

Select Committee on Adoption Legislation: Call for Evidence

In responding to the Select Committee's questions, Coram has sought to incorporate its response to the specific questions it was asked by the Committee to address in its evidence into the framework of questions set out below (the specific questions are in italics).

SUMMARY

- Overall it is Coram's view that the legislative framework is sufficient but that leadership is required to ensure timeliness and that the welfare of the child is put first.
- Coram welcomes proposed new regulations to limit timescales for care proceedings, except in exceptional circumstances.
- Concurrent Planning and existing practice indicate that a further legal duty is not necessary in relation to early placement, but Coram supports the strengthening of early permanency planning.
- It is practice and not law which determines placement decisions in relation to ethnic background since the present law states that it should be taken into account (not that it is an over-riding consideration). Coram's view is that the law as it stands correctly reflects the weight that should be given to this consideration.
- Coram proposes a statement and judicial leadership from the President of the Family Division setting standards/guidelines in relation to the learning from research on the impact of frequent contact for infants subject to proceedings.
- We welcome the reinforcement of the legal obligation on local authorities in relation to the reviewing of situations for children who have remained on placement orders for a long time without a placement being identified.
- There is a disincentive built into the system to seeking adoptive families from Voluntary Adoption Agencies (VAAs) because the fee VAAs charge is higher than that charged by other LAs, although the actual cost of recruiting adopters is the same. If LAs were required to charge the same price as VAAs, the 'market' would operate better in the interests of children.

Also included in this evidence are sections on:

- the potential contribution of voluntary adoption agencies;
- post-adoption support issues; and
- the role of Panel in the 'plan for adoption' decision (already submitted, appended as an end note).

Documents attached:

- Coram Practice Note on contact for infants subject to proceedings.
- KPMG report on Coram's Harrow project.
- Coram's interim report on its concurrent planning research.

BACKGROUND

a) Do we have the right structure for adoption?

Is it appropriate to have such a strong policy focus on adoption as the preferred route to permanency for looked after children?

- Yes it is. Adoption is the only form of permanency which is designed to last all through life. It should be actively considered for every young child (and some older children) who cannot remain with their birth family.
- The policy focus on early permanency planning for all children in the care system does not presume that adoption should be the care plan of choice, but that a realistic view of long term solutions should be taken from the earliest possible point in a child's life, when their vulnerability is apparent.

b) Should we be concerned about the falling number of adoptions? Why are the numbers falling?

Should we be concerned about the falling number of adoptions when considered within the context of the full range of permanency options available (SGOs)?

- Yes we should. The number of children coming into care is increasing and there is a backlog of children waiting for decisions or placements.
- LAs have very different percentages of their care populations accessing adoption and this does not appear to correlate with the profile of their children.
- In addition, the outcomes for highly vulnerable children who go home are poor and the judiciary should be aware of the Ward et al (2010) research on infants suffering, or likely to suffer, significant harm. It points to the need for early risk assessments that consider the longer term needs of the child and not just immediate safety.

LEGISLATION

- a) What impact did the 2002 Act have on the adoption process?
- b) Have all aspects of the 2002 and 2006 Acts been implemented appropriately and successfully?
- c) Is further legislation required to improve any aspect of the adoption system?
- d) Can you as a respondent identify a problem and tell us if, and if so where, the legislation (including regulations), needs to change?

Coram's overall view on legislation

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What is your view on the Regulations due to take effect in September which will limit the role of adoption panels and in particular their role in advising decision-makers as to whether adoption is, or is not, in the best interests of the child?

Coram was invited to submit specific comment on this issue – appended to this paper.¹

TIME TAKEN IN PLACING CHILDREN

a) Is excessive time taken in placing children? Do some groups of children take a disproportionate length of time?

Where in the system do you perceive the worst 'delays' to be occurring?

