



# Care and Permanence Planning for Looked After Children in Scotland

## Supplementary Report – Children Assessed as at Risk at or Before Birth



## Executive Summary

This report presents findings from a wider piece of research that examined the process of care and permanence planning for 100 looked after children in Scotland. Within this research there were 44 children who had been assessed for risk at birth or prior to birth, 43 of whom were subsequently freed and/or adopted and one who achieved permanence through a Parental Responsibilities Order. This report is a supplementary to the wider research and is focused on the 43 children assessed at risk before or at birth who went onto receive Freeing Orders and/or Adoption Orders.

### Main findings

#### Backgrounds

##### Siblings

For 24 of the children (56%), their birth parents had already been separated from a child prior to the birth of this child. This was either as permanence had been achieved for the sibling(s) or the previous child(ren) was living with foster carers or relatives.

##### Assessment of risk and referral to the Reporter

The children were all assessed for risk at birth or prior to their birth. Twenty four of the 43 children (56%) had been placed on the Child Protection Register – all within the first six months of their birth, including 13 (30%) registered prior to their birth. The most common categories of registration was for physical neglect or risk of physical neglect.

Twenty seven children (63%) had been referred to the Children's Reporter within one month of being born. For 36 children (84%), their first referral to the Reporter was on grounds of 'lack of parental care'.

#### Process

##### Overall timescales

None of the children were adopted before they were one year old. For most the overall process, from birth and first contact with services to the Order being made, took between two and four years. This means that they were over two years old before they were adopted.

##### Deciding permanence

For 28 children (67%), permanence had been decided within 12 months of involvement with services. For nine children this took between one and two years and for five children this took two years or more.

##### Placements

All of the children had first been placed due to concerns around their care and safety. Twenty three children (53%) were placed at birth. Only six of the 43 children (14%) were ever returned home to their parent(s) once they had been placed.

The most common number of moves for the children was one (18 children, 42%) and the most common number of placements was two (33 children, 77%). However, nine children experienced three or more different placements (21%). Twenty six of the 43 children were in their final placement before they were two years old, nine children were two years old and four children were at least three years old.

### **Court processes**

Fourteen children (33%) had a petition submitted to court within 28 days of the Advice Children's Hearing; and 34 out of 48 section 23 reports (71%) were submitted by the local authority/adoption agency within 28 days of the petition. The courts appointed curators ad litem and Reporting Officers for 34 out of 48 children (71%) within 28 days of receiving section 23 reports. Curators ad litem and Reporting Officers submitted their reports within 28 days in 18 cases (38%).

Sheriffs fixed the diet of hearing within two weeks of receiving curator and Reporting Officer reports for 39 children (83%).

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## 1. Introduction

The numbers of looked after children in Scotland are increasing. In 2009 there were 15,288 children who were looked after, with 9,356 of these children looked after away from home<sup>1</sup>. Some children have positive experiences and outcomes from growing up in care, and others have poorer outcomes than their peers. For a minority of looked after children their long-term needs are identified as being best met through adoption or another form of permanence.

Research was carried out to explore the pathways and decision-making processes through the care and court systems in Scotland for 100 looked after children from when they were first identified as being at risk to when they were adopted or other form of permanence was achieved<sup>2</sup>.

This report is on a supplementary analysis to the main research on 100 children and is focused on the 43 children who had been assessed for risk at or prior to birth and who went onto receive Freeing Orders and/or Adoption Orders. This additional analysis offers an opportunity to examine the permanence process for a group of children who are of the same age and similarity of backgrounds and concerns.

### Methods and confidentiality

Information for the research was collected from SCRA files and court records. Data were recorded and analysed using Microsoft Excel and held on encrypted laptops or centrally in electronic folders that only the research team could access. No names or identifying information of any person were recorded.

As adoption proceedings are confidential, permission to access court records was first obtained by the Lord President and the six Sheriffs Principal with authorisation from the Minister for Children and Early Years. This was in accordance with Sheriff Court rules.

### Legislation

All the cases in this supplementary report were Adoption and Freeing Orders under the Adoption (Scotland) Act 1978 (the 1978 Act). The 1978 Act was repealed and replaced by the Adoption and Children (Scotland) Act 2007 (the 2007 Act) in 2009.

### Selection of sample

The 100 cases in the main research sample were children whose Supervision Requirements were terminated in 2009-10 and where a Children's Hearing had been held related to adoption. This allowed identification of children who had been adopted or had some other form of permanence. In general,

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<sup>1</sup> With foster carers or prospective adopters, other community placement and in residential care.

<sup>2</sup> SCRA (2011). Care and Permanence Planning for Looked After Children in Scotland.

Supervision Requirements are terminated when Orders are made by the Sheriff.

Further information on the methods used and selection of the sample is provided in the main research report<sup>2</sup>.

## **2. Background and early contact with services**

### **Parents' ability to care**

There was an assessment pre-birth or shortly after birth for all 43 of the children. There were usually a complex range of factors which caused professionals to be extremely concerned for the welfare of these children in their parents care. The two most common concerns were related to one or both parents' drug misuse, commonly heroin addiction (25 children) and/or the risks of violence and physical or sexual abuse to the child from adults (23 children). In some cases, children faced both these risks.

Risks to safety of a child from abuse were usually identified from older siblings being physically and/or sexually abused by fathers or other males and sometimes also by mothers. Aggressive behaviour by parent(s) in the hospital when the child was born also raised concerns for the safety of the child.

Other concerns were parent(s)' alcohol misuse, mental health and domestic violence, and these three factors were often interlinked and also linked to drug addictions. Homelessness or poor home conditions were also considerations in the ability of parents to provide adequate care for their child. In four cases, it was parents' learning disabilities that were one of the main concerns about their ability to care for their child.

### **Attachment and contact**

Exact details about contact arrangements and visits were not collected as part of the research, however, in 33 cases (77%), it was clear that parents failed to continue contact with the child after birth. Usually contact visits started and attendance fell away with parents missing appointments or simply refusing to see the child. These children had little or no attachment to their parents(s).

