



Department  
for Education

# Call for Views: Review of Contact Arrangements for Children in Care

## Call for Views Response Form

Closing date: 31 August 2012

Your comments must reach us by that date

Please send responses to:

[adoption.reform@education.gsi.gov.uk](mailto:adoption.reform@education.gsi.gov.uk)

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If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

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The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

**Please tick if you want us to keep your response confidential.**

Reason for confidentiality:

Name	Dr. Carol Homden
Organisation (if applicable)	Coram
Address:	Coram Community Campus 49 Mecklenburgh Square London WC1N 2QA

If you have an enquiry related to this call for views please e-mail: [adoption.reform@education.gsi.gov.uk](mailto:adoption.reform@education.gsi.gov.uk) . Please be aware we can only respond to enquiries relating to the call for views exercise from this mailbox account.

For all other enquiries please contact the Department via the 'Contact Us' page on the DfE website: [www.education.gov.uk](http://www.education.gov.uk)

Please mark the category which best describes you as a respondent

<input type="checkbox"/> Child/ Young person	<input type="checkbox"/> Children's social worker
<input type="checkbox"/> Adopted child	<input type="checkbox"/> Social worker (adoption team) (LA)
<input type="checkbox"/> Adopted adult	<input type="checkbox"/> Social worker (Voluntary Adoption Agency)
<input type="checkbox"/> Birth parent	<input type="checkbox"/> Social worker (Independent Fostering Provider)
<input type="checkbox"/> Birth relative (please specify below)	<input type="checkbox"/> Independent Reviewing Officer
<input type="checkbox"/> Prospective adopter	<input type="checkbox"/> Children's Guardian (CAFCASS)
<input type="checkbox"/> Adoptive parent	<input type="checkbox"/> Member of the judiciary
<input type="checkbox"/> Foster carer	<input type="checkbox"/> Lawyer
<input checked="" type="checkbox"/> Member of a Voluntary Community Sector organisation (VCS)	<input type="checkbox"/> Member of an adoption panel
<input type="checkbox"/> Other (please specify below)	<input type="checkbox"/> Member of an adoption support organisation

Please Specify:

This response represents the integrated views of Coram and Coram Children's Legal Centre.

Coram is the UK's first children's charity. Coram provides management services in adoption, and is a registered adoption agency operating in three areas of England (London, East Midlands, and Cambridge).

Coram Children's Legal Centre is part of the Coram group of charities, and specialises in law and policy affecting children and young people.

## CONTACT ARRANGEMENTS FOR CHILDREN IN CARE

1. We want to ensure that all professionals involved in making contact arrangements give careful and critical consideration to the length and frequency of contact, particularly for infants.

**Should we strengthen regulations and guidance so that contact arrangements are purposeful and reflect the needs of the child?**

Yes  No

Please comment further, including any suggestions for alternative proposals:

This proposal refers to a very wide range of children; we are not in favour of sweeping change affecting looked after children of all ages, where change risks reducing access to appropriate levels of contact. Fuller consultation would be needed to consider the range of issues relevant to contact (and to different kinds of contact) which affect the range of children concerned.

Instead, we strongly support specific changes only focusing on contact in infancy, where concerns about the impact of contact on children's welfare, and how these arrangements are made, are most acute.

Furthermore, the definition of 'purposeful' being used in this context is not clear. Purpose is complex when deciding context arrangements, given the different parties involved. Coram advocates for the *quality* of experience from the child's perspective to be placed at the centre of decision-making on contact arrangements. Good quality contact arrangements are:

- determined by the child's needs, wishes, and feelings; and
- characterised by regularity and reliability, requiring well-resourced support.

2. We want to ensure that arrangements are appropriate to their age and stage of the child and specifically infants, ensuring they are not, for example, subject to long journeys. Each case will need to be decided on an individual basis, however we should like to propose that a starting point might be that children under two are rarely exposed to contact more than two or three times a week and for sessions of no more than two hours.

**Should we strengthen statutory guidance to ensure more consideration is given to the purpose of contact for infants?**

Yes  No

Please comment further, including any suggestions for alternative proposals:

Coram has been active in raising concern about the impact on infants of intensive contact during care proceedings and we welcome this attempt to address this issue. Coram's evidence – from developing good practice in supervised and supported contact, and research hosted by its concurrent planning service – shows that improved guidance is particularly needed on infants, to ensure arrangements take account of the reality of their experience of contact.