- Ofsted's Annual Report (2010/11) focusing on children and families services identified that, in its view, the worst delays occur because of court processes and the use of too many expert witnesses; additional repeat assessments; and not enough case management by courts. The Ofsted report also identified section 20 cases as being prone to drift. Coram recognises this finding. If pre-proceedings processes are not robustly completed and assessments weakly presented, then LAs also compound or contribute to delay.
- Coram's DfE programme with 16 local authorities to promote permanence shows that there are small delays at every stage of the system which can be reduced. However, delay is not found everywhere and not inevitable.
- Delay occurs if LAs do not promptly seek adopters beyond their area through VAAs and other LAs (as they do in Bristol, for example).
- Siblingship contributes to delay, as does BME background. If children are older or in sibling groups it becomes very hard to family find and a wider group of potential adopters can be helpful.
- The Family Drug and Alcohol Court provides a model for time limited and integrated assessments which incorporate the necessary multi-professional advice on some cases without sequential expert reports being required.
- Better training on court skills for social workers could also help prevent delays caused by poor quality assessments/statements.

Do you consider adoption panels to be contributing to delays?

- Not generally. In some LAs, there has been poor scheduling but this is a management issue and not a structural issue and change may have significant consequences.ⁱⁱ

b) What aspects of the adoption process, including pre-process care proceedings, take most time?

c) Do the various parts of the system – local authorities, adoption agencies, courts and others – work effectively together?

Is the most effective use being made of VAAs? If not, what financial/institutional barriers currently exist to achieving more effective working partnerships?

- Further and consistent use of VAAs by all LAs would certainly widen options and increase timeliness for children. Where LAs have made use of their local consortium and VAAs they are definitely faster in placing children. The Coram DfE project also shows that VAAs place proportionally more harder-to-place children. In some LAs, family finding is done in-house for younger children and family finding for others is referred out.
- There is an uneven playing field in relation to inter-agency fees. Coram and CVAA charge the VAA fee, which is in keeping with the real cost, unlike LAs which ‘sell’ each other families at a lower rate. This should be changed and would immediately remove the perverse incentive to delay/undertake sequential family finding. Coram supports the proposal for automatic referral of children to the register at three months to ensure that all children in the UK have access to the greatest supply of adopters, nationally. We also support the creation of the National Adoption Gateway, promoting customer service standards and ensuring that potential adopters are aware that they can choose their agency and are not obliged to go to their LA.
- VAAs can be supported to take the risk to grow, and change can be achieved rapidly, as demonstrated by the Coram partnerships with several local authorities. For example:
 - Coram’s partnership with LB Harrow offers a way of working with VAAs by providing a manager located in Harrow. Coram finds families for Harrow’s children. This has increased placement choice and the use of concurrent planning.
 - Further, Coram provides Cambridgeshire with a county adoption manager, Leadership within an in-house team and a strategic group for development of concurrent planning.
 - Kent LA is embracing this at even greater scale and, with Coram, is addressing the full early permanency needs including a focused study of the performance of the legal system in this respect.
 - Two further authorities are in advanced discussion.
- Coram has launched an Early Permanency subscription programme to enable LAs to develop their capacity for concurrent planning by deploying/designating specific staff who are national leaders and receiving programme guidance from Coram.
- Coram, as a centre for early permanency, is developing a toolkit for management on these approaches, publishing further research and providing access to expertise through training, coaching and case consultation.

d) Could the adoption process be speeded up, whilst ensuring that necessary safeguards are preserved?

What can be done to speed up the process?

- Permanence tracking meetings (including for all children subject to pre-court PLO process where threshold is met), senior management oversight of cases and robust management of cases in the court.
- Coram's experience shows that permanence tracking processes, underpinned by strong practice management (i.e. social work managers are experienced and available), and personal/visible leadership at a very senior level make the difference where these are in place in LAs.
- Tracking systems should have a specific focus on young children coming into care, to reduce the numbers of children who become older while 'drifting' in the system. Tracking has played a key role in improving the timeliness of placements in the Coram-Harrow partnership, for example, and Cambridgeshire has combined this with implementation of the 'Hackney model' of social work in its field teams.

e) How widely used is concurrent planning? What are its advantages and disadvantages?