In other cases contact was considered detrimental to the child as the quality of contact was poor or the parent(s) were not keeping the child safe. In a few cases contact was simply reduced as the permanence process proceeded. There was no evidence within the SCRA and court files that reducing contact with birth parents was distressing to the child.

### **Siblings**

For 24 of the children (56%) their parents had already been separated from a child prior to the birth of this child. This was either as permanence had been

achieved for the sibling(s) or the previous child(ren) was living with foster carers or relatives. For 13 of the 24 children, there were at least two siblings who had been accommodated prior to this child.

For five of the children, a sibling was going through the permanence process at the same time.

### Assessment of Risk

The children discussed in this report were all assessed for risk at birth or prior to their birth. Twenty four of the 43 children had been placed on the Child Protection Register – all within six months of their birth, including 13 registered prior to birth.

Children can be recorded on the Child Protection Register for more than one category at a time. The most common category of registration was for physical neglect or risk of physical neglect (20 children). Seven children were registered under emotional abuse or neglect and four children for physical injury or risk of physical injury. There were three children registered under physical abuse.

Twenty seven children had received a Child Protection Order, and for 22 children this was within their first six months.

### Referral to the Reporter

All of the children had been referred to the Children’s Reporter and had Supervision Requirements classifying them as ‘looked after children.’ Table 1 shows the grounds of referral to the Reporter at their first referral.

Table 1. Grounds of referral to the Children’s Reporter– first referral

Grounds of referral	Number of children referred
(a) Beyond control of any relevant person	0
(b) Bad associations or moral danger	0
(c) Lack of parental care	36
(d) Victim of a Schedule 1 offence	3
(e) Member of the same house as a victim of a Schedule 1 offence	0
(f) Member of the same house as a Schedule 1 offender	1
(g) Member of the same house as an incest victim and perpetrator	0
(h) Not attending school	0
(i) Allegedly committed an offence	0
(j) Misused alcohol or drugs	0
(k) Misused solvents	0
(l) In the care of the local authority and special measures are necessary	0
More than one	3
Total	43
Child Protection Order	17

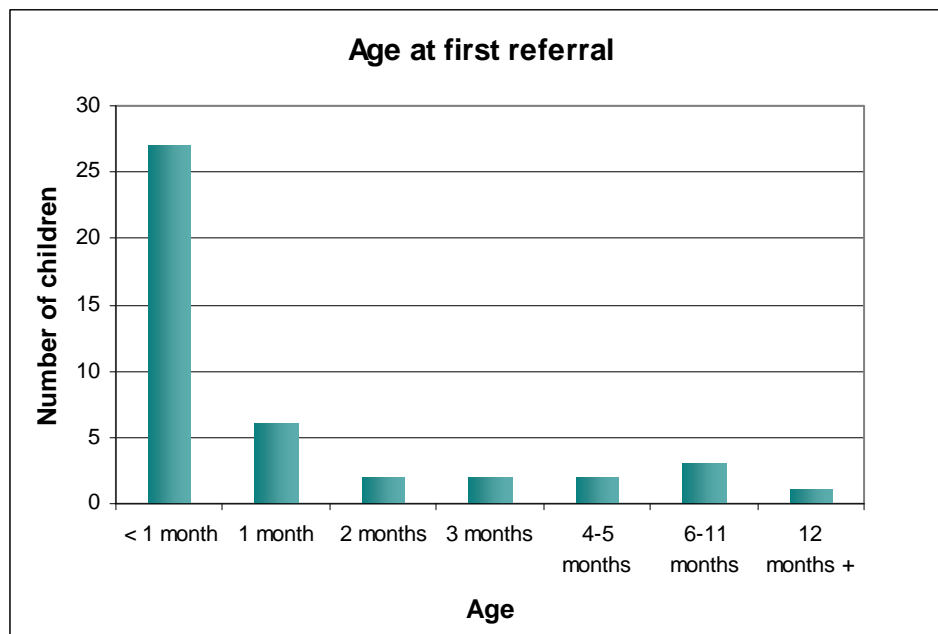
N=43

For 36 children (84%) their first referral had been for lack of parental care. There were 18 children who were first referred to the Reporter as a Child Protection Order had been granted by the Sheriff.

There were nine children who had been referred to the Reporter and then subsequently had a Child Protection Order. For four out of the nine, there was less than two weeks between the two referrals. For the other five, the following periods of time were between the referrals; two months, three months, nine months (two children) and 20 months. In two cases the decision for the first referral was not to arrange a Hearing, for the others a Hearing was in the process of being arranged or had been held and the child was already subject to a Supervision Requirement.

Figure 1 shows the ages of the children at first referral to the Reporter.

Figure 1. Age at first referral to the Children's Reporter



N= 43

The majority of the children (63%) had been referred to the Reporter within one month of being born. There were four children who were at least six months old before they were first referred.

For each ground of referral made, the Children's Reporter investigates the child's case and decides whether there is a need for compulsory intervention. Where this is determined to be the case and there is sufficient evidence to proceed, a Children's Hearing will be arranged. Where a child is referred with a CPO a Hearing must be held within two days to consider whether to continue the CPO or not.



Table 2. Reporter decisions – first referral

Reporter Decision	Number of children (incl. newborns)
Arrange Children's Hearing	38
No indication of a need for compulsory measures	4
No Hearing - insufficient evidence to proceed	0
No Hearing - measures already in place	1
No Hearing - refer to local authority	0
No Hearing - family have taken action	0
<b>Total</b>	<b>43</b>

N=43

All of the children had a Hearing held from either a first or subsequent referral. Table 3 shows the time period between first referral and first Hearing.

