

GUIDANCE NOTE ON MINIMISING DELAY IN THE 2 STAGE ADOPTER ASSESSMENT PROCESS

Introduction

This guidance note was commissioned by the National Recruitment Forum to assist agencies in managing the adopter approvals process. It includes best practice and provides information about how to improve performance in areas such as obtaining DBS and other checks.'

The two stage adopter assessment process was introduced into secondary legislation on July 1st 2013. DfE commissioned BAAF to provide training to all adoption agencies and to report on how the new system was working. During this training agencies identified some areas where they would welcome more clarification. This guidance note is intended to assist agencies in addressing how to minimise some of the delays encountered in delivering the new assessment process.

Achieving Improved Adopter Assessment Timescales

The Adoption Leadership Board (ALB) published statistics in August 2014 which show an increase in assessments completed within 6 months (7%) and within 6 - 9 months (8%) and therefore a significant decrease in assessments taking more than 9 months (15%). Adopters being approved through the two stage process started being approved in January 2014 and adoption agencies were completing adoption assessments under both assessment processes during this period.

The ALB reported that 37% of approvals in quarter 4 of 2013-14 were made using the two stage adopter approval process. Approvals made through the two stage process were 10 weeks quicker than those approved through the previous assessment process during that period. The average time taken for adopters to complete Stage One was 62 days (9 weeks) whilst the average time taken for adopters to complete Stage Two was 113 days (16 weeks). This is clear evidence that adoption agencies have worked hard in the year following implementation of the two stage process to embed new ways of working which has enabled them to achieve what were seen as the challenging targets set by the new process requirements.

Agencies have made changes to their systems and processes to reduce delay and there has been a cultural shift in encouraging adopters to have a clear role in the assessment process as well as asking them to take more responsibility for their learning and involvement in the assessment. The introduction of the completion of prescribed checks in the first stage of the process has provided better information for agencies and for prospective adopters about their potential suitability at an early stage in the process.

It is recognised that adoption assessment is nevertheless a demanding and complex process, and reduced timescales bring additional pressures. Agencies have needed to be aware of and to address, the importance of offering support throughout the process to prospective adopters, from professionals,

GUIDANCE NOTE ON MINIMISING DELAY IN THE 2 STAGE ADOPTER ASSESSMENT PROCESS

experienced adopters and fellow applicants. This is crucial to achieving successful outcomes for children and for adoptive families.

Recruiting Adopters

There has been significant input into increasing recruitment of adopters leading to new recruitment posts or teams being established. In some agencies this has included recruiting staff with a marketing background or expertise. Feedback from these staff through workshops and research¹ shows the importance of integrating any recruitment initiatives into the adoption service. *“Marketing isn’t just a bolt on function”*: This ensures that recruitment staff have a good understanding of what will happen during the assessment process and can highlight to adopters the areas for potential delay, which they can have some impact or influence upon. It also ensures recruitment staff can help adopters have a realistic understanding of the children waiting for adoption. Equally the adoption service can learn from marketing colleagues about the importance of an early positive response which seeks to encourage rather than deter prospective adopters. First4Adoption has tested and published some new marketing materials and these can be found here: <http://www.first4adoption.org.uk/professionals/marketing/> .

Agencies are looking creatively at how to help prospective adopters have a realistic understanding of the children needing adoption – a task which will be particularly important at the current time when agencies are seeing a drop in the number of children with an adoption plan. This can include having anonymised profiles of children in the local authority currently needing adoption and up to date statistics of children in the court process with an ADM decision or waiting with a placement order available at information meetings. Publications like *Be My Parent* and *Children Who Wait* should also be available at information meetings and later during preparation training. Agencies are also increasingly inviting prospective adopters in Stage Two of the process to attend profiling events, adoption exchanges and adoption activity days to give them the opportunity to learn more about the children waiting. (*“We take you as you are but we want you to move on”*: *Encouraging adopters to consider complex children*².)