What are the advantages and disadvantages of concurrent planning, twin-track planning and parallel planning?

Advantages of Concurrent Planning:

- **Parents** have one last chance (this is explicit) and this creates sense of urgency for parents which is supportive to change.
- **Children** experience no/fewer moves or broken attachments.
- **Adopters/carers** have satisfaction of caring from close-to-birth and of developing a structured process within which there can be a respectful relationship with the birth family. Where the child is adopted, this lays the groundwork much better discussion with their child in future.
- **Local authorities** achieve permanent placement earlier and achieve reduction in infants and therefore in future of all children waiting for placement.

Limits to its effectiveness:

- It is best matched to younger children in acute circumstances where chances of return to birth family are very low and can only practically be used where the risk is fully demonstrated.

Advantage for parallel/twin-track planning:

- If a child is already in a foster placement or there is no concurrent planning placement available, parallel planning ensures that whilst court proceedings are underway, the local authority is actively pursuing plan B as well as plan A, thus

avoiding further delays once the court makes a decision to return the child to the family or to make a Placement Order.

Can concurrent planning be successfully extended beyond a small group of children who fit a particular profile (i.e. under 2 years of age; high risk of non-rehabilitation with the birth family from the outset)?

- Absolutely it can be extended and it must be – initially to the large numbers of children under two years who are currently not benefiting from this approach. The Harrow experience shows that up to 30% of those adopted could potentially benefit. Nationally, 61% of children adopted in 2007-2011 were under one year old when starting their final period of care (DfE, 2011). Nationally, over the last five years, the average age at adoption is three years and 11 months. The average age of children adopted by Coram concurrent planning carers was 17 months (2002-2012). This is a large imperative. Concurrent planning should be made available to all the children who could clearly benefit from it. Application/piloting with older children could be considered thereafter.

Where concurrent planning has been tried (for example in Brighton and Hove) what have been the main difficulties and challenges encountered and how can they be overcome?

- Concurrent planning relies on experienced social workers who can identify children who are appropriate for the scheme.
- Brighton and Hove reports that a ‘hostile’ local court made the team’s work impossible but Manchester Goodman project had excellent relationship with the court; there is certainly a continuing training issue for family lawyers as well as judiciary and provision of research evidence. B&H continue to make some limited CP placements.
- Manchester Adoption Society failed because of financial challenges to its mainstream adoption work in fact – the interagency fee not being high enough and not making enough placements to bear the cash burden. There has been an increase in the fee and this should be continued to full cost recovery and the same fee applied between local authorities as well as with VAAs.
- Coram’s Concurrent Planning centre shows that it remains a challenge to secure all elements working in consort – although the service is well-established, and can demonstrate positive outcomes, ensuring that suitable cases are referred by LA partners in a timely way and that this is supported by the courts requires ongoing effort.
- Coram has launched a wider subscription scheme to enable capacity building in concurrent planning across England.

f) What are the reasons for the variations in time taken to place children by different local authorities?

THE NUMBER OF POTENTIAL ADOPTERS

- a) **Are there enough potential adopters coming forward? Are there shortages in particular ethnic groups?**

Why does it generally take longer to place children from black and minority ethnic (BME) backgrounds for adoption?

- Coram commends to the committee Julie Selwyn's research on this issue. Most importantly, there is an overall shortage of adopters of all/any background and this should be the national focus. It is important that adopters are recruited from all communities (as highlighted in the DfE's Adopters' Charter 2012) and there need to be incentives to agencies to take positive action on this.
- Coram supports the creation of a national recruitment forum and National Gateway as part of the Adoption Action Plan, and urges the government to review the resourcing of this area of work in the context of the significant increase in the number of care proceedings and of children needing placements nationally.

- b) **How do we ensure the best "fit" for a child, and is trans-racial adoption relevant to this issue?**

What is the solution? In particular, does the ACA 2002 (s 1(5)) need to be amended and, if so, how?