Table 3. Time between first referral to the Reporter and first Children's Hearing

Time taken	Number of children
Under 1 month	23
1 month	2
2 months	6
3 months	3
4-5 months	5
6-11 months	1
12 months or more	3
<b>Total</b>	<b>43</b>

N=43

The longest times taken between the referral and Hearing related to children where for their first referral it was decided that a Hearing would not be arranged. There was no relationship between this decision and the ages of the children.

The outcomes of the Hearings were to refer the grounds to the Sheriff for proof, and, to continue a CPO where present.

Table 4 shows the time taken between the first Hearing held and the first Supervision Requirement made.

Table 4. Time between first Children’s Hearing and first Supervision Requirement

Time taken	Number of children
Under 1 month	0
1 month	10
2 months	18
3 months	9
4-5 months	4
6-11 months	2
12 months or more	0
<b>Total</b>	<b>43</b>

N=43

For 28 of the children (65%) there was less than three months between their first Hearing and Supervision Requirement. For two children this process took between six and 11 months.

The most common type of first Supervision Requirement was with foster carers (37 children (86%)). Four children had a Supervision Requirement made with their parent/relative person and two were with relative carers.

### 3. Deciding Permanence

A key stage in the permanence process is deciding that children will not be able to return to or stay in their parent’s care and that a permanent placement needs to be found elsewhere. This decision was commonly recorded in reports to the Children’s Reporter and was usually made at a Looked After Child’s (LAC) Review. In some cases it was recorded as part of a permanence meeting.

For seven children, whilst a decision was made to pursue permanence it was also decided that concurrent planning would also be used.

Table 5 shows the length of time taken for permanence to be decided. The time taken is calculated from the point of first involvement with social work service for the child and the point of decision for permanence or permanence with concurrent planning.

Table 5. Length of time taken to decide permanence

Time taken in months	Number of children
Less than 6	14
6-11	14
12-23	9
24-35	4
36-47	1
48 or more	0
Total	42

N=42

It took less than six months for permanence to be decided for 14 of the children. This decision was made within the next six months for a further 14 children. Therefore for 33% of the children, it took more than one year for permanence to be decided. For nine children this took between one and two years, and for five children this decision took at least two years.

The time taken in deciding permanence was considerably shorter for the children who were first placed right from birth, even though 35 out of the 43 children had been first placed by the time they were six months old. For half of the children placed at birth (N=12) permanence was decided within six months. Furthermore, there were only two out of the 22 children<sup>3</sup> (9%) who were placed at birth where the decision took more than one year, as opposed to 12 out of the 20 children (60%) who were not placed at birth.

The average time taken to decide permanence was seven months for those who were first placed right at birth, whereas for those first placed later, it was just under 14 months.

#### 4. Placements

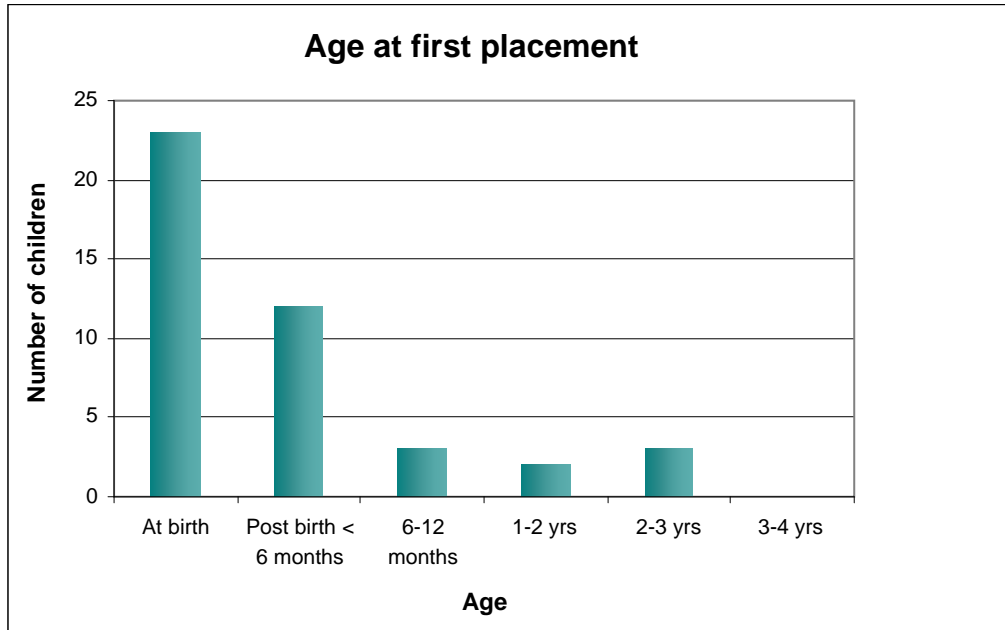
All of the children had first been placed outside of the family home due to concerns around their care and safety. Twenty three of the newborn children were placed with carers at birth<sup>4</sup>. Nine of the 23 had originally been placed under voluntary measures – section 25 of the Children (Scotland) 1995 Act.

Figure 2 shows the ages of the children when they were first placed.

<sup>3</sup> This data was unavailable for one child.

<sup>4</sup> Any child who had been accommodated at birth was included in the newborn group as this indicated a formal risk assessment at birth or prior to birth had been made.

Figure 2. Ages of children when first placed



N=43

All of the children had first been accommodated by the age of three years. 81% (35 children) were placed before they were six months old.

Out of the 43 children, five had been first placed with relatives with the rest placed with foster carers. Only one of the five children placed with relatives remained in their care and was ultimately adopted by them, although two of the five children remained with relatives until they moved to the care of their adopters. For one child this was a short stay of one month and for the other child this placement was for 22 months. For the other two children, they experienced at least one placement in foster care before their final placement. Further details of moves and placements are discussed below.

### Number of Moves and Placements

Only six of the 43 of the children were ever returned home to their parent(s) once they had been placed. Five of the six children experienced a further placement in foster care before moving to adoptive parents, although four children were moved back to foster carers they had been placed with previously. Five of the six children only experienced one move back home after being accommodated, but one child experienced three moves back home in between staying with relatives and foster carers. The shortest stay with parents was just 22 days and the longest was one year and three months.

