

# Permanently Progressing?

Building secure futures for children in Scotland

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

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<sup>1</sup> See Appendix 1 for details about the authors.

<sup>2</sup> See Appendix 2 for a list of the Steering Group members.

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# 1. Permanently Progressing?

## Background to the study: the concept of permanence

As its name suggests, a key concern of the *Permanently Progressing? Building secure futures for children in Scotland* study is the question of permanence for children who become looked after away from home. The aim of permanency planning is to ensure that children have a permanent home which can provide them with the physical and relational stability, and the emotional security essential to child development. Depending on their histories and circumstances, children may find a permanent home through reunification with their parents, permanent placement with kin (or in some cases with friends) either within or outwith the looked after system, or through long-term fostering or adoption.

The concept of permanence for children was developed in the 1970s, when researchers in both the USA and the UK, highlighted the problem of children 'drifting in care' with no plan in place to provide them with long-term stability and continuity in relationships with caregivers (Rowe and Lambert, 1973; Fanshel and Shinn, 1978). Concern about the potentially detrimental consequences of the lack of permanent caregivers on children's psychosocial development led to calls for those children who could not return home to be placed in permanent substitute families (Maluccio and Fein, 1983; Goldstein et al, 1973). In the USA the emphasis was on adoption, while in the UK both long-term foster care and adoption were viewed as solutions, with growing research and policy attention to adoption from the late 1990s. Over the last 30 years or so researchers in the UK have investigated the stability and outcomes of a variety of permanent placements for children looked after away from home who cannot safely return to their families, including long-term foster care, kinship care, special guardianship and adoption.

For the purpose of this study, we will draw on the Scottish Government definition of permanence:

*Providing children with stable, secure, nurturing relationship and home, where possible within a family setting, which continues into adulthood*

(Scottish Government, 2015).

The Scottish Government defined the four routes to permanence in the Scottish context:

- "Returning or remaining at home with or after support, where family functioning has stabilised and the parent(s) can provide a safe, sustainable home which supports the wellbeing of the child. This may require on-going support for the family.
- Permanence through a Permanence Order.
- A Section 11 order (for parental responsibilities and rights, residence or guardianship) under the Children (Scotland) Act 1995). From April 2016, where kinship carers have such an order it will be known as a kinship care order under Children and Young People (Scotland) Act 2014.
- Adoption, where the child has the potential to become a full member of another family."

Although not one of the four routes defined by the Scottish Government, some children achieve a form of stability and relational security, if not legal permanence, by remaining long term with consistent carers while on Compulsory Supervision Orders (Children's Hearings (Scotland) Act 2011) or Section 25 (Children (Scotland) Act 1995).

## The context for the study

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. One quarter of them were *looked after at home* and three quarters were *looked after away from home* in foster, residential or kinship placements (or, in a few cases, in placements with prospective adopters). The number of children looked after at home has been falling over the last ten years. In contrast to this decreasing trend the number looked after away from home has risen steadily from the late 1990s, although it has stabilised in the last few years and recently fell slightly. This increase in the number of children looked after away from home largely reflects the increasing numbers of younger children becoming looked after, particularly those under one year old, who accounted for 15% of all children starting to be looked after in 2016-17 (Scottish Government, 2017; Scottish Government, 2018a).

There has been considerable policy attention to looked after children since the mid-2000s, including changes in legislation, policy, regulations and guidance. These were informed by research evidence on the potentially harmful consequences for child development that may arise from delay in moving to a stable and nurturing permanent home and by concerns about poor outcomes for looked after children. A notable change was the introduction of the Adoption and Children (Scotland) Act 2007. This not only aimed to extend the use of adoption where this was the best plan for the child but also introduced Permanence Orders to bolster the stability of long-term placements for children who cannot safely return home. The Scottish Government subsequently introduced the Looked After Children Regulations 2009, which included timescales to promote timely decision making on permanent placement, and published guidance on the 2007 Act and the 2009 Regulations (Scottish Government 2011).

The Scottish Government also established the Looked After Children Strategic Implementation Group (LACSIG) to drive forward an implementation programme to improve permanence and outcomes for looked after children in Scotland. The Scottish Government commissioned the Centre for Excellence for Looked After Children in Scotland (CELCIS) to deliver the Permanence and Care Excellence (PACE) programme, supporting local authorities and their multi-agency partners to bring about whole systems change. It set out its strategy for early engagement, early permanence and improving the quality of care in *Getting It Right For Looked After Children And Young People*, which is part of the government's wider GIRFEC strategy (Scottish Government, 2015).

## Outline of the wider study

In the context of the policy changes outlined above and the rise in the number of very young children starting to be looked after, the *Permanently Progressing?* study investigated decision making, permanence, progress, outcomes and belonging for children who became 'looked after' at home, or were placed away from their birth parents (with kinship carers, foster carers or prospective adopters) when they were aged five and under. Phase One of the research ran from 2014-18 and was designed to be the first phase in a longitudinal mixed methods study following a large cohort of young children into adolescence and beyond. It is anticipated that Phase Two will commence in 2020. Phase One of the research was fully funded by a legacy, and was undertaken by a team from the universities of Stirling, York, and Lancaster, in conjunction with Adoption and Fostering Alliance (AFA) Scotland. This phase of the study had five strands:

## **Pathways to permanence for children who become looked after in Scotland (the *Pathways* strand)**

This analysed data from the Children Looked After Statistics (CLAS) provided to the Scottish Government by all 32 local authorities on the total cohort of children who became looked after during the year 1 August 2012 - 31 July 2013 when they were aged five and under (n=1,836). Of the 1,836 children, 481 children were looked after at home and 1,355 children were looked after away from home. This strand of the study investigated children's pathways into and through the looked after system over four years from 2012-16, including the route and timescales to permanence.

*This report details this strand.*

## **Children looked after away from home aged five and under in Scotland: experiences, pathways and outcomes (the *Outcomes* strand)**

In-depth questionnaires were sent to the kinship carers/foster carers/adoptive parents and social workers of a sample of 643 children from 19 participating local authorities who became looked after away from home in 2012-13 and remained (or were again) looked after away from home a year later. Survey questionnaires were returned by 433 social workers and 166 carer or adoptive parents, providing detailed information on the children's histories, circumstances, relationships, health and educational progress.

## **Linking two administrative datasets about looked after children: testing feasibility and enhancing understanding (the *Linkage* strand)**

Information about children who are looked after is collected from all 32 local authorities by the Scottish Government (CLAS data). Data is also collected by the Scottish Children's Reporter Administration (SCRA) on all children who have contact with the Children's Hearings System. For the first time, these two data sets have been linked through the Administrative Data Research Network (ADRN). Within the ADRN's Safe Haven we were able to safely and successfully link SCRA and CLAS data on 1,000 children. As well as testing the feasibility of linkage this enabled a more complete picture of the experiences of children.

## **Decision making for children (the *Decision making* strand)**

During 2015-17, 160 decision makers were interviewed across Scotland mainly in groups, but some individually. These included social workers and allied professionals, members of Children's Hearings, Reporters to the Children's Hearings, independent consultants, members of permanence panels, and a sheriff. This enabled us to identify from a range of perspectives the factors which influence decision making for children.

## **Perspectives on kinship care, foster care and adoption: the voices of children, carers and adoptive parents (the *Children and carers* strand)**

Although the children in our cohort are young, we wanted to hear about their experiences. Play and talk sessions took place with a sample of 10 children aged between three and eight years, and 20 kinship carers, foster carers, and adoptive parents were interviewed. The focus was what helped children feel secure, and what carers/adoptive parents said they needed to enable them to meet children's needs.

**Links**

Final reports for all five strands of the *Permanently Progressing?* study and summaries are now available:

<https://www.stir.ac.uk/about/faculties-and-services/social-sciences/our-research/research-areas/centre-for-child-wellbeing-and-protection/research/permanently-progressing/>

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

<https://www.york.ac.uk/spsw/research/researchproject-permanentlyprogressing/> .

<https://www.cfj-lancaster.org.uk/projects/permanently-progressing>

## 2. The *Pathways* strand

### Background

Despite the rise in the number of children becoming looked after away from home over the last 20 years or so, until now we have known little 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. The *Pathways* strand addresses these gaps in the research. It is the first study of looked after children in Scotland to use population data to investigate the trajectories of children who become looked after. This longitudinal study analysed case-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 a single year, following the children's pathways into, through, and in many cases out of the looked after system over a four-year period.

This report describes the characteristics and pathways of the total cohort of 1,836 children age five years or under who became looked after during 2012-13. This is an important age group to consider, given the rise in the number of children who become looked after at an early age. The report compares the pathways of all children in this age group who became looked after away from home during that year with all others in the same age group who became looked after at home. It discusses which children, in which circumstances, were living in permanent placements of one kind or another three-to-four years after they became looked after.

### Aims

The principal aims of the *Pathways* strand were:

- To investigate the characteristics and pathways to permanence of children who become looked after away from home at the age of five or under.
- To compare these characteristics and pathways with those for children in the same age group who are looked after at home.
- To investigate the timescales associated with different routes to permanence.

### Methods

The *Pathways* strand investigated these questions through secondary analysis of Scottish Government data. All local authorities in Scotland provide administrative data on looked after children to the Scottish Government each year and reports on these Children Looked After Statistics (CLAS) are included in government reports, the Children's Social Work Statistics, which are published annually.

The Scottish Government provided the research team with anonymised child-level data from the CLAS dataset on all children aged five years or under who became looked after during the year 1 August 2012 - 31 July 2013. Data on these children were subsequently provided for the following three years, 2013-14, 2014-15 and 2015-16, with a final data point of 31 July 2016, thus covering a four-year period (1 August 2012 - 31 July 2016). This procedure allowed us to conduct a longitudinal study of the characteristics and pathways of children who become looked after age five years and under.