Completing Prescribed and Other Checks during Stage One of the Assessment

The following prescribed checks³ have to be completed during **Stage One** of the assessment process:

- an enhanced criminal record certificate issued by the Disclosure and Barring Service (DBS)

¹ Success factors in adopter recruitment: Insights from adoption agency social work managers and marketing officers. Dr John Clifton September 2013, p8

² Success factors in adopter recruitment: Insights from adoption agency social work managers and marketing officers. Dr John Clifton September 2013, p30

³ The regulations governing the process are here: <http://www.legislation.gov.uk/uksi/2013/985/contents/made>

GUIDANCE NOTE ON MINIMISING DELAY IN THE 2 STAGE ADOPTER ASSESSMENT PROCESS

- a written report from a registered medical practitioner about the health of the prospective adopter following a full examination (unless the agency has received advice from its medical adviser that such an examination and report is unnecessary)
- a written report of each of the interviews with three personal referees (only 1 to be related) nominated by the prospective adopter;
- a written report of any relevant information known about the prospective adopter from the local authority in whose area they live

There are other checks that agencies may decide to complete during the assessment process; the timing of these is left to the agency to decide. These may include;

- a personal reference from the prospective adopter's former spouse, civil partner or partner;
- a personal reference from an adult child or other family members
- a reference from a current or previous employer
- a reference from a school or nursery of existing children in the family
- a police check or good conduct certificate from another country where an applicant has lived overseas for 'an extended period'
- By the end of Stage Two the agency must also have obtained a summary from the agency's medical adviser, on the health of each prospective adopter.

In achieving the various prescribed checks it is helpful to ensure that prospective adopters are informed from the outset, what will be expected of them during Stage One and what they can do to help minimise delay. For example, before completing and submitting the Registration of Interest form (ROI) prospective adopters could check arrangements for medicals at their local surgeries, alert any consultants to the likelihood that they will be contacted for further information and clarify the processes for obtaining police checks /certificates of good conduct from other countries they may have lived in.

If it is clear that people are not ready to make the commitment to the process, the agency can decide not to accept the ROI at that point and encourage people to resubmit when they have the time and space needed.

Prospective adopters should also be given clear information about the level of commitment that will be involved in Stage One and Two of the assessment process so they can ensure that completion of their ROI is done at a time when they are emotionally ready and available to prioritise the work they will need to do i.e. preparation training, individual reading, completion of workbooks, F4A online training in Stage One, and assessment visits and further training in Stage Two.

The Stage One Plan should be completed once the ROI has been accepted and provides an opportunity to set out the part that applicants can play in reducing delay and in establishing specific tasks for them to

GUIDANCE NOTE ON MINIMISING DELAY IN THE 2 STAGE ADOPTER ASSESSMENT PROCESS

complete. It is required by regulations and applicants should be given a copy so that they are clear about what has been agreed.

Prescribed Checks

DBS

Agencies have commented during consultations about the delay caused by DBS checks to some cases during Stage One. Discussions with DBS and feedback from agencies highlights the importance of looking at specific causes so that issues that are within the agency or applicants control can be highlighted and addressed to minimise such delays.

- Early evidencing of key documents - some agencies ask applicants to have both their key documents and a copy for the agency available when the initial visit is made so the copy can be taken away and put on their file. If an ROI is not then received the copies are destroyed. Other agencies invite applicants to bring their documents into the office when submitting the ROI or once it has been accepted so the evidence can be copied and there can be an immediate check on their complete documents.
- Improved performance when using online submissions – If your registered body is e-enabled there is some evidence that this method achieves a better response rate. Errors are picked up before the forms are submitted and the agency gets notification when the check is concluded and told whether there is no information known or there are issues which will be shown on the response sent to the applicant.
- Avoiding common errors - the DBS has provided DFE with information about regular errors found with adoption applications which will cause a form to be returned as follows;
Section X - Is the application for a free of charge volunteer - not completed
General - 5 year address not supplied
Section Y - Date of countersignature - not completed
Section 7 – Counter-signatory Number - not completed
- Ensuring consistency - having a consistent person responsible for and familiar with these forms and what is needed can significantly reduce the likelihood of errors and save resources in the longer term

Applicants and agencies can access an E guide to completing the DBS form on https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259778/e-guide_v1.1.ppt

GUIDANCE NOTE ON MINIMISING DELAY IN THE 2 STAGE ADOPTER ASSESSMENT PROCESS

There will inevitably be a small number of cases which are delayed during the DBS processing of the check. The DBS aim for 88% of all disclosures to be issued within 40 working days from receipt and 65% of discretionary disclosure and barring cases to be closed within 63 working days, and these targets are generally met. Some of the delay encountered in their system is caused by the time taken to obtain information from local police forces.

In some cases police forces will contact DBS if they have a query about the purpose of the application. The DBS then has to get in touch with the counter signatory who signed the form to gather the evidence required and send it back to the police force in question. The application will not progress until all the information required has been provided.

To avoid these situations occurring agencies need to be clear when completing the application on the purpose of the application which is entered in the "POSITION APPLIED FOR" field at section X of the DBS form.

