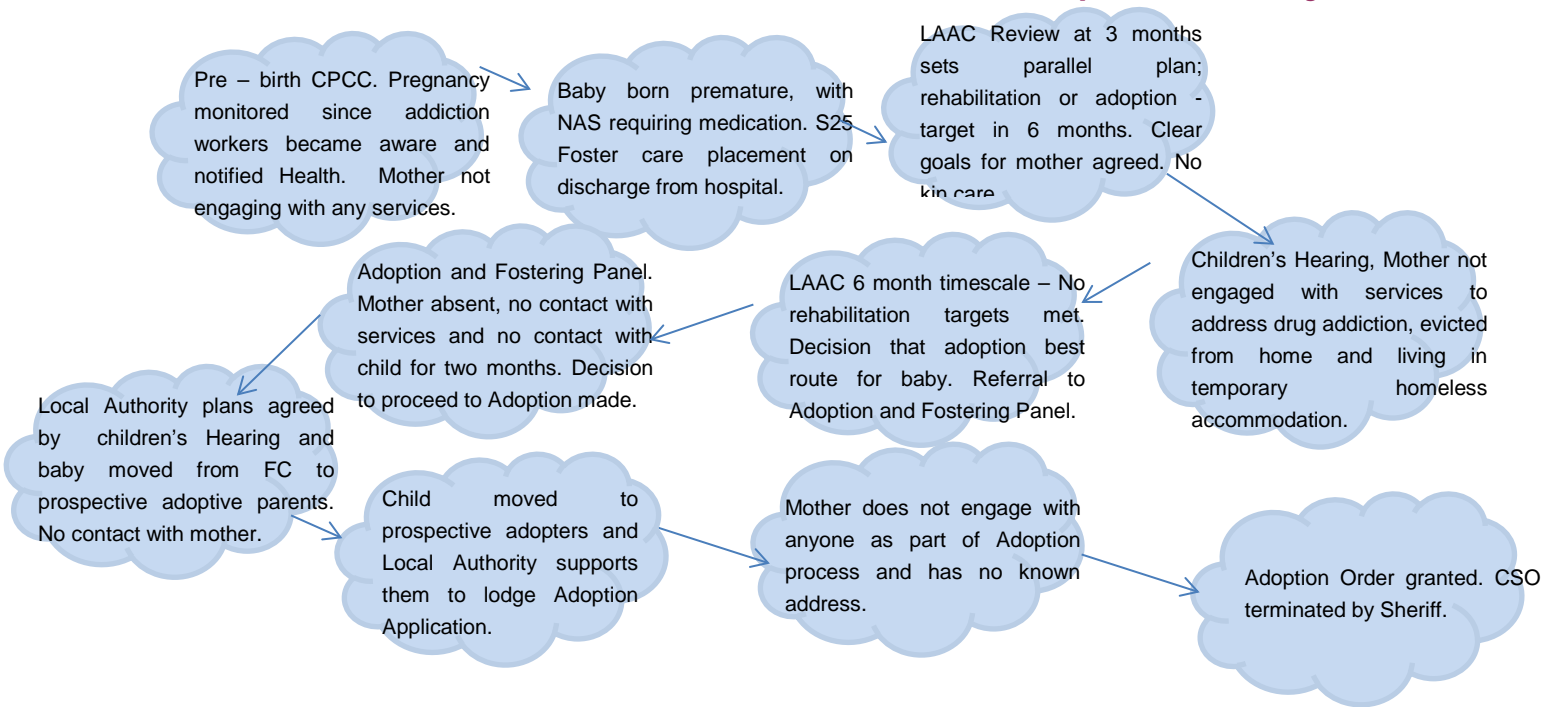
Adoption & Permanence Panel Focus Group General Questions:

1. What decisions can you / do you make?
2. How does the panel make its decision?
3. What can make your decision making difficult?
4. What are the things that make a case work well?

CASE STUDIES (Check after 1st if there is time to look at 2nd).

5. Has recent legislative and or policy change affected the work of the panel? If yes, then how?
6. What would make a difference for decision making about contact in cases where care path is permanence?
7. What could or should be improved?
8. Do you have anything else to add?

SCRA Permanence Research 2014 – Focus Group Case Study 1



How typical is this situation?