- It is Black and Asian children who wait longest or fail to be adopted Mixed race children do not wait as long, but still wait longer than White children (Julie Selwyn and Coram DfE work).
- It is adopters who decide who/whether they seek to adopt specific children. Adopters must consider if their new child will be welcomed and integrated by their wider family to protect their child from compounded stigma.
- We should encourage and welcome as many adopters as possible, and of greatest possible diversity, into the system, therefore enabling optimum placement options for children.

- c) **Why do some potential adopters drop out during the adoption process?**

- d) **Have the changes to eligibility introduced by the 2002 Act impacted the number of potential adopters?**

- e) **What will be the likely effect of the measures proposed in the Department for Education's 'Action Plan for Adoption'?**

- f) **Does the number of agencies inhibit the number of potential adopters recruited?**

g) Does the recent increase in knowledge about early child development affect the balance between children's rights and parental rights?

Are we currently striking the correct balance between the rights and interests of looked after children and the rights and interests of the birth family?

- Evidently not since the welfare of the child is paramount but the system is not delivering decisions in the timescale of the child. This should be our focus and Coram welcomes proposed new regulations to limit timescales for care proceedings, except in exceptional circumstances. We would welcome better implementation of pre-proceedings work, and more consistent use of Family Group Conferencing to ensure birth family members and connected people are supported to come forwards in a timely way.

If not, is this a problem with the statutory framework or with social work practice and what needs to change?

- Social work practice can and must be improved, particularly in relation to Family Group Conferences and early consideration of birth family members. Good quality assessments lead to fewer assessments.
- A more consistent level of training and supervision is required for social workers in analysis, report writing and in giving evidence to court. There is an issue in relation to the timescale for additional members of birth families to come forward. This is not aligned with the timescale of the child despite the over-riding principle for the welfare of the child. Coram also agreed with FJR recommendations for provision of performance data on judges and experts – we should all learn from our experiences and we should know what happened to children.
- We commend the committee to consider evidence from Professor Judith Masson of Bristol University in relation to court process and statutory framework.

COURT PROCEEDINGS

a) Do court proceedings take undue time in the adoption process?

See comments above. Ofsted's Annual Report (2010/11) identified in its view the worst delays occur in court processes and in using too many expert witnesses; additional repeat assessments; not enough case management by courts.

b) Would the recommendations of the Family Justice Review substantially alter the position?

c) How effective are provisions for the representation by guardians of children in court proceedings?

d) How effective have placement orders been in facilitating the placement and adoption of children compared with "freezing orders"?

- e) **How common is it for care proceedings and placement order proceedings to be heard together or consecutively? What are the advantages and disadvantages of this approach?**
- f) **How will changes to legal aid impact, if at all, on adoption proceedings?**

POST-ADOPTION SUPPORT

- a) **How, if at all, has the 2002 Act impacted upon the provision of post-adoption contacts and support?**
- b) **Are measures needed to enhance post-adoption financial and other support for (i) adopted children; (ii) adoptive parents, (iii) birth families?**

It is generally acknowledged that adopted children are likely to have additional needs at intervals throughout their childhood and into adulthood. This is a result of a combination of factors which affect different children more or less strongly. These factors include:

- The children's different heritage and separation from the family into which they were born. Issues of identity pre-occupy many adopted children, adolescents and adults, and in recognition of the needs of adopted adults (and of those of their birth relatives) the A&C Act 2002 made provision for access to information, counselling and intermediary services. Adopted children need to understand their background and why they have not been able to remain with their birth families. Accordingly, they need assistance to make sense of their past. Common tools to assist the adopters in this task are lifestory books – regulations require that these are provided within 3 weeks of the adoption order. However as children grow up, their understanding increases and it is often necessary to update the books, and in cases where the information is particularly distressing, adopters may need support to share the story with their children. Late adolescents/ young adults need a *later life letter* which gives a fuller explanation about the young person's past, in language that is clear but not pejorative nor unduly alarming. Therapeutic support may also be needed. *Thus assistance with writing/updating and dealing with therapeutic needs must be available via the adoption agency (LA or VAA) and potentially therapeutic support via CAHMS or independently sourced.*
- Adoption frequently involves letterbox or sometimes direct contact with birth parents/siblings /grandparents. This does need to be arranged on an individual basis to meet children's needs. Whether or not contact is arranged at the time of the adoption order, some children request contact later – either face to face or via news about the wellbeing of member/s of their birth family. Additionally with the widespread use of social networking sites, unplanned contact is taking place in a number of instances, and it can be assumed that this is likely to increase with the increasing availability of computers and increasing sophistication of search facilities. *Supervised contact/support in arranging contact/support in arranging letterbox contact/support in reviewing and altering contact arrangements is needed.*