### Sampling

For the purpose of this study, the Scottish Government extracted anonymised data on the total cohort of children in all 32 Scottish local authorities who:

- a) started to be looked after between 1 August 2012 and 31 July 2013 (the study's baseline year) and

- b) were age five years or under on 31 July 2013 (i.e. born 1 August 2007 - 31 July 2013)

Using this sampling procedure, the study included the total population of 1,836 children in Scotland age five years or under who became looked after during a single year (2012-13).

Information on whether children had previously been looked after, either at home or away from home, was 'flagged' for us by the Scottish Government for 1,804 children (this information was missing for 32 children). The vast majority (n=1,672, 93%) of the children had not been looked after prior to the baseline year, but 132 had had a previous episode of being looked after, 90 of whom (five per cent of the total sample) had previously been looked after away from home. Two per cent (42) of the children who became looked after during 2012-13 had previously been looked after at home.

Another strand of the study which linked the CLAS data to that held by the Scottish Children's Reporter Administration (SCRA) found that almost half of the 1,000 linked children had previously been referred to SCRA.<sup>3</sup>

### Analysis

Frequencies and percentages are used in the report to describe how many children had a certain characteristic or experience for categorical variables such as placement type. Mean and standard deviation<sup>4</sup> are used to describe numerical variables, such as number of months a child spent looked after away from home. As the mean is affected by extreme values and non-normal distributions, median and interquartile range (IQR) are also reported.<sup>5</sup>

Pearson's *r* is used to test correlations between two numerical variables, cross-tabulations and chi-square tests are used to look at the relationship between two categorical variables (such as initial placement type), and Kruskal-Wallis tests are used to test for group differences in numerical variables (such as age in months at time of first placement away from home). A *p*-value threshold of 0.05 is used throughout to indicate statistical significance, which is whether we can be 95% confident that any differences observed in the data are real differences and not simply a chance finding. Cramer's *V* is used to indicate the strength (substantive significance) of any associations, with values of 0.1 indicating a small effect, 0.3 a medium effect, and 0.5 a large effect (see Cohen, 1969).

### Some data issues

The Scottish Government dataset was large and complex and some clarification and caveats are needed regarding the data.

An *episode* of being looked after begins when a child becomes looked after (whether at home or away from home). Within an episode, a child can have periods of being looked after at home and/or away from home. In addition, children may experience placement moves<sup>6</sup>, or changes in

<sup>3</sup> The report of the *Linkage* strand is available on the website.

<sup>4</sup> The mean is a measure of central tendency, calculated by adding together a set of numbers and dividing this sum by the total number of figures added together. Standard deviation is used alongside the mean, to help describe how close a set of values are to the mean. The larger the standard deviation, the more spread out the values tend to be.

<sup>5</sup> Median is a measure of central tendency or 'average' used where data is not normally distributed. It is literally the middle value of a distribution, and not affected by extreme high or low values. Interquartile range is a measure of dispersion used alongside the median, and describes how spread out the values of a variable are, by comparing the values of the middle half of the distribution. The larger the interquartile range, the greater the dispersion of values.

<sup>6</sup> A new row of data is added to a child's administrative record when new placement information is added. In most cases, a new line of data indicates a move for the child, and this is the assumption we have made, but this may not be true in every case.

legal status within an episode of being looked after away from home. In some cases changes in legal status may provide legal security to an existing placement (for example, through the use of a Permanence Order or the making of an Adoption Order) but other legal changes may entail a change in placement, even though this may be for positive reasons (for example a move to prospective adopters under a Permanence Orders with Authority to Adopt (POA)).

An episode of being looked after may end in a variety of ways, including when a child returns home, either because the provision of accommodation under Section 25 of the Children (Scotland) Act 1995 has come to an end or a legal order, for example a Compulsory Supervision Order (CSO), has been discharged. An episode may also end when a child ceases to be looked after because a new legal order has been made, for example an Adoption Order or a Section 11 Order. If the child subsequently becomes looked after again, this would be recorded as a new episode.

Details of children's placements and details of their legal statuses during each year were supplied in separate files, but in some cases the legal reason recorded for the child being looked after was inconsistent with the placement type. For example, some children described as looked after away from home in the placement data were recorded as living at home under a Compulsory Supervision Order in the legal reason file. Where placement was inconsistent with legal status, data on placement were taken to be the more reliable indicator of the child's circumstances.

There was also some confusion regarding terminology. Some children were recorded as being 'freed for adoption' despite the fact that this terminology was no longer used after the Adoption and Children (Scotland) Act 2007, which replaced it with Permanence Orders with Authority to Adopt (POA). In this report, the small number of children erroneously recorded in the data as 'freed for adoption' are grouped with others placed for adoption under a POA.

A separate dataset was provided containing information on the number of children with additional support needs recorded in each of the four years of the study. In some cases this information was missing in the baseline year (when these children were referred to as 'children with additional support needs') but was recorded in later years (when the CLAS data collection protocol changed to a yes/no coding of disability). Data on this issue were nevertheless missing for 21% of all children who started to be looked after during the baseline year (Scottish Government, 2014a).

### **Ethical approval and data protection**

Ethical approval was provided by the General University Ethics Panel of the Faculty of Social Science at the University of Stirling. A Data Sharing Agreement was drawn up between the Scottish Government and the University of Stirling.

All data were anonymised by the Scottish Government before they were passed to the research team. The datasets were securely stored on a password-protected server at the University of Stirling.

To avoid disclosure, numbers less than five are not reported in tables and are instead added to adjacent categories or indicated with a \*. In tables where cells contain numbers less than five, a \* is used to indicate zero or numbers too small to report.

### **The research context: relevant UK studies**

There has been little research on permanent placement for children in Scotland since the early 2000s but, more recently, the Scottish Children's Reporter Administration (SCRA) has published important studies of care and permanence planning, initially focusing on children dealt with under the Adoption (Scotland) Act 1978 and subsequently on those dealt with under the Adoption and Children (Scotland) Act (Henderson et al, 2011a; Henderson et al, 2015; Hanson et al, 2018).

The studies analysed case records held by SCRA to investigate decision making, court processes and timescales for permanence for 100-200 children for whom a Children's Hearing had been held concerning adoption (and also, in 2015, those for whom a Hearing had been held concerning a Permanence Order).

A recent Welsh study analysed outcomes for children with a final Care Order and, like this one, analysed administrative data to explore placement trajectories for all children with this order during the year 2012-13. Unlike our own study, it focused only on children with a court order and included children of all ages, not just younger children. The ongoing *Wales Adoption Study* used a range of methods (though not the analysis of administrative data) to analyse the pathways of 374 children who were adopted between the ages of under one month and six years (Anthony et al, 2016).

The *Pathways* strand complements these studies but takes a different approach as it uses national administrative data to investigate the pathways of all children age five years or under who became looked after in one year, rather than on the smaller group of children placed away from home on a care order or for whom adoption is considered. An increasing number of UK studies have drawn on administrative data to explore the pathways of children in public care or adopted from care, particularly in England.

Our study bears some similarity to the *Care Pathways and Outcomes Study* in Northern Ireland which used mixed methods, included analysis of administrative data on the total population of 374 children who were under five years old and in public care on 31 March 2000, some of whom were later adopted (McSherry et al, 2010; 2016). One of the strengths of this study has been its successful involvement of children and young people and it is currently using qualitative methods to following up a sub-sample of participants into early adulthood.

In England, an increasing number of studies of children in public care have drawn on administrative data. The *Pursuit of Permanence* study (Sinclair et al, 2007) used a range of methods, including the analysis of administrative data, to investigate pathways and outcomes for children in public care. It included findings on children adopted from care as well as those who remained looked after or returned home. *Beyond the Adoption Order*, one of a group of adoption studies conducted at the University of Bristol, also analysed national administrative data, alongside other methods to investigate adoption disruption (Selwyn, 2014). Another study used administrative data to investigate changes in patterns of entry to care between 1991 and 2012 and reported a shift to earlier intervention and longer, more stable placements (Mc Grath-Lone et al, 2016). Large administrative datasets have also been used to investigate local variation in the use of care and the relationship between local deprivation and the use of public care, initially in England and subsequently across the UK (Bywaters et al, 2015; Dickens et al, 2007). Others have analysed administrative data from the Child and Family Court Advisory and Support Service (CAFCASS), focusing on the use of special guardianship, women who have had successive children removed from their care and on the admission to care of newborn babies (Broadhurst et al, 2015; Harwin and Alrouh, 2017).

Findings from these studies from across the UK will be discussed in the chapters that follow where appropriate. The studies in England, Wales and Northern Ireland were conducted in policy contexts that are in some respects similar to the Scottish context, for example in their concern to ensure permanence for children placed away from home. However, in other respects the Scottish legal context, including its provision for looking after children at home, and its unique institutional context (which includes the Children's Hearing System) are quite different to those in the other three countries of the UK and this may result in some differences in the pathways of children who become looked after away from home.

Most of the studies mentioned above differ from our own in some respects. Some focused either on children in public care or on those adopted from care, some included children of all ages while others, like our own, included only younger children. Another difference was that some studies focused on children who were already on a specific pathway to permanence or with a plan for adoption. Unlike these studies the *Pathways* strand is prospective, investigating pathways and placement outcomes for the total population of young children (age five years or under) identified at the point at which they entered the looked after system. Unlike most other studies in the UK, it also tracks the pathways of children looked after at home as well as those of children looked after away from home.

### 3. The legal and institutional context

Children who become looked after in Scotland are served by a tripartite institutional system which includes the local authority, the Children's Hearing System and the judicial system (Sheriff Court). Depending on their circumstances, children may come into contact with the local authority alone, or with the local authority and one or both of the other two systems. This chapter provides a brief overview<sup>7</sup> of the role of these three systems and the legal powers available to each of them in order to provide the context for the different pathways to permanence which children may experience.