Levels of contact ordered have been routinely set in recent years by reference to the Munby judgment (2002), which in effect set an expectation of contact five or more times a week. The impact of such levels of contact on infants' welfare is often not sufficiently understood or recognised when agreeing arrangements. Research undertaken at Coram (Kenrick, 2009) highlighted the adverse day-to-day impact on infants experiencing high levels of contact with birth parents, and distress they experienced during contact and before/after contact sessions. These effects were reported although the infants had one consistent carer, committed to their long-term welfare due to their role as concurrent planning carers, and providing continuity and support by escorting them to and from contact, and managing the handover to the birth parent. Most infants in care do not have this protective support, and are likely to be in short-term foster placements, often accompanied to contact sessions by someone other than their foster parent, adding further stress. Recent Australian research (Humphreys and Kiraly, 2011) has supported these findings, including the negative impact of travel and multiple strangers involved in intensive contact arrangements on infants' development. Moreover, the researchers found that the frequency of contact did not show a correlation with the rate of reunification of parent and child/children. The deciding factor was whether or not parents made changes in relation to issues of domestic violence or substance misuse.

Lord Justice Munby has considered the Kenrick research, and stated that he has revised his view about the appropriate level of contact in response to this (see transcript of FJR debate on contact on 08.12.2010 on FJR Website). Careful planning of contact regimes is particularly important in respect of those infants who are more vulnerable due to their difficult start in life, which can include detoxification. They need stability, routine, and sensitive care to facilitate their recovery and avoid further damage to their development. Greater thought should be given to ensuring these needs in their very early days are met, and that contact arrangements reflect these needs.

Consequently, revisions to guidance in relation to making contact arrangements for under-twos should advise that proper consideration is taken of the:

- purpose of contact arrangements (which should be made explicit);
- long-term impact on child well-being; and
- observed impact on the child.

In emphasising the importance of considering the purpose of contact, we stress two key principles. First, that purposeful contact must be determined on a case-by-case basis, and does not rule out intensive contact – where reunification is likely, frequent contact can be justified. Second, that purposeful contact will not necessarily be encouraged by replacing one de facto standard (from the Munby judgment) with another (albeit lower) threshold. Instead, we recommend stronger guidance requiring contact arrangements to be determined by the best interest of the child, taking proper account of the purpose of contact (and how this changes as the child moves through care), and the day-to-day reality and impact of proposed arrangements on the child's welfare.

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***Practice guidance regarding contact arrangements***

Coram's research and practice suggests a number of key features support maximum stability and consistency for the child, helping to mitigate negative effects on babies and young children (and on birth parents and foster carers).

Continuity of contact supervisor, place, time and escort is the key. It is also important that contact arrangements are reassessed regularly in line with changing circumstances, during proceedings as well as after, as proposed at question 6 below.

***Key features of good practice in contact for infants subject to proceedings***

Contact supervisors: The role of supervisor (observation, intervention, modelling, teaching, evaluating) is crucial and highly skilled. Supervisors should:

- be confident, knowledgeable about baby care and development (NNEB, NVQ);
- have experience of working with young children;
- have the ability to look at what is going on for the baby and how s/he is reacting/responding;
- have the ability to relate to parents – be calm, supportive, non-collusive, and able to set boundaries;
- have regular supervision of her/his work;
- have continuity, to provide parents with an opportunity to learn or improve baby care skills; and
- be able to exercise authority to intervene if they observe that a child is distressed.

Foster carers need:

- training to enable them to support contact for infants, and to develop a co-operative and supportive relationship with the parents; and
- support to enable them to manage the stress involved in managing contact.

#### Travel:

- The onus (as far as possible) should not be on the child to travel, particularly where more frequent contact is thought to be appropriate.
- Where possible, contact should be provided less than 20 miles or one hour's travel time from the child's and birth parent's home.
- Where the above travel time is not possible, it should be clear that longer distances between homes are not grounds to deny contact automatically. Local authorities need to resource travel requirements to ensure contact is not denied on the grounds of feasibility without good reason.
- Escorts should be consistent, secure and reliable.

#### Timing:

- Length of time for contact should be relevant to the plan for the child – this may mean contact sessions of no more than 2 hours unless the placement is moving towards a planned return home, but some flexibility is needed to reflect individual circumstances of the child and family.
- Where a positive relationship can be facilitated, include around ten minutes of overlap in care for the infant between birth parent and foster carer to allow for information exchange and an interactive handover process sensitive to the child's needs in the moment.
- In addition to attention to frequency, there is a need for recovery time for the child both at the start of the placement and between sessions. Infants should have a chance to establish a routine within a new household before contact starts – a week without contact after placement could be a standard expectation to allow the baby to establish new routines.

