

# Permanently Progressing?

Building secure futures for children in Scotland

## Pathways to Permanence for children who become looked after in Scotland

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### Key messages

- In Scotland, 1,836 children aged five and under became looked after in 2012-13. Of those children, 1,355 were looked after away from home and 481 were looked after at home. This study follows their pathways for four years from 2012 to 2016.
- There was a statistically significant association between levels of deprivation and local rates of children looked after. Local rates may also reflect variations in the approaches of local authorities, Children's Hearings and the local judiciary.
- For almost half of children looked after away from home, this was initially under Section 25 Children (Scotland) Act 1995.
- The majority of the children (87%) had a single continuous 'episode' of being looked after during the four-year period, however, an episode may include periods spent looked after at home and/or being looked after away from home. Moreover, as an episode may include placements moves, a 'single episode' does not necessarily mean the child experienced stability.
- The most common destination for children who had ceased to be looked after away from home was a return home. Nearly one third of children looked after away from home returned to parents by the end of the study, 26% had ceased to be looked after and 5% were living at home on a Compulsory Supervision Order (CSO). Among children who were reunified with parents, the mean time looked after away from home was just over nine months.
- The number of children looked after in kinship or foster care fell over the four years, reflecting a rise in the number of children who returned to parents, were placed with kin on Section 11 Orders or were adopted. Just two percent were placed on Permanence Orders by the end of the study.
- The children who achieved a permanent placement most quickly were those reunified with parents. The median total time from becoming looked after away from home to reunification was 15 months.
- A total of 212 children looked after away from home had been adopted by the end of Year 4. Few children were adopted before Year 3, and for half of the adopted children the adoption did not take place until Year 4. The median time to adoption was 25.5 months for those adopted via direct petition and 31 months for those adopted via a Permanence Order with Authority to Adopt (POA).
- Children on an adoption pathway were significantly younger when they started to be looked after away from home than children on all other pathways. Over half (56%) of those on an adoption pathway had become looked after away from home before they were six weeks old.
- For children looked after at home, the time on a CSO spiked at 9-12 months. This may reflect a response to legal requirements, as the maximum time a CSO can be in place without being reviewed by a Children's Hearing is one year. This suggests that decision making may, in some cases, be system-driven rather than needs-led.
- For nearly one third of the children looked after away from home there was no evidence that they were in a permanent placement three to four years after starting to be looked after.

## Introduction

*Permanently Progressing? Building secure futures for children in Scotland* is the first study in Scotland to investigate decision making, permanence, progress, outcomes and belonging for children who became 'looked after' at home, or were placed away from their birth parents when they were aged five and under. Phase One ran from 2014-18, and was designed to be the first phase in a longitudinal study following the children into adolescence and beyond. Phase One involved a team from the Universities of Stirling, York, and Lancaster in collaboration with Adoption and Fostering Alliance (AFA) Scotland. This strand analysed the child-level data from the Scottish Government's Children Looked After Statistics (CLAS) dataset on the total population of children age five years or under who started to be looked after in 2012-13 (n= 1,836).

## Why is the issue important?

Over 4,000 children in Scotland start to be looked after every year and, in 2017, a total of 14,897 were looked after on the annual census date. Many children who become looked after away from home will return to their parents, but for some the decision is taken to permanently place them with kinship carers, long-term foster carers or adoptive parents. Until now little was known about children's pathways through the looked after system in Scotland, the balance of voluntary and compulsory intervention, and how patterns of placement change over time. This study addresses that gap and provides important new information.

## What does the research tell us?

Anonymised child-level data (Children Looked After Statistics) was provided by the Scottish Government for the years 2012-13, 2013-14, 2014-15, and 2015-16 on the total cohort of 1,836 children in all 32 local authorities who started to be looked after between 1 August 2012 and 31 July 2013 (the study's baseline year) and were age five years or under on 31 July 2013. Of these, 1,355 children (74%) became looked after away from home during the baseline year and are referred to as the *away from home* group and 481 (26%) became looked after at home and were not looked after away from home at any point during the baseline year. These children are referred to as the *at home* group.

Information on ethnic origin was available for just under 92% of the children, 94% of whom were recorded as 'white.' These formed the largest ethnic group. Seven percent (128) of the sample had recorded additional support needs.

## Local authority variation

The rate per 1,000 children in each local authority who became looked after away from home and the rate looked after at home varied considerably by area. The proportion looked after away from home ranged from just over 30% to 100% of looked after children in each authority. There was no evidence that the size of the local population of children age five years or under was related to the likelihood that a child would be looked after away from home. Some local authorities in Scotland have very small populations. In those instances, the placement of just a few children could have a significant impact on the overall percentage looked after away from home.

The rates of children looked after (either at home or away from home) increased in line with increasing levels of local deprivation. In other words, there is a statistically significant relationship between the level of deprivation and the likelihood of being looked after. The relationship, however, between poverty and rates of being looked after is complex, and this complexity was reflected in our findings. The two areas with the most pockets of deprivation had relatively high rates of looked after children, but not the highest. Rates were higher in several other, less deprived authorities, indicating that deprivation is not the only factor that increases the likelihood that a child will become looked after.