#### The local authority

Local authorities have a range of powers and duties in relation to children in their area, and while it is beyond our scope to outline all of these, for the purposes of understanding this report, it is important to highlight their different duties.

Under Section 22 of the Children (Scotland) Act 1995, the local authority is obliged to 'promote the welfare' of children in need. Part of this duty may involve providing accommodation, and the basis for this is set out in Section 25 of the Children (Scotland) Act 1995. Section 25 of the Children (Scotland) Act 1995 enables the local authority to 'provide accommodation' for any child within their area who *'appears to them to require such provision because (a) no-one has parental responsibility for him; (b) he is lost or abandoned; or (c) the person who has been caring for him is prevented, whether or not permanently and for whatever reason, from providing him with suitable accommodation or care'* and does not object (although it is known as 'voluntary' accommodation). Where children are accommodated under Section 25 they become 'looked after away from home'. Where children are looked after, Section 17 of Children (Scotland) Act 1995 sets out the local authority's duties to safeguard and promote the child's welfare, including in relation to contact.

If a child is looked after away from home under Section 25 for less than six (continuous) months a parent can remove their child at any point, but thereafter parents must give two weeks' notice of their intention.

Depending on the circumstances there may be grounds for the local authority to refer the child to the Reporter to the Children's Hearing. In this instance if the Reporter organises a Hearing, then the Section 25 may be replaced by a Compulsory Supervision Order (under Section 83 Children's Hearings (Scotland) Act 2011.<sup>8</sup>

For all children who are looked after at home or away from home, the Looked After Children (Scotland) Regulations 2009 stipulate that the local authority must carry out an assessment of the child's needs, and based on that assessment prepare a plan to meet those needs, known as 'The Child's Plan'. The 2009 Regulations set out timescales for reviews (Looked After Child Reviews) for children who are looked after. The guidance states that where a child has been looked after away from home for six months and "she/he has not returned home by this stage or if significant progress towards that has not been achieved, then the review should consider whether a plan for permanence away from birth parents is required" (Scottish Government, 2011, p.130). This does not preclude earlier decision making, but means the decision should be taken by the third review (this takes place six months after the second review, so between ten

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<sup>7</sup> Appendix 3 details the legal routes to permanence.

<sup>8</sup> The Children's Hearings (Scotland) Act 2011 was implemented in June 2013, just before the end of the study's baseline year, replacing some of the legal orders which formerly applied under the Children (Scotland) Act 1995.

and eleven months of the child becoming looked after away from home).<sup>9</sup> This review should also set out the steps and timescales to achieve permanence for the child.

If a child's Looked After and Accommodated Review concludes that they cannot safely return to their parents, an assessment of the child's needs will be considered by the local authority's Permanence Panel. The Adoption and Children (Scotland) Act 2007 outlines the manner in which local authorities should establish permanence panels with linked guidance. The Adoption Agencies (Scotland) Regulations (Scottish Government 2009) state that each local authority or adoption agency must appoint an adoption panel (or appoint one jointly with another authority/agency). In most areas, the panel is formed as an adoption and permanence panel, so can consider the full range of permanence routes. The panel has a crucial role in decision making about whether a child who cannot remain or return to birth parents should be placed for permanence away from home, and what legal route (Section 11/Kinship Care Order, Permanence Order (PO), Permanence Order with Authority to Adopt (POA), Adoption by Direct Petition) might best secure this. After considering the child's needs and circumstances the Permanence Panel make a recommendation to the Agency Decision Maker<sup>10</sup> for each child, based on reports provided by social work, legal and medical professionals and discussion at the panel with professionals, carers, and sometimes birth parents and child.

Child Protection Case Conferences, reviews and core groups are held for children who have a child protection plan, and whose names are on the local authority Child Protection Register. During the period when the study started the National Guidance for Child Protection in Scotland (Scottish Government, 2014) had recently been updated. Although the Child Protection Register is a non-statutory measure designed to protect children by putting child protection plans in place, the guidance is clear that case conferences should discuss the need for compulsory measures of supervision, thus linking child protection measures to the Children's Hearing System.

## **The Children's Hearing System**

One of the distinguishing features of the Scottish system is the role that Children's Hearings play. The Children's Hearing System was established in 1971 following the recommendations of the Kilbrandon Committee, and the Social Work (Scotland Act) 1968. Children's Hearings took over from the courts most of the responsibility for dealing with children and young people under 16, and in some cases under 18, who commit offences or who are in need of care and protection. The system was designed to be a welfare-based system based on 'needs not deeds'. This stemmed from the principle that children who commit offences have the same problems (or needs) as children who lack adequate care and protection and it is these needs that are to be addressed by a Children's Hearing. In June 2013 the Children's Hearings (Scotland) Act 2011 came into force, replacing some aspects of Children (Scotland) Act 1995.

Where there are concerns about a child s/he may be referred to the Children's Reporter. Anyone may make a referral to the Reporter, and some professionals (police and social work) have a statutory responsibility to make a referral where they believe that a child may be in need of compulsory measures of intervention. The 'Grounds for Referral' are set out in the Children's Hearings (Scotland) Act 2011.<sup>11</sup>

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<sup>9</sup> Some local authorities implementing the PACE programme have introduced changes to these timescales, including, in some areas holding the first looked after review two weeks after the child becomes looked after away from home. [www.celcis.org.uk](http://www.celcis.org.uk)

<sup>10</sup> The Agency Decision Maker is senior member of staff within the local authority who receives the permanence panel recommendation (and minute) and makes the decision.

<sup>11</sup> The 2011 Act replaced and amended some aspects of the Children (Scotland) Act 1995 including amending and expanding the grounds for referral.

On the basis of the information s/he is given, the Reporter decides whether there is sufficient evidence and an apparent need for compulsory measures of supervision and if so, arranges a Children's Hearing. There are three underlying principles set out in the Children's Hearings (Scotland) Act 2011:

- The minimum intervention principle (an order should only be in place if it would be of more benefit to the child than if there were no order).
- The paramountcy principle – safeguarding and promoting the welfare of the child is 'the paramount consideration'.
- The child has a right to express a view in decisions relating to himself/herself (taking account of the child's age and maturity), and for these views to be taken into account by the Hearing or sheriff.

Children and young people may come in to the Children's Hearing System after a referral, or following emergency child protection measures, the most common of which is a Child Protection Order (CPO) which has been granted by a sheriff following an application by (usually) the local authority under the Children's Hearings (Scotland) Act 2011. The CPO authorises certain actions including the removal or retention of a child in a place of safety.

A Children's Hearing is comprised of three volunteer panel members who come to a decision based on written reports from professionals involved in the child and family's life (including social work, education and health) and discussion of the child's circumstances involving the child and his/her family/carers and professionals. Children's Hearings can address a range of matters but here we concentrate on those most relevant to this study.

Children's Hearings make a decision on whether a child requires to be on a statutory order including an Interim Compulsory Supervision Order (ICSO) or a Compulsory Supervision Order (CSO), and whether the ICSO/CSO is either:

- a) home-based, in which case the child becomes 'looked after at home', or
- b) away from the child's home, in which case s/he becomes 'looked after away from home'.

In addition to deciding whether statutory measures are necessary, where children are subject to ICSO/CSO, Children's Hearings also make decisions about whether it is necessary to regulate contact, and if any other measures need to be attached to the statutory order (for example the child should attend a particular resource). Children's Hearings have to consider whether it is necessary for them to appoint a Safeguarder for the child in order to make a decision.

Compulsory Supervision Orders must be reviewed by a Children's Hearing within a year of the date of making the order. An earlier review can take place if requested by the child or parent after three months, by the local authority at any time, or where the Hearing has specified an earlier date for review.

## The Sheriff Courts

The Children's Hearings System interfaces with the court at different stages:

- If a 'relevant person'<sup>12</sup> or child does not accept or is too young to understand the grounds for referral, these will be sent to the sheriff to establish whether the facts laid out can be proven. On the basis of the information, the sheriff may uphold some or all of the grounds for referral and the child's case will return to the Children's Hearing.
- A child/relevant person can appeal a decision made by a Children's Hearing and this appeal is heard by the sheriff.
- Where a child is subject to an emergency order, granted by a sheriff (e.g. CPO), the Principal Reporter to the Children's Hearing must be informed and s/he arranges a Children's Hearing on the second working day after the child has been taken to a place of safety.
- Where a child is subject to a CSO and the Agency Decision Maker for the local authority has decided, following a Permanence Panel, that a Permanence Order or adoption is required and an application is to be made to court, the Children's Reporter must be notified. The Reporter will arrange for a Children's Hearing to take place for the purpose of providing advice to the sheriff about the local authority's plan for the child.

Where the local authority has applied to the court for a PO/POA and the application is in process, a child can only be made subject to a CSO, or the CSO varied with the permission of the court. The Children's Reporter will arrange for a Hearing for the CSO to be made/varied and once the Hearing has decided what the best decision is for the child, a report will be prepared for the court. Once the sheriff has considered the report, s/he will decide whether to make or vary the CSO and remit it back to the Hearing for the decision to be made. This happens typically where a reduction in contact or move to permanent carers is part of the plan for the child. This process was introduced under the Adoption and Children (Scotland) Act 2007 Section 95.

The Sheriff Court also makes decisions in relation to parental responsibilities and rights. Part 1 of the Children (Scotland) Act 1995, sets out parental responsibilities and rights, and Section 11 details the conditions in which a court can deprive adult(s) of parental responsibilities and rights and transfer some or all of those responsibilities and rights to another adult, or decide they should be shared with another adult. Where the applicant is a family member, the order granted by the court is referred to as a Kinship Care Order, a term introduced under the Children and Young People (Scotland) Act 2014. This was enacted in August 2016 when our study was halfway through.