#### Contact facilities:

- Quality of environment: Welcoming, comfortable, clean, appropriate range of toys in good condition, facilities for heating food, making bottles.
- Space is needed for foster carers to wait at the contact centre so that they can be available to be on hand if needed during contact.

#### Key processes:

- Reports: Factual, reflect careful observation, offer evaluation in separate section from observation, written within a few days of contact.
- Contact reviews: Informal opportunity to talk with parents about how contact is going and to listen to their wishes and views and to let them know what supervisor/ social worker feel is going well and what needs to change.
- Feedback and complaints: Allow parents to give their views on contact on a weekly basis if they wish. Listen to and deal with parents' complaints about any aspect of contact or the child's care promptly and, where possible, involve some direct discussion between carers and parents.

- Ongoing review: Hold informal reviews with parents and supervisor, using them to talk transparently about any concerns about aspects of the parent's care of the child, or similar issues.

3. To ensure the role of Independent Reviewing Officer in scrutinising contact arrangements, as part of the care planning process for the child, is sufficiently emphasised,

**Should we look again at guidance for Independent Reviewing Officers?**

Yes  No

Please comment further, including any suggestions for alternative proposals:

Contact arrangements need to be more consistently reviewed for all children in care, to ensure they remain relevant to the needs of the child throughout care planning (see also question 2, and question 6). Guidance should be strengthened to encourage IROs to scrutinise local authority recommendations on contact, taking advantage of the opportunity to regularly review contact.

4. We think that the duties on local authorities to allow children in care reasonable contact with their birth parents and to promote contact for looked after children, may encourage a focus on the existence and frequency of contact arrangements, rather than on whether they safeguard and promote the best interests of the child. Removing these duties would remove the perceived presumption of contact in all cases and help local authorities to take a case-by-case decision about the best contact arrangements for the individual child.

**Should we remove the duties on local authorities in primary legislation to allow children in care reasonable contact with their birth parents and to promote contact for looked after children?**

Yes  No

Please comment further:

This duty should remain. Any change that risks local authorities feeling able to reduce the resources they allocate to supporting contact arrangements would harm children's interests, both while in care (including once adoption is the plan) and post-adoption. Children and young people express great concern that contact should be managed well and appropriately supported so that it is safe and reliable – i.e. not cancelled at the last minute – which requires resources.

In fact, the duty should be extended or reworded to allow children in care reasonable contact with siblings and other connected persons important to the child.

5. Alternatively, we could look to ensure that arrangements are made in the child's best interests, taking account of views and wishes of all concerned, and aligned with the longer term plans for the child.

**Should we replace the duties on local authorities in primary legislation to allow children in care reasonable contact with their birth parents and to promote contact for looked after children, with a new requirement that local authorities consider contact arrangements that have a clear purpose documented in the child's care plan?**

Yes  No

Please comment further:

As stated in questions 1 and 2, we support specific changes focusing on contact in infancy. However, we do not support sweeping change affecting looked after children of all ages, where this risks reducing access to appropriate levels of contact.

Much fuller consultation would be needed to consider the range of situations where contact arrangements may be appropriate. The complex combination of situations and differing circumstances cannot be addressed by a single recommendation.

## CONTACT ARRANGEMENTS ONCE ADOPTION IS THE PLAN

6. We want to ensure that contact arrangements change as a child's circumstances change and that they are consistent with plans for the child's future. There are three key points at which contact arrangements need to be considered and reassessed:

- (a) when the local authority makes a decision that a child should be placed for adoption, but no placement order has been made;
- (b) at placement order; and
- (c) when the child is placed with prospective adopters.

**Should we look at existing guidance and regulations and consider where and how these can be strengthened to ensure a formal review and a clear decision making process about contact takes place at each of the three points?**

Yes  No

Please comment further:

Review of arrangements is very important throughout the adoption process. At a minimum, contact should be reviewed at key points in the adoption process. The following are some of the issues that need to be considered during these reviews:

- The purpose of contact is that it will be of value to the child by providing a relationship that enhances his/her life, or contributes to his/her understanding of adoption and identity or to her self esteem. Where a contact arrangement does not fulfil any of these aims, it should be immediately reviewed and changed in a timely manner consistent with the child's needs.
- The nature of the pre-placement relationship between birth parent(s) and the child.
- The birth parent's capacity to accept and support the adoptive placement and to recognise and accept the adoptive parents as the child's psychological parents. Where birth parents are not able to accommodate the fact that their role in their child's life has radically changed, contact is likely to undermine placements or be a negative or anxiety provoking experience for children.
- The birth parent's capacity to cope with the emotional demands and complexities of post-adoption direct contact.

