



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

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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 Peter Sandiford
Organisation (if applicable) PAC (formally Post Adoption Centre)
Address: 4-5 Torriano Mews
Torriano Avenue
London
NW5 2RZ

If you have an enquiry related to this call for views please e-mail: 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

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 type="checkbox"/> Member of an adoption panel
<input type="checkbox"/> Member of a Voluntary Community Sector organisation (VCS)	<input checked="" type="checkbox"/> Member of an adoption support organisation
<input type="checkbox"/> Other (please specify below)	

Please Specify:

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:

The underlying assumption here is that many contact arrangements are not purposeful. This may be so in some cases but, without evidence on what proportion this applies to, one would question the need for changing the guidance.

It is doubtful whether re-wording the adoption legislation and regulations are the best means of achieving the desired outcomes; this will be achieved by investing in a well-trained workforce skilled in making comprehensive assessments of benefits and risks and capable of rational evidence based decision making.

Frequency and duration of contact should only be planned after first assessing the significance of every child's connections, the need for continuity and the purpose direct or indirect contact will serve.

No mention is made about the importance of life story work and how it relates to the potential effectiveness of letterbox contact. Guidance is required for the use of letterbox contact in order to promote its benefits to the adopted child whilst maintaining the control of their adoptive parent over its timing.

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:

Very frequent contact for infants, sometimes at a distance from their foster home, is often directed by the courts rather than prescribed by the local authority. This needs to be addressed with the judiciary. However, frequent contact is necessary while rehabilitation home is being considered. More encouragement and support could be given to contact taking place in or very close to the foster home.

Rigid prescriptions in the field of practice are best avoided. A prescribed amount of contact is unlikely to be helpful as this negates the importance of meeting the identified needs of each child.

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 x No

Please comment further, including any suggestions for alternative proposals:

It is important for the Independent Reviewing Officer to scrutinise not only plans for contact arrangements, but also the assessments of connections and continuity needs that must come first.

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:

It is true that too much emphasis is placed on frequency rather than on quality of contact, but this is a question of better assessments and practice, rather than changing the primary legislation.

Removing the duty may have the opposite effect - that children who would benefit from contact are not given that opportunity and choice.

The term 'contact' needs to be defined. It is not only direct face to face contact, especially once adoption is the plan and certainly once a child is placed for adoption. The consultation paper appears confusing on this and often seems to be referring to face-to-face contact without being specific. It is also important that there is a clear assessment of whom it might be helpful for the child to have some form of contact with. Individuals need to be identified in each case, rather than 'the birth family' being seen as an entity.

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 x No

Please comment further:

The purpose of contact as well as its form (face-to face or letterbox), and with whom contact is to take place, must all be based on an assessment of the child's needs. Prospective adopters should be prepared to consider a child's continuity needs as one of many needs they will have to meet.

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 x

Please comment further:

Certainly continuity plans may have to change according to circumstances and should be reviewed at each decisive stage. This is a matter of good practice rather than new regulations and guidance; current regulations and guidance already require a review at each important stage.

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 x

Please comment further:

There are references at several points to the need for a case-by-case approach, which is to be applauded. However, the proposal to introduce a presumption of "no contact" is not consistent with a nuanced approach and is, in fact, flatly contradictory, and appears to be a return to the notion of closed adoptions.

Despite the call for heeding the research evidence, here it is cited selectively and uncritically. The positive or negative consequences of contact need to be considered in relation to specific samples of children.

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 x No

Please comment further, including any suggestions for alternative proposals:

We agree with the suggestion that parents should get the court's permission to apply for a Contact Order after the making of a Placement Order

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:

Continuity and contact assessments and plans should certainly be discussed with prospective adopters when they consider a specific child or sibling group. However, this should be linked to matching a child with a family rather than Placement Orders.

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:

A “no contact” order should only be attached to an adoption order if, after a full assessment, it can be shown that there would be serious risks to the child if any form of contact took place.

However, we know some prospective adopters are put off by face-to-face contact. We also know that many adopters find face-to-face contact very disruptive for the children, as the contact appears to them not being allowed to settle in their new family, which of courses causes serious problems. We cannot ignore the reality so many adopters face. The level of burden and the realistic concerns of adopters need to be taken into account in contact plans although, as always, the child’s needs must be the primary consideration. However, indirect contact does not carry these risks if is undertaken /carried out appropriately and supervised where necessary. If potential adopters are aware of its significance, available support and their own control over it, risks are minimal.

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:

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:

Social workers and other professionals should certainly be trained and supported to base all child care decisions on carefully assessed evidence. They need training and support to apply the often complex conclusions of research. This point applies to all aspects of adoption. PAC believes there is an urgent need for a post qualifying award for professionals working in the field.

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:

All prospective adopters should certainly have training about a child's continuity needs and about the whole range of contact options. However, support and training should continue to be available after approval and after children are placed.

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:

All plans and decisions regarding contact should take into account the child's wishes and feelings according to their age and understanding; adopters should have help to support their child whenever contact issues arise as part of their **on going** adoption support package.

It is preferable that contact arrangements are kept under regular review rather than having services responding to urgent calls for help. Children's feelings and wishes change, the circumstances and views of the birth family change as do those of the adopters.

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:

Unsolicited contact via social networks is a relatively new but growing problem. Adopters have to be made aware of the risks and should be offered advice if their child is contacted or seeks contact in this way as part of their adoption support package. BAAF has published two excellent guides for adopters and social workers, which should be used in preparation for adoption.

It is our belief that well managed indirect, and in some case direct face-to-face contact can mitigate against the occurrence of unsolicited contact, or at least against the potentially severe upsets from the shock of very sudden, completely unexpected (and sometimes unsafe) contact which in many cases will take place with out the adoptive parents being involved at all... .

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

One of the difficulties in writing policy and prescribing practice on the contact issues is that it can engender complex and conflicting reactions in the participants. For example a child can strongly desire contact with the birth family and also become upset before and after the contact. So it is complex to state whether it is beneficial or not. The effects may not be singular.

Similarly, adopters can agree in principle with the merits of contact but still be apprehensive of the consequences, feel their parenting authority undermined and have to live with anxieties about real risks to the children. So what is a reasonable request of the adopters?

We do not believe we have definitive research evidence on the short and long outcomes of different contact/ no contact arrangements (and in relation to different kinds of parental maltreatment) to justify being highly prescriptive. We strongly advocate case by case analysis and decision making until such evidence is to hand.

As for the term 'continuity' – we do not see how this can be seen as a universal benefit. Some children hate the parents who have maltreated them and never want any further association. Their voice in favour of 'discontinuity' needs to be heard too.

Martin Narey refers to Catherine Macaskills' research ('Safe Contact?') as being the best evidence we have. The study has shortcomings - but nevertheless she does conclude that 25% of her sample of face to face contact arrangements were a very negative experience for the children (page 71). This is worrying. However, Macaskill does not then go on to argue against contact but to say that these complex arrangements need very skilled professional supervision, support and regular review. However, this could result in an expansion of expensive services!

Other recent UK research should also be consulted:

Logan, J. and Smith, C. (2005) Face-to-Face Contact Post-Adoption: Views from the Triangle. *British Journal of Social Work*, 35, p3-35

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

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