The Sheriff Court can make a Permanence Order, or a Permanence Order with Authority to Adopt, or an Adoption Order transferring the parental responsibilities and parental rights in relation to a child to the adoptive parent(s). An adoption order may contain such terms and conditions as the court thinks fit, including in relation to post-adoption contact. The court cannot make an order unless it considers that that it would be better for the child that the order be made than not.

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<sup>12</sup> The following people are automatically considered to be a relevant person: any parent (whether or not they have parental rights or responsibilities) and any other person who has parental rights and responsibilities (obtained through the courts). Foster carers and kinship carers are not automatically considered to be relevant persons, however, they can be deemed to be a relevant person. This decision is made by a Pre-Hearing Panel or a Children's Hearing. For more information see SCRA website [www.scra.gov.uk](http://www.scra.gov.uk).

## 4. The children

This chapter compares the demographic characteristics of children looked after at home with those for children looked after away from home, groups which are not routinely distinguished from one another in the statistics on children looked after children published annually by the Scottish Government. It also compares the proportions of children with recorded additional support needs in the two groups.

Since 2008 there has been a decreasing trend in the number of children (of all ages) being looked after at home, which has fallen from 43% of all looked after children in 2007 to 25% in 2017. The rate (per 1,000 children in the general population) looked after at home has been falling over the last ten years. However, the rate of children looked after away from home has been slowly rising since 2000, although it appears to have stabilised in the last few years (Scottish Government, 2018a).

The study sample comprised the total cohort of 1,836 children from all 32 Scottish local authorities who became looked after between 1 August 2012 and 31 July 2013 (the *baseline year*) and were age five years or under at the time. Of these:

- 1,355 (74%) became looked after away from home during the *baseline year*. We refer to these children as the *away from home* group.
- 481 (26%) became looked after at home and were not looked after away from home at any point during the *baseline year*. We refer to these children as the *at home* group (although, as we will see, a small proportion did become looked after away from home in subsequent years).

Half (51%) of the children were male, reflecting the national pattern for children of all ages who became looked after during the baseline year, with no differences in gender distribution between the *away from home* and *at home* groups.

### Age first looked after during the baseline year

There were distinct differences in the age profiles of the *away from home* and *at home* groups, as the former group tended to be younger than those in the *at home* group when they became looked after.<sup>13</sup> Table 1 shows the ages of the children in each group who became looked after in the baseline year.

**Table 1: Age group when first looked after in baseline year (2012-13) [n=1,836]**

Age	<i>Away from home</i> group		<i>At home</i> group	
	n	%	n	%
Under 6 weeks	378	27.9	*	*
6 weeks to under 1 year	255	18.8	66	13.7
1 year to under 2 years	198	14.6	107	22.2
2 years to under 3 years	195	14.4	95	19.8
3 years to under 4 years	142	10.5	80	16.6
4 years to under 6 years	187	13.8	133	27.7
Total	1,355	100.0	481	100.0

\*Number too small to report (included in '6 weeks to under 1 year' group).

<sup>13</sup> *Away from home* group: median age when became looked after 14 months (interquartile range 35 months).  
*At home* group: median age when became looked after 32 months (interquartile range 33 months).

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.

## Ethnic origin

Information on ethnic origin was available for just under 92% of the children. Of these, children recorded as 'white' formed the largest ethnic group, representing 94% of the sample. This percentage was virtually the same as that for all children and young people (aged 0-19 years) in Scotland (Scottish Government, 2014a). Due to the small numbers of children in the other ethnic groups, and the high levels of missing data on ethnicity, it is impossible to comment on the possible over- or under-representation of these groups within the study sample.

## Children with Additional Support Needs

Seven per cent (128) of the sample children had recorded additional support needs<sup>14</sup>, which was the same as the figure reported in national statistics for children of all ages who started to be looked after in 2012-13 (Scottish Government, 2014b<sup>15</sup>).

Although the proportion of children with additional support needs was statistically significantly higher in the *away from home* group than the *at home* group (8% compared to just under 5%), the strength of this relationship was weak.<sup>16</sup> This may be a real difference between the groups, or it may simply reflect that fact that more information on children's additional needs may come to light once children become looked after away from home.

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<sup>14</sup> This was based on whether children had been recorded as having additional support needs in any of the four annual CLAS datasets. In some cases this information was missing in the baseline year, but was recorded in later years. The CLAS data collection protocol changed in 2015/16 to a yes/no coding of disability instead of recording individual types of additional support needs.

<sup>15</sup> Children's additional support needs were not known/not recorded in the CLAS report for 21% of children who started to be looked after in 2012-13.

<sup>16</sup> Chi-square test:  $\chi^2$  5.778, df1,  $p < 0.05$ . However, the effect size was very small: Cramer's V = 0.06.

## Summary

- The study investigated patterns for the total cohort of children age five years or under who started to be looked after during the year 2012-13 (n=1,836). Seventy-four per cent of these children became looked after away from home (the *away from home* group) and 26% became looked after at home (the *at home* group).
- There were distinct differences in the age profiles of the *away from home* and *at home* groups. The median age at which the *at home* group started to be looked after was more than double that of 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 (with 28% less than six weeks old), compared to only 14% of the *at home* group.
- Ninety-four per cent of the children were white, similar to the proportion for all children in Scotland under 19 years old.
- Seven per cent of the children had recorded additional support needs. This is likely to be an underestimate since, given the very young age of many of the children, any disability may not yet have been identified.

## 5. Becoming looked after away from home

### Age at starting to be looked after away from home

Virtually all of the children (97%) in the *away from home* group were placed away from home immediately they became looked after, with 42 children known to have been looked after at home prior to being looked after away from home. By definition, the *at home* group remained at home throughout the baseline year. However, during the subsequent three years of the study just under 20% (94) of the *at home* group became looked after away from home, with the majority of whom (85) were accommodated on only one occasion. These children, who had initially been on a CSO at home, tended to be older than the *away from home* group at the time they were placed away from home.<sup>17</sup> This was partly because those in the *at home* group had less 'opportunity' to be looked after away from home at a very young age, as they were not looked after away from home until after the baseline year. Table 2 compares the age group at which the two groups of children became looked after away from home.

**Table 2: Age group when first looked after away from home during study (2012-16)**  
[n=1,449]

Age	<i>Away from home</i> group		<i>At home</i> group	
	n	%	n	%
Under 6 weeks	376	27.7	*	*
6 weeks to under 1 year	253	18.7	*	*
1 year to under 2 years	198	14.6	9	9.6
2 years to under 3 years	197	14.5	9	9.6
3 years to under 4 years	143	10.6	19	20.2
4 years to under 6 years	188	13.9	57	60.6
Total	1,355	100.0	94	100.0

\*Number too low to report (included with children age 1-2 years)

Nearly half (46%) of the *away from home* group were under one year old when they started to be looked after. Over one quarter were under six weeks old, including 250 who were less than seven days old.

These newborn babies accounted for 18% of the *away from home* group, and were likely to have been removed due to concerns about their safety which, in some cases, will have arisen pre-birth. These figures are very similar to those reported by Broadhurst et al (2018) on the proportions of care proceedings in England concerning newborn babies and infants.<sup>18</sup>

The Scottish Government data that forms the basis for the *Pathways* strand (the CLAS dataset) do not provide information on the reasons why children become looked after away from home. However, the *Outcomes* strand<sup>19</sup> gathered detailed data from social workers on the histories of 433<sup>20</sup> of the children in the *Pathways* strand who became looked after away from home and were still looked after away from home, or placed for adoption/adopted a year later. The majority of

<sup>17</sup> *Away from home* group: median age when became looked after away from home was 14 months (interquartile range was 35 months). *At home* group: median age when became looked after was 51.5 months (interquartile range was 24 months).

<sup>18</sup> Care proceedings exclude 'voluntary' accommodation, the equivalent of Section 25 in Scotland.

<sup>19</sup> Full report from *Outcomes* strand is available on the website.

<sup>20</sup> This represents 67% of the 643 eligible children in the 19 participating local authorities in the *Outcomes* strand.

these children had experienced severe abuse or neglect, often of multiple types (see our report on the *Outcomes* strand for full details). In the context of these concerns about maltreatment, professional perceptions of risk and harm in relation to very young children may help to explain the high proportion of babies who became looked after away from home.

## Legal status

### Legislative change

During the course of the study there were some changes in the legal basis under which children became looked after. The Children's Hearings (Scotland) Act 2011 was implemented in June 2013, just before the end of the study's baseline year, replacing some of the legal orders which formerly applied to children under the Children (Scotland) Act 1995. Two of the legal changes resulting from this legislative change are of relevance to the terminology in this report. From June 2013, Supervision Requirements were replaced with Compulsory Supervision Orders (CSOs) and warrants were replaced by Interim Compulsory Supervision Orders (ICSOs). For simplicity of expression, we group Supervision Requirements with Compulsory Supervision Orders and refer to both as CSOs. We similarly group warrants with Interim Compulsory Supervision Orders and refer to both as ICSOs.

A further legal change occurred just before the end of the study as result of the introduction of Kinship Care Orders by the Children and Young People (Scotland) Act 2014. The 2014 Act required that, from April 2016, any Section 11 Order (for parental responsibilities and rights, residence or guardianship) held by a kinship carer under the Children (Scotland) Act 1995) would henceforth be known as a Kinship Care Order.

### Legal status when starting to be looked after away from home

Table 3 shows the legal status of children in both groups when they were first looked after away from home during the study period.

**Table 3: Legal status when first looked after away from home (2012-16) [n=1,417]**

Legal status	Away from home group		At home group	
	n	%	n	%
Accommodated under Section 25	640	47.7	15	20.0
SR/CSO away from home <sup>21</sup>	176	13.1	41	54.7
Warrant/ICSO	167	12.4	13	17.3
Child protection measure	337	25.1	5	6.7
PO or POA	5	0.4	*	*
Other Legal Reason	17	1.3	*	*
Total <sup>22</sup>	1,342	100.0	75	100.0

\*Indicates zero or number too small to report

Nearly half of the *away from home* group (48%) were initially looked after under Section 25 of the Children (Scotland) Act 1995. Research in England has similarly found that most children who enter public care initially do so on a voluntary basis, reporting that 54% of those born between 2009 and 2011 entered under a voluntary arrangement (Mc Grath-Lone et al, 2016).