In addition to the three key points listed above, contact arrangements should also be considered and reassessed when the child is being matched with specific adopters – between (b) and (c) above. Adoption Panels present an

opportunity to provide oversight when considering the match, and should – as with IROs (see question 3) – be encouraged to scrutinise contact arrangements as an additional safeguard to ensuring purposeful placement and post-adoption contact arrangements.

A child's understanding of adoption and his/her birth family history changes and develops as the child changes and develops; the impact and meaning of contact (letterbox or direct) will change for the child and the nature of that change cannot be anticipated. However, adoptive parents can currently find it very difficult to amend contact arrangements in response to the child's changing needs once the arrangements are agreed. Local authorities would also not routinely be in touch with adoptive parents post-adoption; if adopters want help with this issue, the onus is on them to approach the local authority, and the response received will often depend on resources.

The expectation of review should therefore be understood from the start as part of the contact agreement. Local authorities should send adopters a letter to enquire whether contact arrangements need review, every two years, and provide adequate resource for reviews as needed. This would take the pressure off adopters, and create an expectation of a regular and reasonably frequent review where needed. This would also ensure that initial arrangements could be made with confidence that they do not have to work on a permanent basis.

Please also see further comments on post-adoption reviews of contact in question 9.

7. We want to minimise the risks of harm for the child as a result of badly planned and inappropriate contact arrangements.

**Should we introduce a presumption of 'no contact' unless the local authority is satisfied that contact would be in the best interests of the child?**

Yes  No

Please comment further:

This standard is stipulated in existing guidance, which states that contact must be in the best interests of the child's welfare. There is therefore no need to introduce this 'presumption'.

8. We want birth parents to gain the court's permission to apply for contact, rather than being able to make a direct application. The court

**Should we introduce a 'permission' filter for birth parents, requiring them to get permission from the court to apply for contact with a child?**

Yes  No

Please comment further, including any suggestions for alternative proposals:

Birth parents already have to apply to the court for permission to make an application for contact once a child has been adopted, so this already exists.

9. We want potential adopters' views to be taken into account at an early point when making contact arrangements.

**Should we introduce a provision to explicitly seek the views of the potential adopters at an early point in relation to contact at the point of the placement order?**

Yes  No

Please comment further:

Usually, no specific adopters have been identified at the point when a Placement Order is made, so the proposed provision would not be possible. It is at the point of matching that discussion with adopters should take place.

However, it is not possible to accurately predict the issues that will arise in future in relation to contact, and some adopters may feel pressurised to be as accommodating as possible when on the point of confirming a match. Furthermore, decisions about what goes into the local authority's final care plan are often made by social workers and managers who have limited, if any, experience in delivering post-adoption contact. Consequently, seeking the views of potential adopters is not in itself a complete solution, although they should of course have a voice. We would therefore also recommend requiring consultation with the social worker from the adoption team who is involved with the case, as they are most likely to have experience of how such arrangements work out in the longer term.

In line with this, our own practice as a voluntary adoption agency provides professional third-party support when their views are sought in relation to contact. Prospective adopters may feel pressured by the views of local authority and Children's Guardian into agreeing arrangements that they have not thought

through carefully. This pressure, their compassion for birth parents, and their (inevitable) lack of experience about how contact issues develop over time and as children grow up, can make them keen to agree to contact arrangements that they may want to reconsider in future, in view of the child's evolving needs.

We also recommend there is provision for contact to be reviewed after the first such contact after the Adoption Order has been made, so that the impact of contact can be considered in the light of experience. This could be a paper exercise unless problems are identified, in which case a meeting should be arranged. If the adopters feel contact is manageable on the agreed basis, then the written offer of a review of contact on a two-yearly basis should be made.

## CONTACT ARRANGEMENTS FOR ADOPTED CHILDREN

10. We want to give adoptive parents recourse where informal contact arrangements were causing difficulties.

**Should we provide that the court can, on application for an adoption order, make an order for no contact?**

Yes  No

Please comment further, including any suggestions for an alternative proposals:

This is already possible.

11. In addition to introducing a “no contact” order, we could raise the bar for any birth parent to make an application for a contact order. Criteria for granting permission already exists therefore we will explore how this might be strengthened.

**Should we amend legislation to create a new more demanding ‘permission filter’?**

Yes  No

Please comment further, including any suggestions for an alternative proposals:

The permission filter already exists.