In most cases it was possible to determine the total number of moves that the children had experienced, including their final placement, and also the number of different placements they had experienced<sup>5</sup>.

Moves were identified as a move to any carer for a period of at least seven days. The first move from hospital at birth to either the parental home or a foster placement has not been included as a move. The exceptions to this were two cases where the children had experienced at least three weeks in hospital at birth due to suffering from withdrawal symptoms from drugs or alcohol and a move to foster care was then more substantial<sup>6</sup>.

Placements were identified as formal placements to relatives/friends or other carers and not to birth parents. Again placements were included if this was for a period of one week or more.

The number of moves and placements calculated include that to the final placement.

**Table 6. Number of moves**

<b>Number of moves</b>	<b>Number of children</b>
0	1
1	18
2	13
3	4
4	5
5 or more	2
<b>Total</b>	<b>43</b>

N= 43

One child experienced no moves as they remained with the relatives they were placed with at birth. Eighteen children (42%) had experienced one move. All of these children had been accommodated at birth and remained with a foster carer or relative until moving to adoptive parents.

For those children who experienced one move, all spent a number of months with their first carer before being moved. The least amount of time spent with the first carer was nine months, and the longest time was 23 months. The average time spent in the first placement was 15 months.

Thirteen children (30%) had experienced two moves. In all but two cases, the child had gone home with the birth parent at birth and then was later placed with carers before moving to adoptive parents. For the other two children,

<sup>5</sup> Four of the newborn children who had Freeing Orders had not been placed with adoptive parents at the time of the petition or study, however they are still included here as the permanence plan at that point was to find new adoptive parents.

<sup>6</sup> For these children it was felt that the length of time spent in the hospital did not allow the same opportunity for attachment to begin, unlike the other children who were accommodated at birth.

they had been placed with carers before moving to another placement or home and then their final placement. The least amount of time spent with the first carer was one month and the longest was 27 months. The average time spent in the first placement for these children was 12 months.

There were 11 children (26%) who experienced three moves or more. These were a combination of moves between parents and carers.

Time spent in placements is discussed in more detail below.

**Table 7. Number of placements**

Number of placements	Number of children
1	1
2	33
3	7
4	2
5	0
<b>Total</b>	<b>43</b>

N=43

The most common number of placements for the children was two, with 77% experiencing this. One child had one placement, and 21% experienced three or four different placements.

### Length of time in placements

The time spent in each placement away from home was recorded for each child as far as this information was available.

Table 8 shows the longest period of time spent in any single placement before moving to their final home.

**Table 8. Longest period of time in a single placement prior to final placement**

Length of time in months	Number of children
Less than 6	2
6-11	9
12-17	12
18-23	10
24-29	4
30-35	1
36 or more	1
<b>Total</b>	<b>39</b>

N= 39

There was a lot of variance for the children in the time spent in placements before moving to their final placement. The most common time spent was between 12 and 17 months.

The shortest times were zero months for the child that remained with relatives and three months for a child who experienced two foster placements for this amount of time before moving to their final placement.

Six children (15%) had spent 24 months or more in a single placement. For two of the six children, they had experienced only two placements (including their final adoptive home), with the first placements being 25 months and 27 months respectively. Both had initially been placed with these foster carers under Child Protection Orders. Three children had experienced three placements altogether and their second placements with foster carers had been 24, 35 and 41 months. One child had experienced four placements, with their third placement being 28 months. Therefore some of the children that had the longest times in a single placement also had higher number of different placements. All of these children were two months old or less when they were first placed except one child who was two years old.

Table 9 shows the time period across all moves and placements for the children from their initial placement to their final placement. This information was available for 39 of the children.

**Table 9. Time between first being placed and move to final placement.**

<b>Length of time in months</b>	<b>Number of children</b>
Less than 6	1
6-11	8
12-17	12
18-23	9
24-35	7
36-47	1
48 or more	1
<b>Total</b>	<b>39</b>

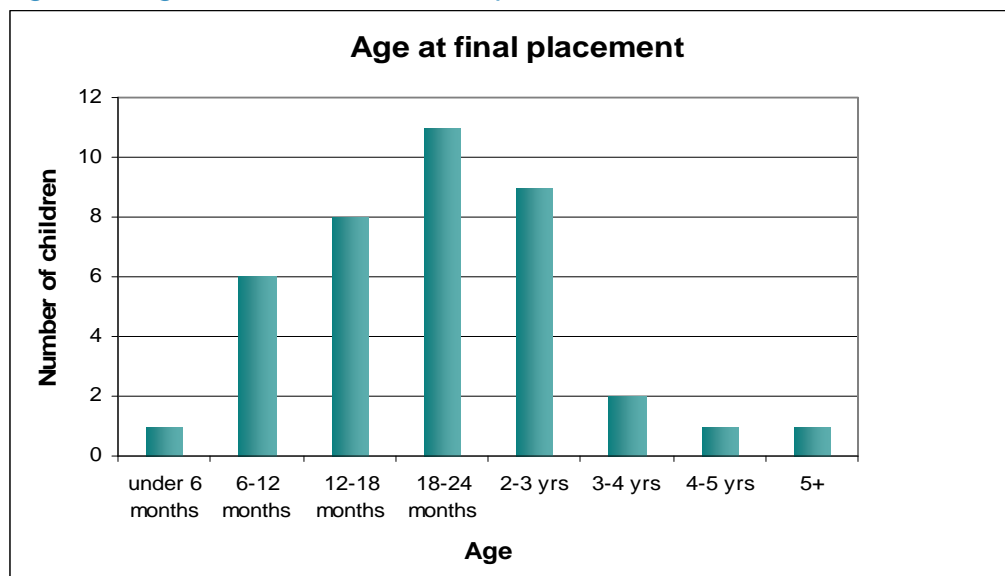
N= 39

For nine of the children (23%) there was less than 12 months between their initial and final placements. This includes the child who remained with relatives from birth. For the other eight children, six children had been accommodated at birth and moved to adoptive parents in that period. One child had been placed at 11 months and moved within the year. The remaining child however had been accommodated at five months old and then moved to two different foster carers before moving to their adoptive placement.