Advice from DBS is that an adoption related application should only apply to the children's workforce. Agencies can request an Enhanced DBS check with a check of the children barred list.

However agencies cannot request a check of the adults barred list at section x65. Only organisations whose staff or volunteers are working in regulated activity with adults, as defined in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012), have the legal entitlement to request that check.⁴ The adoption of a child is not listed as a regulated activity with adults so an organisation with responsibility for making a suitability decision on whether an individual can adopt a child is not allowed by law to request that barred list information. The organisation would also be acting contrary to the Data Protection Act 1998, specifically the 3rd principle "personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed"

The targets set for the police forces are that 85% of checks must be completed in 14 days, 90% of checks must be completed in 18 days, 95% of checks must be completed in 25 days and 100% of checks must be completed in 60 days. Published statistics show that whilst the majority of forces meet these targets, a small number do not. Agencies in these areas may wish to take up this poor performance at a strategic level so the impact of these delays can be highlighted and reduced.

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216900/Regulated-Activity-Adults-Dec-2012.pdf

GUIDANCE NOTE ON MINIMISING DELAY IN THE 2 STAGE ADOPTER ASSESSMENT PROCESS

Published statistics on the performance of the DBS can be found at

<https://www.gov.uk/government/publications/statistics-for-criminal-record-checks-referrals-and-barring>

Published statistics on the performance of the local police forces (Stage 4) can be found at

<https://www.gov.uk/government/statistics/dbs-performance>

Health assessments

Agencies have also reported delays in progressing some health assessments through Stage One. The reasons for this may lie in the response and performance of local GP surgeries or it may be caused by a lack of capacity of medical advisers in the agency. As suggested already, applicants can be encouraged to play a part in preventing delays by highlighting at an early stage any health issues and providing details of relevant consultants and agreeing to the necessary specific consents for approaching them for additional reports, where the need for these has been identified by the Medical Adviser. Where it is identified that a GP surgery is likely to charge above the average or have limited availability for appointments the agency can be involved at an early stage in liaising directly with the surgery. Although there are no standard charges for an adoption medical report the BMA does have recommended fees for non NHS work and BAAF is currently liaising with them to obtain this information and intends to update guidance on health fees in early 2015. Some surgeries have responded to interventions by the agency and amended their charges or provided earlier appointments. Where applicants have an established relationship with their GP they may be able to liaise with the Practice Manager.

Once the completed GPs report of the health assessment is received back in the agency the agency can make the decision based on that report to decide to progress to Stage Two as the Medical Adviser's summary report is not required until the end of Stage Two. Clearly where health issues have been identified by the applicants or the GP report advice should be sought from the Medical Adviser to help the agency decide whether to progress. There will be some cases where the Medical Adviser needs to make further enquiries and the health check cannot be completed within 2 months. In these cases this should be clearly recorded on the applicant's case file and applicants should be informed when the Stage One Agreement is completed that this may be the case. Where delays in decision making are related to the lack of capacity of Medical Advisers this should be addressed at a strategic level.

Other Checks

Where the agency decides on the other checks they wish to undertake during the assessment it is helpful for these to be set out in agency policy so that it is understood by workers and panel members and so workers are able to help applicants to understand the safeguarding reasons behind such checks and to demonstrate they are proportionate and reasonable.

Overseas checks

These are not prescribed checks and if there is a delay in obtaining the information the agency is seeking this does not prevent the agency from deciding to progress the applicants to Stage Two unless it is felt there are likely to be issues that would impact on suitability. Applicants could be asked to complete a disclosure form to confirm that no negative information would be received. In deciding whether overseas checks should be sought best practice suggests that where an agency is not able to conduct DBS and other background checks on the prospective adopter, for example where they have lived abroad for an extended period, it should decide whether to carry other checks or to take up additional references. In some cases it may also be appropriate to seek health information.

Agencies will need to consider what their own policies would be on how 'an extended period' is defined. Checks would not usually be needed for an extended holiday or period of travelling through different countries. If a specific timeframe is identified e.g. more than 6 months the agency should still maintain the ability to exercise discretion based on an individual situation.

Based on information received (or not) the agency then needs to decide whether it has or can obtain, sufficient information for the assessment to proceed. Whether the agency decides to proceed or not, the agency should place a record of its decision and the reasons for it on the case record. Often corroborative information can be obtained by cross referencing information provided by the applicant/s or through formal checks in interviews with personal referees who knew the applicant at that time, or through previous employers. Policies on references should include expectations of who should be contacted, any timescales identified by the agency and the decision making process. It is helpful to include panel chairs in discussion about expectations whilst writing the policy as the panel will be ensuring that assessments have followed agency policy once it is signed off by the agency.