**12. What additional support do social workers and family justice professionals need to ensure their own practice and recommendations are informed by evidence about the positive and negative effects of contact for children who are adopted?**

Please comment further:

A publication on the messages from the Adoption Research Initiative findings, which link these with longer standing research findings, is expected.

Promotion of information on the practical implications of these findings should be supported through training, conferences, and similar events.

**13. In what ways should we strengthen the training about contact for prospective adopters as part of the new adopter assessment process?**

Please comment further:

Training for adopters at an early stage is no substitute for access to support in time of need later on in the adoption process. Coram's recent survey of its adopters identified contact issues as a key challenge for adopters, as it is a source of anxiety for them in terms of their ability to provide the best possible situation for their children. There is a limit to what training in advance of dealing with a particular situation in real life can provide. Instead, the ready access to support is the key to ensuring adopters feel confident in responding to contact issues.

We would like to see more incentives in place for local authorities to prioritise support provided to adopters on contact issues, in response to their needs on an ongoing basis (please also see response to question 9). Resources are also needed for other parties, including adopted children (see post-adoption support in question 14) and birth parents (for example, support for writing letters).

**14. What additional post adoption support could be offered, to help adoptive parents support their child to understand how to make or stop contact with their birth family?**

Please comment further:

Adoptive parents often need to manage multiple contact arrangements (e.g. with birth parent/s but also with separated older and younger siblings), with several intervening agencies involved. This is an area where adoptive parents often feel a lack control, despite being legal parents who are able to determine arrangements. Adoptive parents require practical and financial support to manage these difficulties, which are inherent in adoption. Social workers need to be aware of their responsibilities in relation to the whole extended family as well as to specific children, and to understand how important contact can be to children – for better or worse.

Regular and reasonably frequent post-adoption contact reviews would also ensure adopters feel supported as their child develops (see question 6 on suggested biannual reviews). Adopters should also be aware that they can contact their local authority between review periods if they have concerns, and be encouraged to do so.

Improving post-adoption support will involve:

- consistent careful work in relation to enabling suitable practical arrangements to be planned and implemented; and
- emotional support to adoptive parents, and directly to children and young people, to enable them to explore the complexities raised by contact in a safe non-judgemental setting. It should be recognised that this work has significant resource implications. Coram provides group-based direct work with adopted young people, and this has provided a very positive way to address these issues over time. This work has been accepted by C4EO as promising practice.

**15. How can unsolicited contact, either from a birth parent or from an adoptive child to their birth family, be better managed?**

Please provide any examples of good practice, particularly managing the use of social media.

Please comment further:

If unsolicited contact occurs, adopters should be encouraged to contact the LA for support. If there is a realistic potential threat to the child's security, the adopters should also be encouraged to contact the police.

The LA with previous and/or current knowledge of the birth family should be required to make contact with the birth family member concerned and explain the implications. In some situations, speedy and sensitive mediation can provide a workable solution.

It is important that unsolicited contact is not just managed at the time, but prepared for – social media awareness should be included in adopter training and preparation. Coram is also interested in exploring the potential for a 'life education' module for children and young people.

16. Please use this space for any other comments you would like to make on the review of contact arrangements for children.

The issue causing great concern to many children that is not properly addressed in practice currently, nor in this paper, is that of contact with siblings, grandparents, and the wider group of 'connected persons' who are important to the child.

As has been highlighted above, a critical factor underpinning good quality contact arrangements is sufficient resource. In particular, adequate social support for adopters in relation to managing contact should be part of a defined and guaranteed package of post-adoption support.

Contact arrangements are also often known to be drawn up through informal negotiations between lawyers, rather than driven by the needs of the child. Post-adoption contact plans are affected by this, which are often driven by lawyers acting for parents seeking contact for parents or other relatives as a 'consolation' for the Placement Order. Legal representatives are very aware of the birth family's grief and distress, but often unaware of the factors that will influence whether post-adoption letterbox contact or direct contact will be workable, manageable for all the parties involved or in the interests of the child. These processes need better management by courts, local authorities and Children's Guardians if contact arrangements are to be purposeful, particularly when the child is attempting to form new attachments to their adoptive family, which is so critical in avoiding harmful effects on the child's long-term development and well-being.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

**Please acknowledge this reply**

Completed questionnaires should be sent to the address shown below by 31 August 2012

Send by e-mail to: [adoption.reform@education.gsi.gov.uk](mailto:adoption.reform@education.gsi.gov.uk)

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