There were nine children where there was over two years between their initial and final placement, including one child which took over three years which included a placement of 41 months and another child who after being placed very young moved a number of times between relatives, parents and foster carers over a four and a half year period.

Figure 3 shows the ages of the children when they moved to their adoptive parents.

Figure 3. Age when moved to final placement



N=39

Out of the 35 children who were first placed by the time they were six months old, 24 children (69%) were in their final placement by the age of two years. Six children were two years old, one child was three years old and one was four years old. Three of the children were still awaiting placement following a Freeing Order and therefore their ages at final placement were still to be determined.

Eighteen out of the 21 children (86%) who were placed at birth were with adoptive parents by the age of two years, whereas only eight out of the 20 (40%) who had not been placed at birth were with adoptive parents by this age.

Overall, it was known that 26 out of 39 children were in their final placement by the age of two years, nine children were two years old, two were three years old, one child was four years and one was five years.

## 5. Processes from matching

### Adoption and permanence panel

Once the decision for permanence has been made children are matched to a permanent carer. That is, the local authority/adoption agency searches for an adult or adults who are living together who are considered suitable to look after the child and meet their individual needs. Sometimes this is with a carer they are already placed with and other times new parents are to be found.

There were nine children who were matched with a relative or foster carer they were living with. It was not always possible to tell from reports as to whether a placement was made with the intention for the carers to adopt or



not. For five children it was clear that a placement was made with foster carers or a relative with a plan for long-term fostering or adoption. For three children they had been placed with carers and the decision to plan for adoption was made afterwards. Another child had been adopted by foster carers but the decision making process was not detailed in reports. Therefore for 34 children (80%) the plan had been, or in the case of four children, the plan was to seek new adoptive parents.

Table 10 shows the time taken between deciding to seek permanence and a matching panel being held.

**Table 10. Time taken between permanence decided and matching panel**

<b>Time taken in months</b>	<b>Number of children</b>
Less than 6	9
6-11	9
12-17	8
18-23	5
24-35	3
36 or more	0
<b>Total</b>	<b>34</b>

N= 34

For 18 of the children it had taken less than one year between deciding to seek permanence and a match being made. For 47% of the children this process took more than one year. For 13 children it took between one and two years, and for three children this took two years or more.

There was not a great difference in time for this process to complete between children who had been first placed at birth and those who had not. For the children who took between less than six months or a year, there were equal numbers of children across the groups.

However, for the children where this process took the longest, that is over two years, all had returned home at birth, though they had all been placed within four months. There appeared to be different reasons for a lengthy matching process for these three children. For one child there had been three previous attempts to rehabilitate the child with their parents before permanence was decided. When permanence was decided, concurrent planning was also decided and the child then stayed in a foster placement for over two years before moving to adoptive parents. For another child, foster carers were identified as long-term carers for the child six months after permanence had been decided, however, it was nearly two years after this that the plan was finally approved by the adoption and permanence panel, by which point adoption was the proposed action. During this period, contact had been a much disputed issue between the parents, social work and Children's Hearings. For the third child, there was nearly a year between permanence being decided at a LAC review and the decision to pursue a Freeing Order being presented to the adoption and permanence panel. Attempts to then find adoptive parents were difficult due to the child facing some developmental

delay. It was a further 20 months before the child was then matched to adoptive parents.

### Advice Children’s Hearings

After the adoption agency has ratified a decision of the adoption/permanency panel to pursue permanency and certificate of notifications have been sent to the birth parents, the agency is to notify the Principal Reporter that it is proceeding with adoption and an Advice Hearing must be arranged within 21 days if the birth parents do not agree with the plan for adoption.

Table 11 shows the time taken between the adoption panel and the request from the adoption agency for a Children’s Hearing to be arranged. The recording of panel decision making was not as evident as other areas in the permanence process and in some cases it was not possible to tell when the adoption agency requested the Children’s Hearing as there was no record in the SCRA or court files.

**Table 11. Time taken between adoption panel decision and advice Children’s Hearing requested by adoption agency**

<b>Time taken in months</b>	<b>Number of children</b>
Hearing requested prior to panel	5
Under 1 month	6
1-5	15
6-11	1
12-23	2
24 or more	0
<b>Total</b>	<b>29</b>

N=29

Table 11 shows there were few delays in this part of the process. For 72% of the children, this process took five months or less. Within this time the adoption agency would need to allow 28 days for the birth parents to respond to the certificate of notification and so it is not surprising that the most common time taken was more than one month. In fact, in most cases requests were made very soon after this period.

For two children this process took between 12 and 23 months.

Table 12 shows the length of time taken by the Children’s Reporter to convene a Hearing to give advice to the court. If the birth parents do not agree with the plan for adoption the Hearing must be convened within 21 days of the Reporter receiving the request, if the parents do not object the Hearing must be convened without undue delay.

**Table 12. Time taken to convene Children's Hearing.**

<b>Time taken in days</b>	<b>Number of children</b>
21 days or less	24
22-31	4
32-41	4
42 or more	6
<b>Total</b>	<b>38<sup>7</sup></b>

N=38

For 24 of the children (63%) the Hearing was convened within 21 days. For a further four children this was held within the next seven days. For ten children, there was at least 32 days between the request and the Hearing being held.

It was not possible to tell from the SCRA files as to the reasons for delays in arranging Hearings. In one case it was clear that a Hearing had been scheduled earlier but was rearranged for availability of attendees. In three other cases Hearings had been held and continued, reasons for this were; parent's were seeking legal advice, a safeguarder's report was requested and the Hearing was unable to come to a majority decision.