- Children who have suffered adversity such as neglect/abuse/exposure to substances in utero are likely to display a range of complex emotional and psychological symptoms what are not easily classifiable under the categories commonly used and understood by mental health professionals in CAHMS. Thus the needs of these children are often overlooked or misdiagnosed. There are specialist community mental health services for children and adolescents which have teams accustomed to this population, including the Tavistock Clinic, the Maudsley Hospital and Great Ormond Street Hospital for Children. There are fewer specialist resources in the north of England. There are also a significant number of CAHMS clinics which do offer appropriate services, but this is something of a lottery at present. The three teams mentioned above contributed towards DCSF Practice Guidance on Assessing Support Needs of Adoptive Families in 2008. *Access to community mental health services is of crucial importance, and a training programme for mental health professionals to enable them to provide more appropriate diagnosis and intervention to this population of children is essential.*
- The population of children we are concerned with have difficulty accessing education. Because of the emotional and psychological trauma they have suffered, they find it hard to function in large groups, having the emotional needs of much younger children for individual adult attention to support them and provide scaffolding whilst they learn. They are often hyper vigilant (an understandable consequence of earlier abuse and trauma, to be constantly alert to the possibility of danger). This interferes with concentration and again requires one-to-one attention in the classroom to manage. They may also suffer from post traumatic stress disorder, and apparently neutral interventions or remarks can provoke an angry/aggressive/out of control reaction which is disruptive and difficult to manage in the classroom. *It is important that such behaviour is understood as a symptom of emotional fragility and fear, and not as a deliberate provocation or as misbehaviour. Supporting such children in the classroom requires some level of one to one support (variable) – sometimes in the classroom, sometimes during the unstructured time in the playground, sometimes both. Teachers and support staff also need consultation from a professional who understands that the challenging behaviour is based on earlier adverse experience and who can support the staff in finding ways of providing support and boundaries for the child which are constructive and support the child appropriately.*
- Children may have disabilities including learning difficulties that require specific support to enable them to make maximum use of their capabilities, to integrate and enjoy relationships with their peers, and to reach their potential. These children may need to access similar specialist services as other children with disabilities. Resources for post-adoption support are rarely sufficiently provided by local authorities, and are a constant struggle for Coram, drawing heavily on our charitable income.

- We would also highlight in particular the importance of support to families in relation to education. The new priority for children adopted from care in school choice is very welcome, but the issues often go far beyond this and significant support to families is needed to get children's needs met.

Is too much or too little emphasis currently placed on facilitating contact between the child and the birth family: (i) during care proceedings; (ii) once a placement order is made; and (iii) post-adoption? Is too much or too little emphasis placed on contact? What are the advantages to the child of contact and what, if any, changes would you recommend to primary or secondary legislation on this issue?