<sup>21</sup> This includes a very small number of children with legal reason 'CSO at home', inconsistent with placement away from home.

<sup>22</sup> First legal reason data was missing for 13 children in the away from home group, and 19 in children in the at home group.

A further 13% were initially placed on a Compulsory Supervision Order (CSO), a far smaller proportion than of the children in *at home* group children who became looked after away from home after the baseline year (55%). Between 12-17% of each group were looked after away from home under an interim measure, namely 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). A CPO may last for up to eight working days, to allow time for an assessment to be made and for a Children's Hearing or sheriff to review the need for a further order. These emergency measures were less commonly used with the children who had previously been looked after at home, perhaps because there was less likely to be a perceived need for emergency, as opposed to planned, removal of children in this group as they were already known to social workers and the Children's Hearing.

## Type of first placement

Unsurprisingly in view of their young age, just over 94% 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 at this stage, but the proportion of children in placements with unrelated foster carers was higher, as shown in Table 5.

**Table 4: Placement type when first looked after away from home (2012-16) [n=1,449]**

Placement type	<i>Away from home</i> group		<i>At home</i> group	
	n	%	n	%
Kinship foster carers	467	34.5	40	42.6
Local authority foster carers	738	54.5	46	48.9
IFP foster carers (unrelated)	69	5.1	8	8.5
With prospective adopters	5	0.4	*	*
Other community	10	0.7	*	*
Residential/crisis care	7	0.4	*	*
Other residential	59	4.4	*	*
Total	1,355	100.0	94	100.0

\*Indicates zero or number too small to report

Most foster placements were provided by local authorities, with only five per cent of all children initially placed in a placement purchased from Independent Fostering Providers (IFPs). This high use of local authority placements meant that most children may have been placed close to home which would facilitate contact with their families, although this may not have been the case in local authorities covering a wide geographical area.

The figure of 59 children in 'other residential' provision was at first sight surprising, given the very young age of the sample. However, 49 of these were under six weeks old and as discussed below, the majority of these were newborn babies on CPOs who were looked after in hospital or a specialist unit.<sup>23</sup>

<sup>23</sup> The research team queried the recording of 'other residential' for 59 children with the data team at Scottish Government and representatives from local authorities who submit data. We were advised that it was likely that the children were in hospital, but some recording systems did not have a code for hospital.

### Away from home group: age, legal status and placement

We then looked more closely at the *away from home* group to explore whether there was any relationship between child age and legal status or type of first placement. Table 5 shows the initial legal status during the baseline year for children in different age groups.

**Table 5: *Away from home* group: initial legal status by age first looked after away from home (2012-13) [n=1,342]<sup>24</sup>**

Legal status	Under 6 weeks		6 weeks <1 year		1 yr to <2 yrs		2 yrs to <3 yrs		3 yrs to < 4 yrs		4 yrs to < 6 yrs		Total per status	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Accommodated under s25	187	49.9	123	48.8	95	49.2	86	44.1	60	42.6	89	47.8	640	47.7
SR/CSO away from home <sup>25</sup>	15	4.0	34	13.5	25	12.9	33	16.9	31	21.6	38	20.5	176	13.1
Warrant/ICSO	21	5.6	23	9.1	29	15.0	34	17.4	27	19.1	33	17.7	167	12.4
Child protection measure	148	39.5	67	26.6	42	21.8	36	18.5	20	14.2	24	12.9	337	25.1
POA or PO	*	*	*	*	*	*	*	*	*	*	*	*	5	0.4
Other	*	*	*	*	*	*	*	*	*	*	*	*	17	1.3
Age group total	375	100.0	252	100.0	193	100.0	195	100.0	141	100.0	186	100.0	1,342	100.0

\*Indicates zero or number too small to report.

As this table shows, Section 25 of the Children (Scotland) Act 1995 was commonly used to place children in all age groups away from home on a 'voluntary' basis. Emergency measures such as Child Protection Orders were more commonly used for children under one year old, while ICSOs were more often used with older children. Compulsory Supervision Orders also tended to be used with older children.

There was also some age-related variation in the type of first placement, as shown in Table 6. Children looked after away from home in all age groups were most commonly placed with local authority foster carers, although the proportion of those initially placed before they were one year old, and especially under six weeks old, was higher. Correspondingly, the use of kinship foster care increased in line with child age at initial placement. As mentioned, the initial placement of 59 children was in 'other residential', and 49 of these were under six weeks old. The majority of these 49 children (77%) were on emergency child protection measures, likely to be have been looked after in hospital or a specialist unit soon after birth.

<sup>24</sup> Initial legal status was missing for 13 children.

<sup>25</sup> Includes a small number of children with legal status recorded as CSO at home.

**Table 6: *Away from home* group: first placement by age (2012-13) [n=1,355]**

Placement type	Under 6 weeks		6 weeks to < 1 yr		1 yr to < 2 yrs		2 yrs to < 3 yrs		3 yrs to < 4 yrs		4 yrs to < 6 yrs		Total per placement type	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Kinship foster carers	57	15.2	88	34.8	86	43.4	84	42.6	60	42.0	92	48.9	467	34.5
Local authority foster carers	243	64.6	143	56.5	100	50.5	102	51.8	71	49.7	79	42.0	738	54.5
IFP foster carers (unrelated)	12	3.2	13	5.1	12	6.1	9	4.6	11	7.7	12	6.4	69	5.1
Prospective adopters	*	*	*	*	*	*	*	*	*	*	*	*	5	0.4
Other community	9	2.4	*	*	*	*	*	*	*	*	*	*	10	0.7
Residential/crisis care	*	*	*	*	*	*	*	*	*	*	*	*	7	0.4
Other residential	49	13.0	5	2.0	*	*	*	*	*	*	*	*	59	4.4

\*Indicates zero or number too small to report.

There was no evidence of age-related variation in the type of first placement away from home for children in the *at home* group who, as we saw in Table 2, were all one year old or over when they were first looked after away from home subsequent to the baseline year 2012-13.

## Summary

- Nearly half (46%) of the 1,355 children in the *away from home* group were under one year old when they started to be looked after. Over one quarter (28%) were under six weeks old, including 250 who were less than seven days old.
- Around half (48%) of the *away from home* group were initially looked after away from home on a voluntary basis, with little difference in the use of voluntary arrangements between children in different age groups.
- Emergency or other interim measures (CPOs or warrants/ICSOs) were used in the first instance for just over one third (37%) of the children, but their use varied according to child's age. CPOs were most commonly used with very young children (under six weeks old) while warrants/ICSOs were more commonly used for older children.
- The vast majority (94%) of the children in the *away from home* group were initially placed in foster care, either with unrelated or kinship foster carers. Most (unrelated) foster placements were provided by local authorities and only five per cent of children were initially placed in foster placements provided by Independent Fostering Providers (IFPs).
- Although children in all age groups who were looked after away from home were most commonly placed with unrelated foster carers, the use of kinship foster care increased in line with age at placement.
- The majority of the *at home* group remained with their families throughout the four-year study period, but just under 20% (94) became looked after away from home in the three years after the study's baseline year. A far higher proportion of these children were initially looked after away from home on a compulsory basis compared to the *away from home* group.

## 6. Local authority variation

There was considerable variation between local authorities in the rate of children who became looked after during the *baseline year*. Figure 1 shows the rate of children (age five and under) who became looked after in 2012-13 in each of the 32 Scottish local authorities as a proportion of all children in that age group in each authority.<sup>26</sup> Each bar in the chart represents one local authority. In order to avoid double counting children, the category *Children becoming looked after at home* excludes children who started to be looked after away from home in 2012-13 and also became looked after at home at some point during that year (either before or after becoming looked after away from home). Any such children are therefore included only in the lower part of the bars of the chart.

**Figure 1: Children who became looked after at home or away from home in 2012-13 by local authority (rate per 1,000 children aged five or under)**



As Figure 1 shows, the total rate of children looked after varied from just under one per 1,000 children (age five years and under) in the local population to nearly ten per 1,000. The figure also shows the rate per 1,000 children in each local authority who became looked after away from home and the rate looked after at home, which also varied considerably by area. Similar local variation in rates of children looked after away from home has also been found in other studies

<sup>26</sup> Rates were calculated using the number of children in the looked after at home, and looked after away from home group (2012-13) divided by the Corrected Mid-2012 Small Area Population Estimates (SAPE) by Council Area produced by National Records Scotland for children aged 5 years and under (<https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2015-and-corrected-mid-2012-to-mid-2014/mid-2012-mid-2013-and-mid-2014-corrected-tables>).

which have analysed administrative data in all four countries of the UK (Bywaters et al, 2015; Dickens et al, 2007; Oliver et al, 2001; Sinclair et al, 2007; Bunting et al, 2017; Elliott and Scourfield, 2017; Hooper et al, 2017).

Among the children age five years and under who became looked after in 2012-13, the proportion looked after away from home varied considerably by local authority, ranging from just over 30% to 100% of looked after children in each authority, as shown in Figure 2.