Once an Advice Hearing has been held the Reporter is to send a copy of the advice to the relevant Sheriff within seven days (under the Adoption (Scotland) Act 1978). Table 13 shows the time taken for Sheriffs to receive the advice. The date the advice was received from the Hearing was not always available from the court file as sometimes the advice report was not held on the court file or it was not stamped with the date received. Other times the advice report was submitted with the petition. Often, the advice from the Hearing had been sent to the court prior to the submission of the petition.

**Table 13. Time taken between Children's Hearing and advice received by the court**

<b>Time taken in days</b>	<b>Number of children</b>
7 days or less	18
8-14	3
15-21	0
22 or more	6
<b>Total</b>	<b>27</b>

N= 27

Data were only available for 27 of the 43 children. For 18 children (67%) the advice was received by the court within the seven day timescale. For a further three children it was received within the next seven days. However, for six children the advice was received after at least three weeks. In one of

<sup>7</sup> This will include cases where the parents do not object to the adoption plans.

these cases the advice had been sent by the Reporter to the wrong Sheriff court. In the other five cases the advice was received with the petition.

## 6. Court Processes

The involvement of the Sheriff Courts in permanence proceedings begins when the application for Adoption or other Order is lodged with the court. The applications submitted under the Adoption (Scotland) Act 1978 in this study were for Adoption and Freeing Orders.

There were five cases where the researchers were able to study the court process for both a Freeing Order and an Adoption Order. As the two Orders were separate processes these cases have been included twice in the tables. Therefore the totals in the tables below may be greater than 43.

### Submission of petition

Under the 1978 Act the petition for an Order should be submitted to the court within 28 days of the Advice Hearing.

Table 14 shows the time taken between the Advice Hearing and the submission of the petition.

**Table 14. Time between Advice Hearing and submission of petition**

<b>Time taken in days</b>	<b>Number of children</b>
Hearing after submission	2
28 days or less	14
29-56	15
57-84	2
85 or more	9
<b>Total</b>	<b>42</b>

N= 42

For 14 children (33%) the petition was submitted within the 28 day timescale, and for fifteen children this took between 28 and 56 days. However, for nine children there was at least 85 days (12 weeks). The longest time taken was 8.5 months. In this case, the child had moved to adoptive parents three months after the Advice Hearing.

For all of the children, the local authority/ adoption agency submitted a report of suitability of applicants to the court, previously known as a section 23 report. The under the 1978 Act, section 23 reports were to be submitted within 28 days of the petition, although Sheriffs had discretion to fix a different time period.

**Table 15. Time taken between petition and section 23 report**

<b>Time taken in days</b>	<b>Number of children</b>
Report submitted before petition	3
28 days or less	31
29-56	8
57-84	2
85 or more	4
<b>Total</b>	<b>48</b>

N=48

For three children the report had been submitted before the petition had been lodged. Thirty one of the 48 reports were submitted within the 28 day timescale. Nineteen of the 31 were reports related to Freeing Orders, all of which were submitted at the same time as the petition. For four children there was at least 12 weeks between the petition and section 23 report. The longest time taken was nearly seven months.

### **Curators ad litem and Reporting Officers**

When an application is made, the Sheriff appoints officers of the court to investigate the case and give advice to the court on the child's welfare and best interests; and also to ascertain if the birth parents fully understand the adoption process and witness their consent if they wish to provide this. These two types of appointments are called curators ad litem (for children) and Reporting Officers (for parents), though often the same person carries out the two roles.

Table 16 shows the time taken for the Sheriff Courts to appoint the curators ad litem and Reporting Officers. The time calculated is that between the receipt of the section 23 report and the appointment of the curators and Reporting Officers. In all cases the curators ad litem and Reporting Officers for each child's case were appointed at the same time. Where an Adoption Order was applied for and there had been an existing Freeing Order made, there was no need to appoint a Reporting Officer.

**Table 16. Time taken by court to appoint curators ad litem and Reporting Officers**

<b>Time taken in days</b>	<b>Number of children</b>
Appointed before receipt of s23 report	1
28 days or less	34
29-56	11
57-84	1
85 or more	1
<b>Total</b>	<b>48</b>

N= 48

For 34 of the 48 children (71%) the courts appointed the officers within 28 days of the section 23 report being received. In one further case, the officers were appointed prior to receipt of the report. For 11 children this process took

between 29 and 56 days. And for two children it took at least 57 days (eight weeks). There was no indication of the reason of delay in these two cases.

Once the curators and Reporting Officers have been appointed, they have four weeks to produce and submit their reports to the court. Table 17 shows the time taken for them to submit their reports.

**Table 17. Time taken to submit curator ad litem and Reporting Officer reports**

<b>Time taken in days</b>	<b>Number of children</b>
28 days or less	18
29-56	24
57-84	3
85 or more	2
<b>Total</b>	<b>47</b>

N=47

Out of the 47 sets of reports that were submitted, 18 (38%) were submitted within the 28 day timescale. A further 24 were submitted within the following 28 days.

There were five children where this process took over two months, including two children where it took three months and four months respectively. The reasons for delay were not always given but it was clear from some files that Reporting Officers faced difficulty in locating or meeting birth parents, which sometimes resulted in numerous letters, calls or visits.

There was only one occasion where the Reporting Officer report was submitted at a different time to the curator ad litem report, and in this case the Reporting Officer report took one month longer.

## **Court Hearings**

The applications in this study were made under the Adoption (Scotland) Act 1978. Here, the Sheriff would fix a diet of hearing after receiving the curator ad litem and Reporting Officer reports.

**Table 18. Time between receipt of curator ad litem and Reporting Officer reports and diet of hearing fixed**

<b>Time taken in weeks</b>	<b>Number of children</b>
Fixed prior to reports	7
Within 2 weeks	32
2-3 weeks	3
More than 3 weeks	5
<b>Total</b>	<b>47</b>

N= 47

There were seven children where the hearing was fixed prior to the reports being received, five of these children already had a Freeing Order in place. For a further 32 children (68%) the hearing was fixed within two weeks. There

were five children where this process took more than three weeks. The longest time taken was 55 days.