Are there any parts of the case study where a change would alter what happens overall?

If contact was assessed as positive would that alter your decision?

Would the timing of this make a difference?

If Mother was engaging with professional services would that alter your decision?

Would the timing of this make a difference?

Would it make a difference to your decision making if Mother was using alcohol instead of heroin?

Why?

How do you reconcile conflicts – for example a safeguarder appointed for a Children's Hearing recommends a rehabilitation plan?

Are there any further comments you would like to make?

SCRA Permanence Research 2014 – Focus Group Case Study 2



How typical is this situation?

Are there any parts of the case study where a change would alter what happens overall?

Does the age of the child make a difference – and if so, what?

What would happen if there were Kin Carers available?

What would happen if no permanent carers could be found?

Is your decision affected if all or some of the children do not agree with the plans?

Would your decision making be any different if the children had been subjected to physical neglect or physical abuse rather than domestic abuse?

Permanence for Children and Young people – Children’s Panel Members’ Survey

1. How long have you be a member of the Children’s Panel?
0-2 years; 3-5 years; 6-10 years; longer

KNOWLEDGE AND TRAINING

2. Have you received training on taking part in Hearings to provide advice to the Sheriff on Adoption or Permanence Order applications? Y/N.
3. If yes, When roughly did you complete this training?
4. If yes, What did the training consist of? Please select all that apply).
- Legislation
 - Writing advice
 - Permanence processes
 - Timescales
 - Attachment theories
 - Child development theories
 - Planning for permanence
 - Hearing’s role
 - Sheriff’s role
 - Local Authority’s role
 - Contact
 - Other (please detail)
5. What aspects of the training did you find most useful?
6. Do you feel you understand the Hearing’s role in the permanence process? Y/N.

Do you feel prepared for being part of a Hearing giving advice on an Adoption or Permanence Order application? Y/N

If not, why not?

EXPERIENCE

7. Have you sat on a Children’s Hearing which has been asked to give advice to a Sheriff in respect of an Adoption or Permanence Order application? Y/N

IF NO TO QUESTION SIX PROCEED TO END

DECISION MAKING

8. What information do you look for in Hearings papers when you are preparing for an Advice Hearing on permanence?
- Full background / family history
 - Rehabilitation attempts
 - Complete chronology
 - Clear plan
 - Clear recommendation
 - Child’s views
 - Parent’s views

Carer's views
Kinship assessment
Grounds for referral
Siblings / detail of sibling placement
Previous Hearings' decisions
Other (please give details)

9. What information do you find most useful?
10. What do you take into account when providing advice about permanence away from home for a child?
- Time away from parents
 - The age of the child
 - Attachments
 - Contact
 - Reason for child being looked after
 - Child's views
 - Parent's views
 - Carer's views
 - Additional information to Child Plan/ social work report (e.g. parenting assessments, medical reports, etc.)
 - Plan for child
 - Ongoing relationships in extended family
 - Ongoing relationships with parents
 - Ongoing relationships with siblings
 - Relationship with carers
11. On what information do you place most importance?
12. In your experience have Advice Hearings happened at the right time for the child / young person? Y/N
13. If N to above have they been too early or too late? Early/Late
14. Have you ever not supported the recommended plan for permanence away from home? Y/N.
15. In No, Why?
16. In your opinion what can make coming to a decision on advice regarding permanence difficult? Please tick those which apply.
- Relevant Person present/not present
 - Contact issues
 - Lack of assessment
 - Lack of agreement
 - Lack of clear plan
 - Non engagement
 - Conflict between parents and local authority plans
 - Child's views not evident
 - Parent's views not evident
 - Other (please detail)
17. What makes this difficult?
18. Have you experienced a decision on an Advice Hearing being deferred? Y/N.
19. If Yes, why was this (tick all that apply)?
- Late or no social work reports
 - Other late reports
 - Non attendance of relevant person

Non attendance of child
Non attendance of social worker
No clear plan
No child's view
No parent's view
Ongoing conflict
Contact issues
Lack of clarity
Need for Legal representation
Need for Safeguarder appointment
Other (please explain)

END

20. Any other comments you would like to make?

THANK YOU

Gillian Henderson, Lucy Hanson,
Indiya Kurlus, Melissa Hunt
and Adele Laing

3 December 2015