**Figure 2: Proportion of looked after children (age five years and under) who became looked after at home or away from home by local authority in 2012-13**



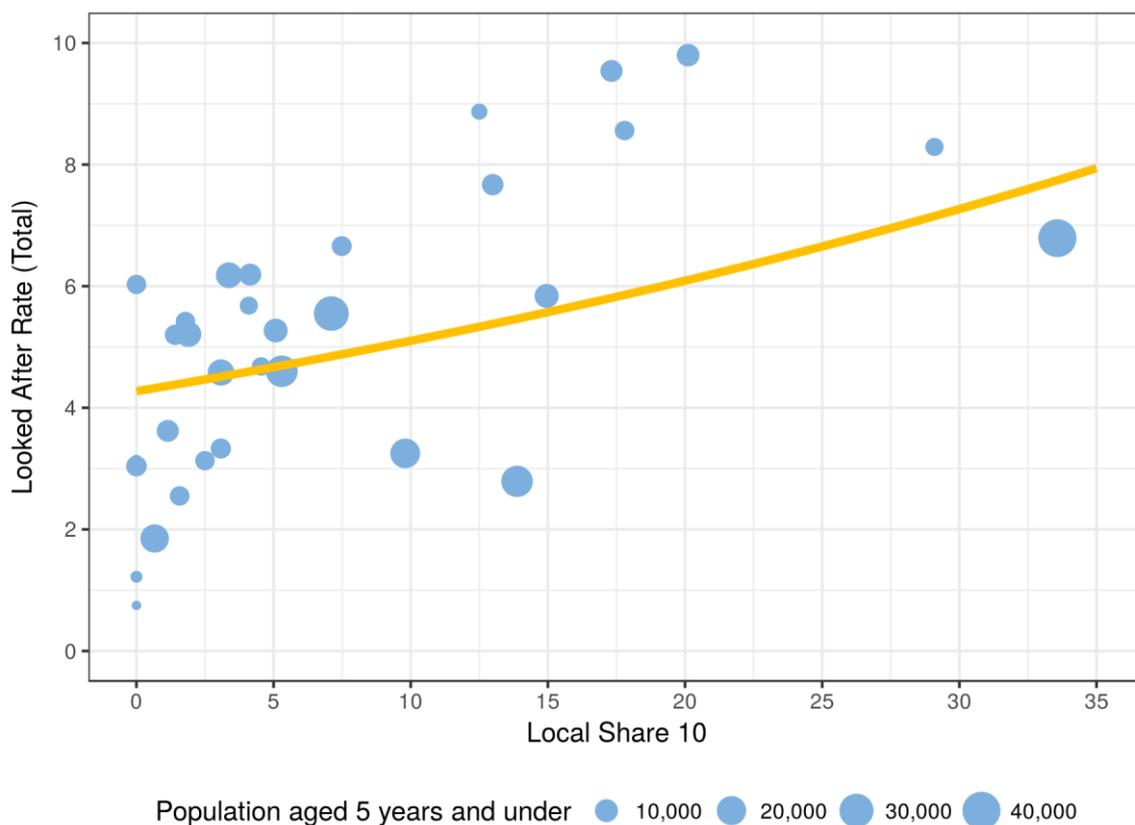
We found no evidence that the size of the local population of children age five years or under was related to the likelihood that a child would be looked after away from home.<sup>27</sup> This is consistent with a similar analysis of English administrative data which found that local authority size was not strongly related to rates of placement or, indeed, to rates of child protection registration (Oliver et al, 2001).

It is important to bear in mind that some local authorities in Scotland have very small populations, in some cases distributed over large geographical areas. Rates of being looked after away from home may not be meaningful in the smallest Scottish local authorities, as the placement of just a few children could have a significant impact on the overall percentage looked after away from home. For example, in July 2013, 27 children (age 0-17 years) were looked after in Orkney and very few of these were looked after away from home (Scottish Government, 2014a), so the accommodation of three or four additional or fewer children there could have had a significant effect on the percentage looked after away from home.

One possible explanation for the variation in rates of children looked after evident in Figure 1 may be local variation in levels of poverty and socio-economic disadvantage. Figure 3 shows the relationship between local deprivation and the proportion of children (age five years or under) looked after, either at home or away from home.

<sup>27</sup> Pearson's  $r = 0.16$ ,  $p = 0.38$ ,  $n = 32$ .

Figure 3: Local variation in levels of deprivation and rates of children looked after



Each dot in the above figure represents one local authority, with the size of the dots varying according to the size of population (age five years and under) in each authority. The vertical axis shows the rate of children in this age group looked after in each local authority, which ranges from just under one child per 1,000 in the local population to just under ten children per 1,000. Thus dots towards the top of the graph represent local authorities with high rates of children being looked after. The horizontal axis shows the proportion of data zones in each local authority that are among the 10% most deprived in Scotland (the 'local share'), with the proportion of these zones within each local authority ranging from 0-35 per cent. Therefore, the further the dot is to the right of the graph, the more deprived the local authority.

The dots representing each local authority are plotted where the rate of children looked after (per 1,000 in the same age group) and the rate of deprivation intersect. The line shows that the local rate of children looked after (either at home or away from home) increases in line with increasing levels of local deprivation. In other words, there is a clear, and statistically significant, relationship between the level of deprivation and the likelihood of being looked after.<sup>28</sup> This finding of a relationship between local rates of children looked after (including those looked after at home and away from home) and deprivation is consistent with the findings of other studies which have investigated patterns of placement away from home (Hooper et al, 2017; Bywaters et al, 2015, 2018; Oliver et al, 2001).

However, the relationship between poverty and rates of being looked after is complex, and this complexity was reflected in our findings. Two areas with the most pockets of deprivation were Glasgow City and Inverclyde, but although these two authorities had relatively high rates of looked after children, they were not the highest. Rates were even higher in several other, less deprived authorities, indicating that deprivation is not the only factor that increases the

<sup>28</sup> Beta coefficient for the deprivation term 0.018 ( $p < 0.05$ ).

likelihood that a child will become looked after. This is similar to the findings of Broadhurst et al (2018) on the different rates at which newborns are subject to care proceedings in England, which led Munby (2018) to propose that some of these differences are ‘the outcome of different professional and institutional behaviours’.<sup>29</sup> Another strand of the study, *Decision Making for Children*<sup>30</sup> found variations in the ways local authorities progressed children’s plans for permanence, some of which appeared to be linked to custom and practice.

### Summary

- Analysis of Scottish Government data on the rate of children who became looked after (at home or away from home) in the 32 Scottish local authorities during the baseline year showed considerable local variation.
- The total rate of children starting to be looked after aged five and under varied from just under one per 1,000 children in the local population to nearly 10 per 1,000.
- The percentage of children starting to be looked after aged five and under in 2012-13 who were looked after away from home varied considerably by local authority, ranging from just over 30% to 100%.
- There was a statistically significant relationship between the level of deprivation and local rates of children looked after, either at home or away from home. However, as other studies have found, the relationship between poverty and child welfare intervention is complex and there is no clear evidence of a simple causal relationship between the two.
- Local rates of children looked after are likely to be related not only to local patterns of deprivation but also to variations in the approaches of local authorities, Children’s Hearings and the local judiciary.

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<sup>29</sup> Sir James Munby (2018) Address to conference. For full speech:

<https://www.nuffieldfjo.org.uk/app/nuffield/files-module/local/documents/Sir%20James%20Munby%20speech%20October%202018.pdf>

<sup>30</sup> The *Decision making* report is available on the website.

## 7. Stability and change over four years

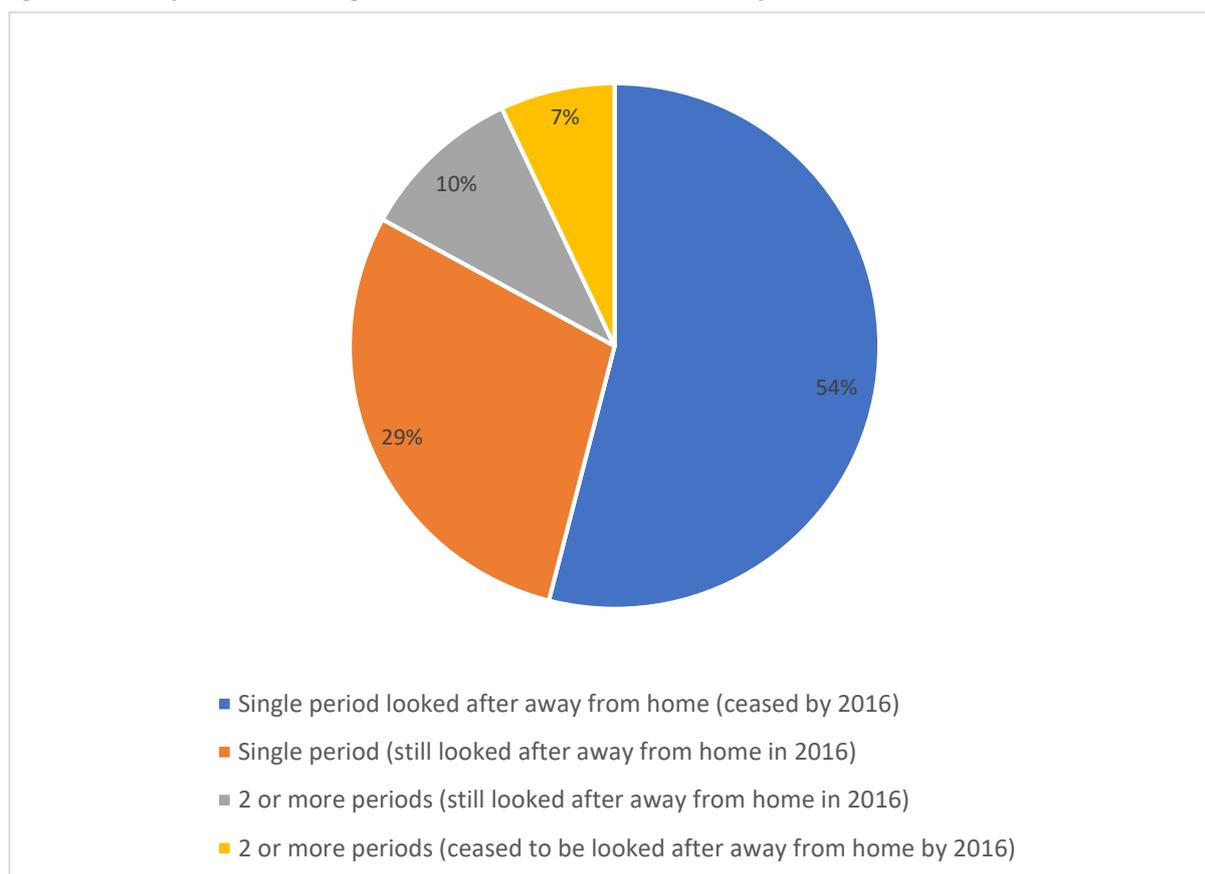
This chapter explores recorded patterns of stability and change for the children over the four-year study period. The majority of all the children (87%) had only a single episode of being looked after. However, these figures may overestimate stability, as within a single episode children may experience one or more periods of being looked after away from home or at home.