### Age when became looked after

The age at which the *away from home* group started to be looked after tended to be lower than for the *at home* group. The key differences between the groups were that the away from home group included a far higher proportion of children who started to be looked after before they were one year old, while the proportion of four and five year olds in the *at home* group was double that in the *away from home* group.

Nearly half (46%) of the *away from home* group were under one year old when they started to be looked after away from home. One quarter were under six weeks old, including 250 (18%) who were less than seven days old. Virtually all of the children in the *away from home* group were placed away from home immediately they became looked after, although 42 children were known to have been previously looked after at home. Of the *at home* group, just under 20% (94) became looked after away from home during the subsequent three years of the study.

### First legal status

Nearly half of the *away from home* group (48%, 640) were initially looked after away from home under Section 25 of the Children (Scotland) Act 1995. A further 13% of this group were initially placed on a Compulsory Supervision Order (CSO). A far higher proportion of children in the *at home* group who subsequently became looked after away from home after the baseline year did so on a compulsory basis (55%). A further 12-17% of each group were initially looked after away from home under an Interim Compulsory Supervision Order (ICSO). One quarter of the *away from home* group were removed from home on an emergency child protection measure, such as a Child Protection Order (CPO). The use of CPOs varied with the age of the child. CPOs were most commonly used with very young children (under six weeks old) while warrants/ICSOs were more commonly used for older children.

### Type of first placement

Ninety-four per cent of the children were placed in foster care, either with unrelated or kinship foster carers. Kinship foster care was used for 35% of the children in the *away from home* group and 43% of the *at home* group (who subsequently became looked after away from home after the baseline year). The use of kinship care increased in line with the child's age at initial placement.

### Stability and changes over four years

The majority of all the children (87%) had only a single 'episode' of being looked after. This does not necessarily mean the child experienced stability, as a single episode may include one or more periods of being looked after away from home or at home. Children may also experience placement moves or changes in legal status within an episode.

Over half (54%, 727) of the *away from home* group were placed away from home on a single occasion then ceased to be looked after away from home and were not accommodated again during the study period. A further 29% (400) had a single continuous period of being looked after away from home from the baseline year to the end of the study four years later. A third group, comprising just under one fifth (17%, 228) of the *away from home* group, had two or more periods of being looked after away from home. Over half (133) of this third group of children were still (or again) looked after away from home at the end of the study period, whilst the remainder (95) had ceased to be looked after away from home by this point.

Over the course of the study (2012-16) over half (766, 57%) of the *away from home* group had two or more placements away from home, as did 45% (42) of those children in the *at home* group who were at some stage placed away from home. Nearly one third of children in the away from home group had two placements. Although undesirable, two placements may be hard to avoid in circumstances where children are accommodated at very short notice. However, around

one fifth (20%) of the away from home group had three or four placements, and almost 5% had five or more placements. The number of children in the at home group with multiple placements was lower, with one quarter having two placements, just 11% having three placements, and 9% four or more.

Over the four years of the study, increasing proportions of children were looked after by way of compulsory intervention. Nearly half (48%) of the children in the away from home group initially became looked after by voluntary agreement (Section 25) and 12% were initially looked after on a compulsory basis. By the end of the study, 68% (923) of the away from home group had been placed on a CSO away from home at some stage.

Of the 94 children in the at home group who were subsequently looked after away from home, nearly all (91) were placed under the provisions of a CSO. By the end of the study, five children who were in the at home group in 2012-13 were recorded as having been on a Permanence Order.

### **Length of time looked after**

There was considerable variation in the total time that children were looked after, which ranged from less than one month to just under four years. For some children, periods of time looked after (at home or away from home) were interspersed with periods when they were not looked after. Children in the away from home group were looked after away from home for 25 months on average, ranging from less than one month to 47 months. Over one quarter (27%) of these children were looked after away from home for less than one year including five per cent placed away from home for less than one month, and a further five per cent for between one and three months. However, over one third (38%) of the away from home group were looked after away from home for three to four years.

Among children reunified with parents, who accounted for nearly one third of the away from home group by the end of the study, the total time looked after away from home was just over nine months on average. One quarter (347) of the away from home group were looked after at home at some stage during the study period. Their total time on a CSO at home was 14 months on average, but again there was wide variation with total time looked after at home ranging from less than one month to 42 months.

Children in the at home group were looked after at home for an average of 21 months with the total duration ranging from less than one month to 47 months. Many of the children in the at home group were looked after at home for lengthy periods including 46% looked after for one to two years, and 20% for three to four years. There was a clear spike in the number of children looked after at home for 9-12 months. This spike might reflect a response to legal requirements as the maximum time a CSO can be in place without being reviewed by a Children's Hearing is one year, suggesting that decision making may be system-driven rather than needs-led. Another explanation may be that it takes time to assess parental capacity and engagement before decisions are made to discharge a CSO, or request that the Hearing extends the duration of the CSO at home, or makes a CSO away from home.