Table 19 shows the time between the receipt of curator ad litem and Reporting Officer reports and the date the hearing was held.

**Table 19. Time between receipt of curator ad litem and Reporting Officer reports and diet of hearing held**

<b>Time taken in weeks</b>	<b>Number of children</b>
28 days or less	15
29-56	27
57-84	4
85 or more	0
<b>Total</b>	<b>46</b>

N= 46

For 15 children there was 28 days or less between the receipt of reports and the first hearing held in court. For just over half the children (27) this process took between 29 and 56 days. There were four children where there was at least 57 days between receipt of reports and the first hearing held.

### Parental Response

Prior to the first court hearings, birth parents have the opportunity to give their views on the adoption application to Reporting Officers, and can also lodge a formal objection in court if they wish. Some parents did not give their consent for the Adoption or Freeing Orders but they did not lodge any formal objection either. Some parents gave their formal consent, and others could not be found or did not have parental rights or responsibilities. In some cases, one parent consented to the adoption but the other did not. Table 20 shows the responses given by birth parents.

**Table 20. Parental response to permanence application**

<b>Response</b>	<b>Father</b>	<b>Mother</b>
Consent	5	8
Dispute and later consent	2	0
Formally dispute	7	18
No consent or dispute	8	12
Deceased	1	0
Whereabouts unknown or no PRR	13	5
<b>Total</b>	<b>36</b>	<b>43</b>

N= 43

The most common response made by birth mothers was to formally dispute the permanence application (18 mothers), followed by a response of neither to consent or dispute the application (12 mothers). There was a much higher number of fathers (13) than mothers (five) whose whereabouts were unknown or where there was no parental rights or responsibilities. Nine fathers formally

disputed applications though two of these later consented, and eight did not consent or dispute.

Out of the 43 children, there were 19 children where either the mother or father lodged a dispute to the application.

Where disputes were made by parents, the court process took longer to complete as time was needed for parties to dispute items and present evidence, and thus a higher number of hearings were also required. The shortest time between the first hearing and the Order being granted where there was no dispute was zero days as Orders were granted at the first hearing. This was the case for 15 children (excluding those with Freeing Orders). The longest time taken with no formal dispute was 94 days. Where disputes were lodged, the shortest time between the first and final hearing was 80 days, and the longest was nearly 15 months.

## 7. Overall Timescales

There are a number of discrete processes and actions that are involved in the overall permanence process, a number of which have been discussed in this report. The following discussion shows the overall timescales covering four main stages: contact with services; permanence being decided, petitions submitted and Orders granted.

**Table 21. Time between permanence decided and first petition submitted**

Time taken in months	Number of children
Less than 6	2
6-11	15
12-23	23
24 or more	2
<b>Total</b>	<b>42</b>

N= 42

For 17 children (40%) there was less than one year between permanence being decided and the petition for an Adoption Order or a Freeing Order submitted. For 23 children there was between 12 and 23 months. For two children there was at least 24 months.

**Table 22. Time between petition submitted and first / only Order granted**

Time taken in months	Number of children
Less than 6	19
6-11	19
12 or more	5
<b>Total</b>	<b>43</b>

N= 43



For 19 children, the overall court process for the first or only petition took less than six months. For the same number again, the court process took between six and 11 months. There were five children for whom the court process took more than a year.

For six of the 22 children who had a Freeing Order granted, it was not known if the children had gone on to be adopted or not, and if so the date at which the Adoption Order was granted. For the other 14 children, it was possible to obtain this information through Reporters or social workers.

Table 23 shows the time taken between permanence being decided and an Adoption Order being made.

**Table 23. Time between permanence decided and Adoption Order granted**

<b>Time taken in months</b>	<b>Number of children</b>
Less than 12	1
12-17	6
18-23	9
24-35	17
36 or more	3
<b>Total</b>	<b>36</b>

N= 36

There was one child where there was less than 12 months between permanence being decided and an Adoption Order being made. For 20 children this process took more than two years, including three children where it took more than three years.

The overall time taken for the children to achieve permanence can be calculated from their first contact with services (birth) to the final Order being granted.

**Table 24. Time between first contact with services and Adoption Order granted**

<b>Time taken in months</b>	<b>Number of children</b>
Less than 12	0
12-17	3
18-23	4
24-35	13
36-47	10
48-59	3
60 or more	4
<b>Total</b>	<b>37</b>

N= 37

Out of all the children, there was no one whose adoption was granted within a year of working with services. There were seven children where their adoption was granted within two years. For most children, the overall process took between two and four years.

For four children it took more than five years to achieve adoption. A closer look at these cases shows the areas of delay at different stages in the permanence process. Table 25 breaks down the overall process into three stages for these four children.