Contact in care proceedings

- Clearly contact must be determined by the circumstances of the case and the need to protect any positive relationships/attachments which are important to a child but it needs to be reflect the child's need and be sensitive to the child's vulnerability in its delivery – see Coram's practice noteⁱⁱⁱ.
- The Jenny Kenrick research debated by the Family Justice Council (Dec 2010) and supporting the wider Australian study shows that its impact on young children can be counter to their welfare. Lord Justice Munby personally supported the wider dissemination of these and other findings to the judiciary. (See Coram Practice Note 2 for further information.)
- Developmental needs of babies for early attachment must be understood and underpin contact arrangements. This includes establishing a routine in placement to facilitate a sense of security and time for unhurried playful interaction between the main carer (i.e. the foster carer) and the baby. If the baby has high frequency contact, the recovery time between contact sessions can be significantly limited. Any ruling or requirement must surely aim to minimise stress known to harm
- Very frequent contact, especially when combined with the impacts of transport and changes in escort or supervisor is not supportive of these principles.
- Case law is causing the impediment not the primary legislation and Coram calls upon the President of the Family Division to issue guidance on contact in the light of Kenrick research and the Australian research (summarised in Simmonds and Schofield article in *Adoption and Fostering* 2011).

Post-placement order

- There is a practice issue as ongoing contact can get in the way of preparing a child for meeting prospective adopters. On the other hand, if there is a delay in achieving a match, the LA may be concerned that the child may have not contact with a parental figure. Resolving this requires judgement on a case-by-case basis, but the focus should always be on the child's experience.

Post-adoption

- In Coram's survey of adopters issues of managing post-adoption contact were prominent amongst the issues adopters raised with us as causing them and their children ongoing difficulty. Multiple siblings, both older and younger, in multiple

placements, could be involved as well as birth parents. Arrangements for managing and reviewing contact need to be clear. If the adoptive parents feel that contact arrangements undermine their child's sense of security – or that their child needs further information about or contact with one or other member of their birth family, there should be a clear duty on the LA to assist in resolving difficulties.

INTER-COUNTRY ADOPTION

- a) **Have the inter-country adoption safeguards introduced by the 2002 and 2006 Acts proved successful?**
- b) **Would you recommend any change to the legislation to make inter-country adoption simpler?**
- c) **Are there any special challenges in adopting children from particular countries or regions?**

ACCESS TO INFORMATION

- a) **Has the 2002 Act made it easier for adopted adults and/or birth families to trace their relatives, should they wish to do so?**

OTHER PERMANENT PLACEMENTS

- a) **What has been the effect of the introduction, in the 2002 Act, of 'special guardianship'?**
- b) **Is special guardianship an effective alternative to adoption, especially for those of school age (ie 5 and older)?**
- c) **What is the best way to ensure permanent and consistent placements for children?**
- d) **Would earlier interventions with difficulties have an effect on the number of children who need to be adopted or otherwise permanently separated from their birth family?**

MONITORING

- a) Do 'adoption scorecards' provide an appropriate means for monitoring the performance of local authorities with regard to adoption?
- b) How robust are current systems for monitoring the i) number of adoptions made, ii) the number of children awaiting adoption, and iii) the amount of delay experienced by those awaiting adoption?

Are appropriate mechanisms in place to monitor the position of children for whom a placement order is in force but who are awaiting a suitable match?

- Children should not be on a placement order indefinitely; if a match cannot be found, the preference for adoption should be reviewed. Anticipating an increase in adopters is not sufficient reason for staying on PO if this is not in the child's best interest.

If current mechanisms for monitoring children in this position are not sufficiently robust, what needs to be done?

- This is done well in some areas, but there should be consistency of practice in LAs in reviewing these, and changing plans if necessary. A legal obligation on LAs to ensure regular review should be considered.

Endnotes

ⁱ House of Lords Select Committee on Adoption Legislation: Comment from Coram on the role of Adoption Panels

We write in response to a specific request for our views on whether it is in children's interests to remove the process of referral to Panel in relation to the 'should be placed for adoption' recommendation. Coram is very concerned about delay for children, but we think this proposal is likely in practice to have a negative effect. We have consulted with local authority representatives on this issue, as we happened to be holding a seminar on Thursday 12 July which was discussing this matter, attended by adoption managers from 15 local authorities. BAAF's legal advisor presented to the group, and real concern was expressed about how best to manage this area of work in light of this change.