Over half (51%) of those in the at home group who were placed away from home after the baseline year spent less than 12 months looked after away from home, compared with just 28% of the children in the away from home group. There are a number of possible explanations for this difference. First, children in the at home group were somewhat older when they became looked after, and older still when they were placed away from home. Consequently, it is possible that professionals' concerns might be less acute than for the very young children who comprised the majority of the away from home group. Second, all of the at home group had been looked after at home on CSOs prior to being placed away from home so were well-known to services. In some cases this may have made services more confident about returning children home. In other

cases, it may have led them to conclude that children could not be safeguarded at home and that a permanent placement away from home was needed.

### **Where were children at the end of the study and were they in placements intended to be permanent?**

Three to four years after they started to be looked after away from home, two-thirds (898, 66%) of the away from home group were in placements intended to be permanent. The most common destination for children was reunification with parents, a route taken by nearly one third (425, 31%) of the away from home group. Most children in the at home group remained at home over the four years.

Compared with others in permanent placements (apart from the very small number on Permanence Orders), the children who achieved a permanent placement most quickly were those who were reunified with parents. The median total time from admission to return home was 15 months (the final return if more than one). As we saw above, these children had spent an average of nine months looked after away from home, indicating that some of these children may have had non-continuous periods of being looked after away from home, or had been looked after at home prior to their final legal status of being reunified with parents and discharged from the looked after system.

Other types of legal permanence took much longer to achieve. A total of 292 children were on an adoption pathway (just over 21% of the away from home group). This comprised 212 children who had been adopted together with 80 others placed with prospective adopters. As mentioned previously, 46% of the away from home group were under a year old when they first became looked after; over one-quarter were under six weeks old including 18% who were under a week old. Despite this, most adoptions did not take place until three to four years after they started to be looked after. In Scotland, there are two routes to adoption, direct petition (by adopters) or Permanence Order with authority to Adopt (POA). For the children in our study 80% of the adoptions via POA took two years or more (from the time a child first became looked after away from home), as did 61% of adoptions via direct petition.

Just over a quarter of all children in the away from home group were under six weeks old when they became looked after away from home, however, these children formed over half (56%) of those on an adoption pathway at the end of the study. Children who were adopted or with prospective adopters by the end of the study were significantly younger when they started to be looked after away from home than those on all other pathways. There were no significant differences in age at starting to be looked after away from home between the children on all other pathways (reunification, Section 11, PO, no evident permanence plan).

By the end of the study, 11% of the children were living with relatives on Section 11 Orders. The number of children on these orders rose steadily over the four years, contributing to the fall in the number looked after away from home. A small number of the children in the away from home group (28, 2%) at the end of the four years had achieved legal permanence through a Permanence Order.

Three to four years after becoming looked after away from home in 2012-13 nearly one third (428) of the children were still (or again) looked after away from home without a legal order in place to provide them with stability and permanence

## Implications for policy and practice

- The Scottish Government's annual reports on Children's Social Work Statistics are a valuable resource, but would be more useful still if they presented more information for children looked after away from home and children looked after at home separately. Remaining at home under supervision and being removed from home are very different experiences for children and there are differences in their characteristics and pathways. It would also be helpful if the collection of information on children's ethnic origin and additional support needs could be improved, as there was significant levels of missing data on both.
- There was variation in the rate of children who became looked after across the 32 Scottish local authorities. Although there was a relationship between the level of deprivation and the rate of children looked after, this may also be linked to variations in the approaches of local authorities, Children's Hearings and the judiciary.
- Nearly half (46%) of the away from home group were under one year old when they started to be looked after away from home. Over one quarter were under six weeks old, including 250 who were less than seven days old. It is important to understand more about the circumstances in which this occurs including the significance of pre-birth assessments, the work undertaken with parents to prevent separation where possible and the outcomes for the children concerned.
- The largest permanence group, accounting for nearly one third of all children in the away from home group, comprised children who were reunified with their parents by the end of the study. This group included children who had returned home and were no longer looked after, and a much smaller group who were looked after at home. It is important that the needs of this large group of children are recognised and they and their families receive sufficient support to sustain their safety and wellbeing at home.
- The study raised questions as to why some children were looked after at home for a total of three to four years. Local authorities may wish to investigate the circumstances in which this occurs, whether it is appropriate and the consequences for the children.
- For some children the process to permanence was slow, especially for those on an adoption pathway. Further attention to permanency planning is needed to ensure that children who cannot safely be reunified with their birth parents are placed in a permanent alternative family as soon as possible.
- For nearly one third of the away from home group there was no evidence that they were in a permanent placement three to four years after starting to be looked after. This raises questions about permanency planning for these very young children.
- Permanence Orders were only rarely used for the children in our sample. It would be useful to investigate the reasons for the relatively low use of this route to permanence for younger children. Increasing the use of POs may be one strategy, among others, that may help to reduce the number of children experiencing impermanence.

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<https://afascotland.com/learning-zone/2-static-content/124-permanently-progressing>

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