Employer references

Although not a statutory requirement, best practice suggests that if the prospective adopter is or has been employed in a child care capacity, the agency should obtain an employer's reference and seek information about their care of children. This should verify employment dates, their role, and whether there have been any relevant disputes or disciplinary proceedings. An agency may decide to seek references from previous employers for further verification.

Agencies will need to decide in their policy how far back such checks should go, beyond the current employer if the applicant worked with vulnerable adults or children. Commonly agencies tend to go back up to 5 years. Anything longer than that is often difficult with records not being available. As with other checks where information is not available the agency can try to verify information through references, but

GUIDANCE NOTE ON MINIMISING DELAY IN THE 2 STAGE ADOPTER ASSESSMENT PROCESS

ultimately will have to take a decision about whether they feel this impacts on ability to make a recommendation of suitability.

The timing of these checks should be discussed with applicants as there may be cases where the prospective adopter has not informed their employer about their application to adopt and is concerned about the possible impact on their employment of their employer being involved at an early stage. In these cases the agency may want to agree when an approach can be made and confirm this in the Stage One or Stage Two Plan.

Previous Partners

These checks are not statutory checks and can be completed during Stage One or Two as determined by the agency in discussion with the prospective adopter. Best practice suggests that where the prospective adopter has jointly parented or cared for a child with a former partner, the agency should approach the former partner unless the agency considers there are exceptional reasons for not doing so. Where the agency is contemplating approaching former partners, it should remind the prospective adopter why this is being done and explain how the information will be sought and how it is carefully considered, forming one element of a multi-faceted assessment. Where former partners have not jointly parented or cared for a child with the prospective adopter, they should generally not be approached unless there is a specific reason for doing so. This can be used as a guide for agencies in developing their own policies about this and it is important that agencies help applicants to understand the safeguarding reasons behind such checks and to ensure they are proportionate and reasonable.

Completing Stage Two of the Assessment

Agencies are generally reporting that they have been able to meet the 4 month timescale in Stage Two.

Prospective adopters can be encouraged, where appropriate, to take time out between the end of Stage One and accepting the agency's invitation to start Stage Two to ensure that once the assessment starts they can prioritise and commit to regular assessment visits and any further training identified by the agency.

The Assessment Agreement (Stage Two Plan) can again be a helpful tool in setting out expectations of both parties and is required by regulations. Applicants should be given a copy so they are clear about what has been agreed.

There will be some cases where issues arise within the assessment that require further exploration and assessment and where this happens the reasons should be recorded in the case file and prospective adopters given clear information about what is happening and what is expected of them. The Stage Two Plan can be reviewed and revised if needed.

GUIDANCE NOTE ON MINIMISING DELAY IN THE 2 STAGE ADOPTER ASSESSMENT PROCESS

Agencies should ensure there is sufficient capacity within the adoption panels held to hear both approvals and matches. This is an area which should be monitored and reviewed by agencies.

Once prospective adopters are approved agencies should meet with them to complete a Matching Agreement which ensures that they are given clear information about the matching process and enables them to take some part in identifying children for their family. There have been reports from both agencies and prospective adopters that these agreements are not being completed. They are a regulatory requirement but also a helpful tool.

Conclusion

Statistics are showing that there has been a significant improvement in the timeliness of adopter assessments with agencies striving to ensure these shorter timescales do not impact on the quality of the service experienced by prospective adopters and the comprehensive assessment needed to ensure positive and safe experiences for both children and their adoptive families.

This paper has highlighted some practice wisdom shared by agencies, advice provided by the DBS and reminders of statutory requirements and helpful practice guidance. It is hoped that agencies will continue to share areas of good practice and what they find works within their consortia and through Regional Adoption Boards.

Paper prepared by Elaine Dibben, BAAF and Judith Matthews, Leeds City Council in consultation with DfE and DBS for the National Recruitment Forum.

ABOUT THE NATIONAL RECRUITMENT FORUM

The National Recruitment Forum is a subgroup which reports to the Adoption Leadership Board (ALB) It is working to support LAs and VAAs in addressing the overall shortfall in adopters and the need to recruit adopters for specific groups of children. Senior representatives attend from:

- Adoption UK
- AdoptNorthwest Consortium
- AdoptWestMids Consortium
- Association of Directors of Children's Services
- British Association for Adoption and Fostering
- Consortium of Voluntary Adoption Agencies
- Coram
- Essex County Council
- First4Adoption
- Leeds City Council