In addition, children may also experience placement moves<sup>31</sup> or changes in legal status within an episode of being looked after away from home. In some cases, changes in legal status may provide legal security to an existing placement (for example, through the use of Section 11 or the making of an Adoption Order) but other legal changes may entail a change in placement, even though this may be for positive reasons (for example a move to prospective adopters under a POA).

### Periods looked after away from home

Figure 4 shows the percentage of children in the *away from home* group with single or multiple periods of being looked after away from home.<sup>32</sup>

Figure 4: *Away from home* group: periods looked after away from home n=1,355



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

<sup>31</sup> A new row of data is added to a child's administrative record when new placement information is added. In most cases, a new line of data indicates a move for the child, and this is the assumption we have made, but this may not be true in every case.

<sup>32</sup> This is based on the number of times children entered and exited accommodation.

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.

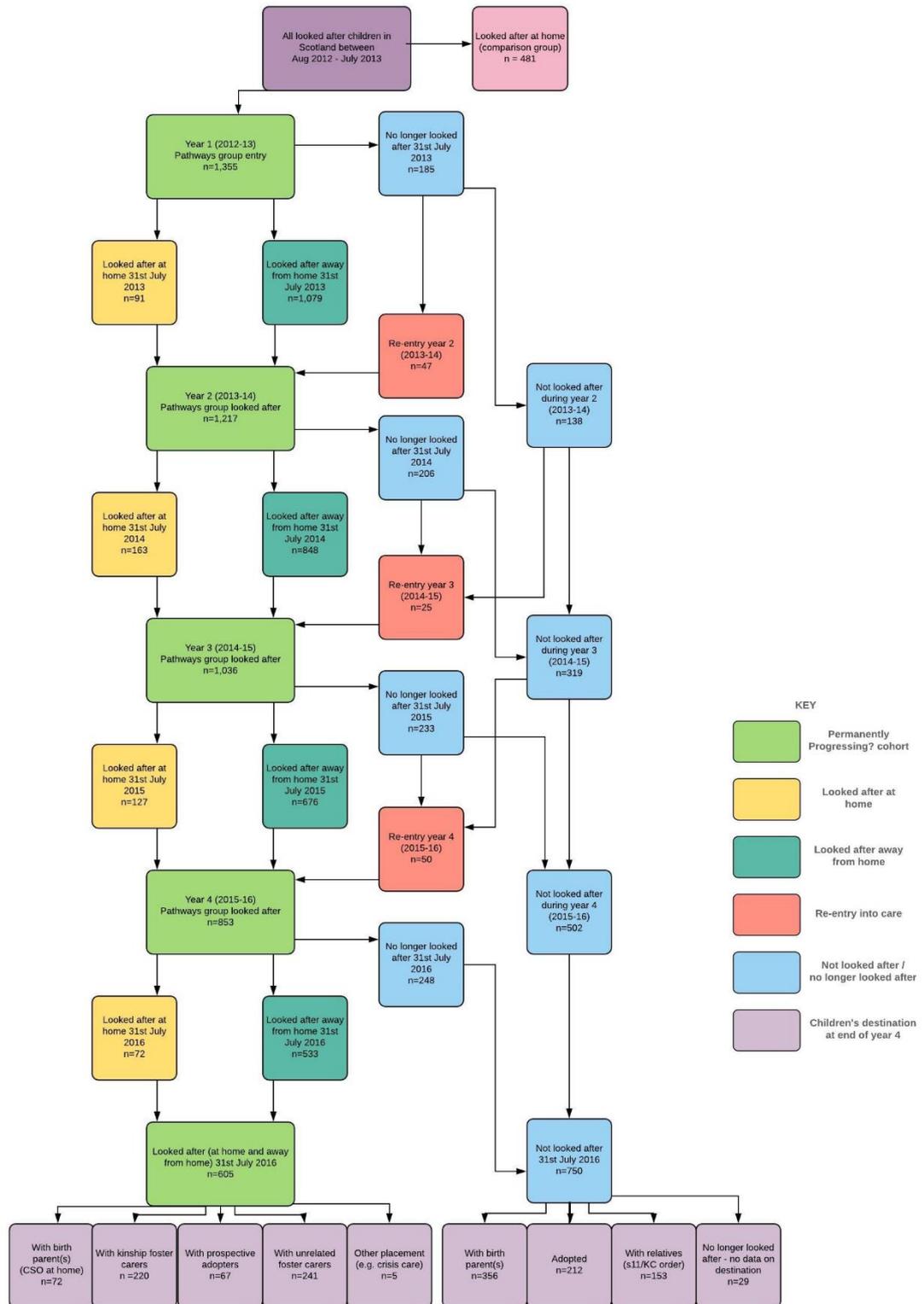
A third group, comprising just under one fifth (17%, 228) of the *away from home* group, had two or more periods of being looked after away from home. Over half (133) of these children were still (or again) looked after away from home at the end of the study period, whilst the remainder (95) had ceased to be looked after away from home by this point. It is likely that for some, if not all, of these children their experience of multiple periods of accommodation was the result of unsuccessful attempts to reunify them with their families.

Figure 5 provides a dynamic model of the flow of the 1,355 children in the *away from home*<sup>33</sup> group into and out of the looked after system during the course of each year of the study (2012-16). As this shows, small numbers of children who had ceased to be looked after re-entered the looked after system during Years 2, 3 and 4.

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<sup>33</sup> We have not presented a similar model for children looked after at home as the low numbers for some routes would have been disclosive.

Figure 5: *Away from home* group: Pathways over four years (2012-16)



## Number of placements away from home

Over the course of the study (2012-16) 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, as shown in Table 7.

Table 7: Number of placements for children looked after away from home (2012-16)  
[n=1,449]

Number of placements	<i>Away from home</i> group		<i>At home</i> group	
	n	%	n	%
1	589	43.5	52	55.3
2	429	31.7	23	24.5
3	204	15.1	10	10.6
4	72	5.3	9	9.6
5	31	2.3	*	*
6	13	1.0	*	*
7	9	0.7	*	*
8 and over	8	0.5	*	*
Total	1,355	100.0	94	100.0

\* Indicates zero or number too small to report (included in '4 placements')

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 admitted 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. The number of children in the *at home* group with multiple placements was lower, with one quarter having two placements, almost 11% having three placements, and just under 10% having four or more.

## Children's legal status

Children's initial legal status when they first became looked after was reported in Chapter 5. However, their legal status may change when they begin a new period of being looked after (at home or away from home) or, alternatively, during the course of these periods. Table 9 shows the total number of children who were looked after under each legal status at some point between 2012 and 2016. Since some children were looked after under more than one legal status over the four years of the study, the number of times each legal status is counted in this table is greater than the number of children.

**Table 8: Proportion of children who were looked after under each legal status (2012-16)<sup>34</sup>**

Legal status	<i>Away from home</i> group n=1,355		<i>At home</i> group n=481	
	n	%	n	%
Accommodated under Section 25	690	50.9	21	4.4
SR /CSO at home	356	26.3	481	100.0
SR /CSO away from home	923	68.0	91	18.9
Warrant/ICSO	600	44.3	52	10.8
Child Protection Measure	401	29.6	10	2.1
Permanence Order <sup>35</sup>	49	3.6	5	1.0
Permanence Order with Authority to adopt	131	9.7	*	*
Other Legal Reason	45	3.3	*	*

\* Indicates zero or number too small to report

Over the four years of the study, increasing proportions of children were looked after by way of compulsory intervention. As we saw in Table 3, 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, however, 68% (923) of the *away from home* group had been placed on a CSO away from home at some stage. This shift to increasing use of compulsory measures as the legal basis for placement points to continuing concerns regarding the safety and wellbeing of these children if they were to return home. For the *away from home* group 49 children were at some point recorded as having a PO, although this is likely to be an overestimate due to mis-recording (see footnote).

Nearly all (91) of the 94 children in the *at home* group who became looked after away from home were at some stage placed under the provisions of a CSO away from home. 21 (of the 94) children had been accommodated on a voluntary basis and ten (of the 94) had been placed away from home on a child protection measure. 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.

### **Changes in status and placement for the *away from home* group**

Table 9 shows the changes in children's looked after status and placements over the four years of the study. These are annual snapshots of the circumstances of the whole cohort of children on 31 July each year, rather than reflective of individual children's pathways, and show a number of trends over time. The number of children looked after away from home declined steadily over the study period, with 39% (533) still (or again) looked after away from home three to four years after becoming looked after during the study's baseline year.

Among children who had ceased to be looked after by the end of the study, the largest group were those who had returned to parents, followed by children who had been adopted and then those placed with relatives on Section 11 Orders.

<sup>34</sup> No total figures are provided in this table, as each child may have been looked after under more than one legal status during the study period. The percentages represent the proportion of the sample children who have been looked after under that legal reason at any time during the four-year period.

<sup>35</sup> For the *away from home* group 49 children are at some point recorded as having a PO. By the end of the study, 28 were recorded as having a PO. The most likely explanation for the discrepancy is mis-recording. For the *at home* group, this includes PO and POA due to small numbers.