Key concerns

- Panels do not actually duplicate court decision-making, as the decision to take the case to court has to be made by the local authority – ie whether or not to seek a placement order with a plan for adoption.
- This is a decision of the greatest possible importance for the child
- Scrutiny and quality assurance of this decision need to be of a high standard for several reasons:
 - This is a life-changing decision for the child, their birth family and potential adopters.
 - Risk of legal challenge, and hence increased delay.

- The written analysis on which the decision is based forms a key document for the child in future.
- Because local authorities are aware of the onerous nature of this process, they are likely to create diverse, less transparent, processes across the country to deal with the challenges.

Tasks involved in proposed role of decision maker

- Reading all the reports without the support of Panel minutes to focus their thinking
- Analysis of all the material as a newcomer
- Writing an analysis of the reasons for their decision that is capable of both standing scrutiny in court and being a document for the child's use in future
- Quality assurance and challenge in relation to the thoroughness of work done by all concerned.

Unintended consequences of current proposal

- In large local authorities, there could be 100 such decisions to be made annually, and in medium-sized authorities 40-50. The amount of work for the Adoption Decision Maker (ADM) will be significantly increased, without others having scrutinized the reports and giving them minutes of the discussion, and this may lead to:
 - The ADM role being delegated to less senior staff
 - A dedicated role being created, which would not have the same integration in management structures, thus potentially becoming isolated from the rest of the running of services
- Quality could slip without the current multi-disciplinary scrutiny with an independent element.
- Removal of independent Panel Chairs, who have in our experience made a very positive contribution professionally in addition to bringing in rigorous scrutiny, and an element of independence
- Timescales could slip because social workers would not have the framework provided by Panel deadlines
- Issues of role confusion, as ADMs as part of senior management may have been involved with cases, but are being required not to have been so – thus some local authorities are trying to arrange for different ADMs to share the role. ADMs will have to demonstrate that they have arrived at their decision solely on the basis of the reports detailed in regulations, not on the basis of prior knowledge of the case or discussion with staff other than panel advisors. There is much scope for decisions to be challenged in court on the basis of process weaknesses, causing further cost and delay.
- The seven day timescale for decisions to be made does not allow the option of deferring if additional information is required. For example if additional medical information is required, and the medical advisor is not available in that week, there is immediately a problem to comply. Equally more information might be needed in relation the birth family's understanding of the issues.

Proposal

Keep Panels as they are but ensure that Panels are well managed, meet frequently enough, and cases are scheduled appropriately. The creation of a central list of Panel members has allowed flexibility and reduced the chances of inquoracy - this process should be allowed to become embedded before further change is considered.

In order to ensure maximum efficiency the quorum could be reduced to three, including the independent Chair and a social worker. The Panel Advisor would also be present. Medical and Legal Advisors could submit written reports.

ⁱⁱ See endnote (i).

ⁱⁱⁱ Coram has produced the following good practice recommendations to guide courts and practitioners when deciding and arranging contact sessions with birth parents.

- Settling in time – the courts to allow a settling in period of no more than 14 days with the foster carers before contact begins to allow the baby to settle and develop positive attachments without diminishing the established child/birth parent relationship.
 - Consistency of escort – the same person to bring the baby to and from the contact venue
 - Short travel time – the distance between foster placement and contact venue to be no greater than 20 miles
 - Regularity of contact – ideally no more than three times a week, to reduce disruption to the infant’s routine while maintaining close and consistent contact with birth parents.
 - Length of contact – sessions should be no longer than two hours and should be purposeful in developing the child/birth parent relationship.
 - Consistency of timetabling – sessions to be at the same time each day wherever possible.
 - Continuity of care – the foster carers to remain on site during contact so they are available to support the birth parent in meeting the needs of the child.
 - Transition time – a ten minute transition period at the start and end of contact so the foster carer(s) and birth parents can communicate regarding the baby’s needs, preferences and progress, and build a positive, supportive relationship which facilitates the needs of the child being placed at the centre of the contact process.
-