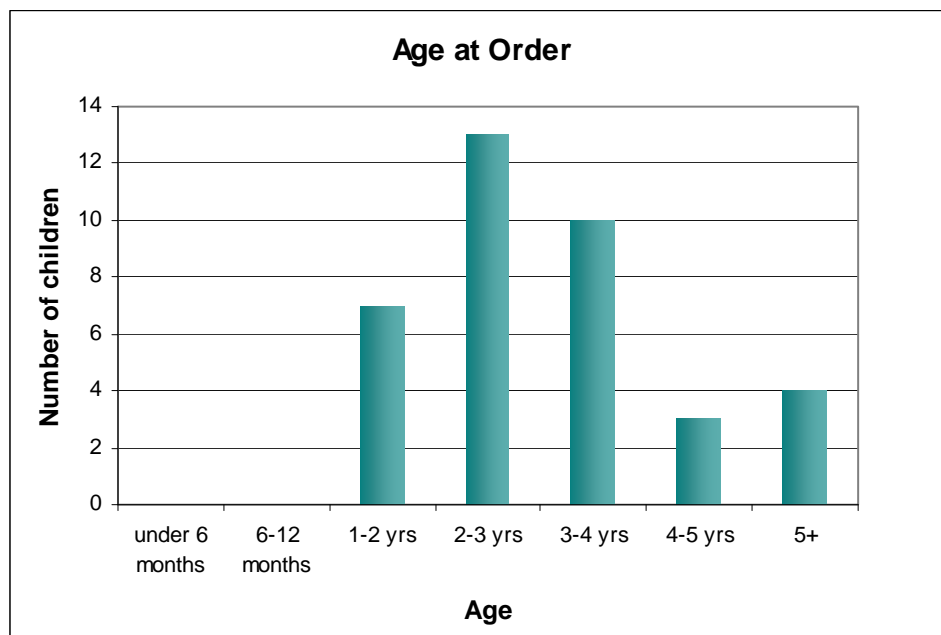
Table 25. Stages in months for children who took over five years to achieve permanence

<b>Time (months) from:</b>				
<b>Child</b>	<b>1<sup>st</sup> contact with services to permanence decided</b>	<b>Permanence decided to petition</b>	<b>Petition to Order granted</b>	<b>Total time</b>
A	14	23	10 (FO) + 14 (AO)	61
B	35	18	13	66
C	42	24	5	71
D	28	28	8	64

For child B and child C the longest period was deciding that permanence was needed out with the birth family. For child D this stage was as equally as long as the process between the permanence decision and submitting the adoption petition. For child A, the last stage took the longest as although a Freeing Order was granted within 10 months, it was a further 14 months before an Adoption Order was made although the child was in the adoptive home at the time the Freeing Order was granted.

The ages at which the children’s adoptions were completed are shown below. This information was available for of the 37 of the children. It was not possible to determine the ages of the other six children as their permanence process was either still ongoing at the time of the study or it was not possible to obtain the relevant information from local authorities at that time.

Figure 4. Age at Adoption Order



N= 37

There were seven children who were adopted at the age of one. All of these children had been placed at birth. The average age at adoption for children who had been placed at birth was two years and four months. For those who were first accommodated later, their average age at adoption was three years and nine months.

The most common age at the time of adoption for all children was two years old (13 children), followed by three years old (10 children). Overall, 20 children were adopted before they reached three years of age, and 17 were three years old or more.

The youngest child to be adopted was 12 months old and the oldest was nearly six years old.

## 9. Conclusions

The 43 children discussed in this report had all been assessed for risk at birth or prior to birth. There was a range of concerns for the children, but most commonly found was parental drug misuse and risks of violence, physical or sexual abuse.

This research has shown that there was clear variation in the times taken to reach permanence. Twenty three of the children had been placed with carers straight from their birth and these children achieved adoption on average one year sooner, despite many of the other children being first placed within six months of birth.

Some children experienced little delay in decision making. There were 14 children where the decision for permanence was made within six months of working with their families (all of these children had been first placed with carers at birth). For other children, this decision took considerably longer. There were five children where permanence was decided after two years of service support.

There were also some children who experienced a minimal number of moves before being placed with their adoptive parents. One child remained with initial carers and eighteen children experienced only one move as they remained with the same foster carer from birth, until being placed with adoptive parents. Overall, the most common number of placements was two, with 77% of the children experiencing this. There were some children who experienced a higher number of moves and placements. There were seven children who had moved at least four times and nine children who had experienced at least three different placements.

The length of time spent in placements varied and there was only nine children who spent less than 12 months between their initial placement and moving to their final home. For another nine children there was at least 24 months, with one child experiencing more than 36 months and another 48 months. Overall, 26 of the children were in their adoptive placement by the age of two years, although seven children achieved permanence through remaining with a previous carer.

Therefore stability was found for some children in terms of placements but this did mean some children spent prolonged periods of time with carers before moving to adoptive parents. This was the period when these very young children were building strong attachments to care givers and therefore their move on took careful preparation. Sixteen children in fact had spent 18 months or more in a single placement before moving on.

Similar to the main research, there was varied performance in the processes following the match of children to their adoptive parents. Children's Reporters arranged Advice Hearings within 21 days for 24 of the children (63%), and petitions were submitted within 28 days from the Advice Hearing for 14 children (33%). Courts appointed curators ad litem and Reporting Officers for 35 children (73%) within 28 days of section 23 reports being received and their reports were submitted within the deadline of 28 days for 18 children (38%).

Overall, the ages at which Adoption Orders were granted for the children varied from 12 months old to nearly six years old. Twenty children were adopted before they reached three years of age, and 17 were three years old or more. For six children, permanence process were still ongoing at the time of the study, that is, the children had been freed for adoption but it was unknown whether these children had been subsequently adopted or placed in long term foster care. Therefore the overall time period of achieving permanence for these children would also be quite lengthy although it is not possible to say exactly how long it took, or even if a permanent placement has been found.

In comparison to the main sample, the newborn children experienced less delay around the decision for permanence than the main group in the study. There were 12% of the newborn group where the decision for permanence took more than two years, in comparison to 38% of the main sample.

There was a similar spread between the newborn group and those from the main group in terms of the number of placements experienced. The most common number of placements for both sets of children was two. However, proportionally, there were less newborn children that had a higher number of placements in comparison to the main sample.

Those assessed at birth also achieved permanence much more quickly than other children in the main sample. There was a much higher proportion of the children who achieved permanence within two, three and four years. However, there was still a small proportion of these children that permanence took over four or five years.

It is clear then, that for the children who had been assessed at birth, and especially for those who were placed at birth, the process of achieving permanence was managed more quickly than children who were not. However, there was still a proportion of these very young children where services were not making decisions or acting fast enough in the long-term interests of these children. The areas for improvement discussed in the full report of this research still apply to those children who have been assessed for risk at birth.

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