**Table 9: *Away from home* group: looked after status and placement on 31 July of each year [n=1,355]**

Status on 31 July	2013 (Year 1)		2014 (Year 2)		2015 (Year 3)		2016 (Year 4)	
	n	%	n	%	n	%	n	%
Not looked after								
With parents	155	11.4	237	17.5	309	22.8	356	26.3
With relatives (s11/KC Order)	18	1.3	55	4.1	112	8.3	153	11.3
Other	12	0.9	19	1.4	21	1.5	29	2.1
Adopted	*	*	33	2.4	110	8.1	212	15.6
Total no longer looked after	185	13.7	344	25.4	552	40.7	750	55.4
Looked after at home	n	%	n	%	n	%	n	%
With parents (CSO at home)	91	6.7	163	12.0	127	9.4	72	5.3
Looked after away from home	n	%	n	%	n	%	n	%
Kinship foster carers	421	31.1	337	24.9	262	19.3	220	16.2
Unrelated foster carers	626	46.2	454	33.5	313	23.1	241	17.8
Other placement (e.g. crisis care) <sup>36</sup>	17	1.3	*	*	*	*	5	0.4
Prospective adopters	15	1.1	57	4.2	101	7.5	67	4.9
Total still looked after away from home	1,079	79.6	848	62.6	676	49.9	533	39.3
Total	1,355	100.0	1,355	100.0	1,355	100.0	1,355	100.0

\*Indicates zero or number too low to report.

### Children reunified with parents

In all four years of the study the most common destination for children who were not looked after was a return home, with a year-on-year rise in the number of children who had returned home and were no longer looked after. By 31 July 2016 these children accounted for over one quarter (26%) of the *away from home* group.

A smaller group (5%) were at home on a CSO in July 2016, with the number of children looked after at home rising in Year 2 and then falling in Years 3 and 4. In total therefore, nearly one third of the children were living with their parents three to four years after they became looked after away from home.

### Children placed on Section 11 Orders<sup>37</sup>

By the end of the study 11% of the children in the *away from home* group 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. Many children who ceased to be looked after may already have been living with their relatives prior to the granting of the Section 11 Order, as these may initially have been their kinship foster carers.

<sup>36</sup> Those in other placements with numbers too low to report have been added to the unrelated foster carers group, which includes local authority foster carers and those purchased from Independent Fostering Providers (IFPs).

<sup>37</sup> The Children and Young People (Scotland) Act 2014 required that from April 2016 any Section 11 Order held by a kinship carer is known as a Kinship Care Order.

### Children in foster and kinship care

Many children were initially looked after away from home by kinship foster carers but their number fell steadily from 421 (31%) at the end of Year 1 to 220 (16%) at the end of Year 4.

The number of children placed with unrelated foster carers also fell during this period. This decline in the use of both types of foster placements reflected an increase in the number of children ceasing to be looked after, including those who returned to parents, were placed with kin under on Section 11 orders or were adopted.

### Children on Permanence Orders<sup>38</sup>

By the end of the study a small number of the children in the *away from home* group (28, 2%) had achieved legal permanence through a Permanence Order.

### Children adopted or placed with prospective adopters

A total of 212 children 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. As we saw in Chapter 5, 46% of children in the away from home group were under a year old when they first became looked after away from home. Over one quarter were under six weeks old at that point, including 250 who were less than seven days old. Yet despite the very young age at which nearly half of the children became looked after away from home, most adoptions did not take place until three to four years after they started to be looked after.

For those children who were placed with prospective adopters at the end of the study, adoption would take even longer, as they would not have been adopted until at least three years after they became looked after away from home in 2012-13. We will return to the issue of time to adoption later in this report.

The number of children adopted increased with each year of the study, rising from just over two per cent at the end of Year 2 to nearly 16% by the end of Year 4. This was double the percentage of 8% reported in the Children's Social Work Statistics report for 2015-16 (Scottish Government, 2017). This difference is to be expected, as national statistics report the proportion adopted as a percentage of all looked after children under 18 (including those looked after at home), whereas this study reports the proportion adopted as a percentage of our cohort of children who became looked after aged five and under, and were under nine years old at 31<sup>st</sup> July 2016. Since national statistics indicate that children under five years old are far more likely to be adopted than older children, we would expect the proportion adopted to be much higher in our own sample. The difference between the percentage reported in national statistics and our own also arises because we report adoptions occurring over a four-year period rather than solely during a single year.

### Changes in status and placement for the *at home* group

Table 10 shows the status and the placements of children in the *at home* group at the end of each of the four years of the study.

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<sup>38</sup> Children who are on POs are included within the 'looked after away from home' row in Table 10 and also appear in Table 12.

**Table 10: At home group: status and placement on 31 July of each year [n=481]**

Status on 31 July	2013 (Year 1)		2014 (Year 2)		2015 (Year 3)		2016 (Year 4)	
	n	%	n	%	n	%	n	%
Looked after at home	447	92.9	255	53.0	129	26.8	89	18.5
Not looked after	n	%	n	%	n	%	n	%
With parents	34	7.1	175	36.4	284	59.0	306	63.6
With relatives	*	*	*	*	*	*	5	1.0
Other placement <sup>39</sup>	*	*	12	2.5	18	3.7	13	2.7
Adopted	*	*	*	*	*	*	*	*
Total no longer looked after	34	7.1	187	38.9	302	62.8	324	67.4
Looked after away from home	n	%	n	%	n	%	n	%
Kinship foster carers	*	*	14	2.9	19	4.0	26	5.4
Unrelated foster carers	*	*	25	5.2	28	5.8	29	6.0
Prospective adopters	*	*	*	*	*	*	8	1.7
Other placement (e.g. crisis care)	*	*	*	*	*	*	5	1.0
Total looked after away from home	*	*	39	8.1	50	9.8	68	14.1
Total	481	100.0	481	100.0	481	100.0	481	100.0

\*Indicates zero or numbers too low to report.

As this table shows, few children looked after at home had ceased to be looked after by the end of Year 1, but the number on CSOs at home decreased sharply in Year 2 and continued to decline thereafter. As we saw in Chapter 4, the majority (just over 80%) of the *at home* group did not become looked after away from home after the baseline year.<sup>40</sup> However, the level of concern in relation to some of these children clearly increased over time resulting in 94 children becoming looked after away from home at some stage after the baseline year, although the majority (85) of these were accommodated on only one occasion (as seen in Chapter 7). In total, 68 children were looked after away from home at the end of Year 4, including a very small number who had been placed for adoption by this point.

We might expect that most children who are looked after at home might have been assessed as experiencing somewhat less serious difficulties than those thought to be in need of placement away from home, which may help to explain why less than one-fifth of these children were subsequently looked after away from home between the baseline year (2012-13) and the end of the study (2016). Furthermore, as we saw earlier, these children tended to be older on becoming looked after than those in the *away from home* group (with a median age of 32 months for the *at home* group, compared to 14 months for the *away from home* group).<sup>41</sup> Their older age may have somewhat reduced professional anxiety about their safety and wellbeing, as they might be viewed as less physically vulnerable than babies and very young children.

<sup>39</sup> Includes small number adopted or placed with relatives.

<sup>40</sup> Children who became looked after away from home during the baseline, after being looked after at home were included in the *away from home* group.

<sup>41</sup> Median is a measure of central tendency or 'average' used where data is not normally distributed. It is literally the middle value of a distribution, and not affected by extreme high or low values.

Previous research (Henderson et al, 2011) found that some children were the subject of supervision orders (at home and away from home) for over five years. In this study, over one quarter of these children were looked after at home on a CSO by the end of Year 3 of the study, and this was the case for nearly one in five at the end of Year 4, although this does not necessarily mean that they were looked after continuously. This might reflect a cautious approach by local authorities and Children's Hearings and/or lack of change in children's circumstances.

## Summary

- The majority of children (87%) had a single continuous episode of being looked after during the four-year study period. However, an episode may include periods spent looked after at home and periods of being looked after away from home. Moreover, as an episode away from home may include placements moves, a 'single episode' does not necessarily mean the child experienced stability.
- Over half (54%) of the children in the *away from home* group were placed away from home on a single occasion, and did not become looked after away from home again during the study period.
- Nearly 40% (533) of the *away from home* group were looked after away from home at the end of the four-year study period. Many of these (400) were continuously looked after away from home from the baseline year to the end of the study period.
- Just under one fifth (228, 17%) of the *away from home* group re-entered accommodation on one or more occasions after returning home. Just over half (133) of these children were looked after away from home at the end of the study.
- Many of the children placed away from home in 2012-13 had multiple placements. Nearly one third (32%) of the children in the *away from home* group had two placements, around one fifth (20%) had three or four placements, and almost 5% had five or more.
- In all four years of the study the most common destination for children who had ceased to be looked after away from home was a return home. Nearly one third of the *away from home* group had returned to parents by the end of the study: 26% had ceased to be looked after and 5% were living at home on a CSO.
- 11% of the *away from home* group had ceased to be looked after and were living with relatives on Section 11 Orders by the end of the study.
- For the *away from home* group, the number of children looked after in kinship or foster care fell considerably over the four years, reflecting a rise in the number of children who returned to parents, were placed with kin under on Section 11 orders, or were adopted. Two per cent were placed on Permanence Orders by the end of the study.
- A total of 212 children in the *away from home* group 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 majority (85) of the 94 children in the looked after *at home* group (2012-13) who became looked after away from home after the baseline year were accommodated on only one occasion. Most of these children (68) were still looked after away from home at the end of the study.
- The number of children in the *at home* group who were on CSOs at home decreased sharply in Year 2 and more slowly thereafter.

## 8. 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 (the full length of the study). This chapter examines the total time that children spent looked after, first for the *away from home* group and then for the *at home* group.

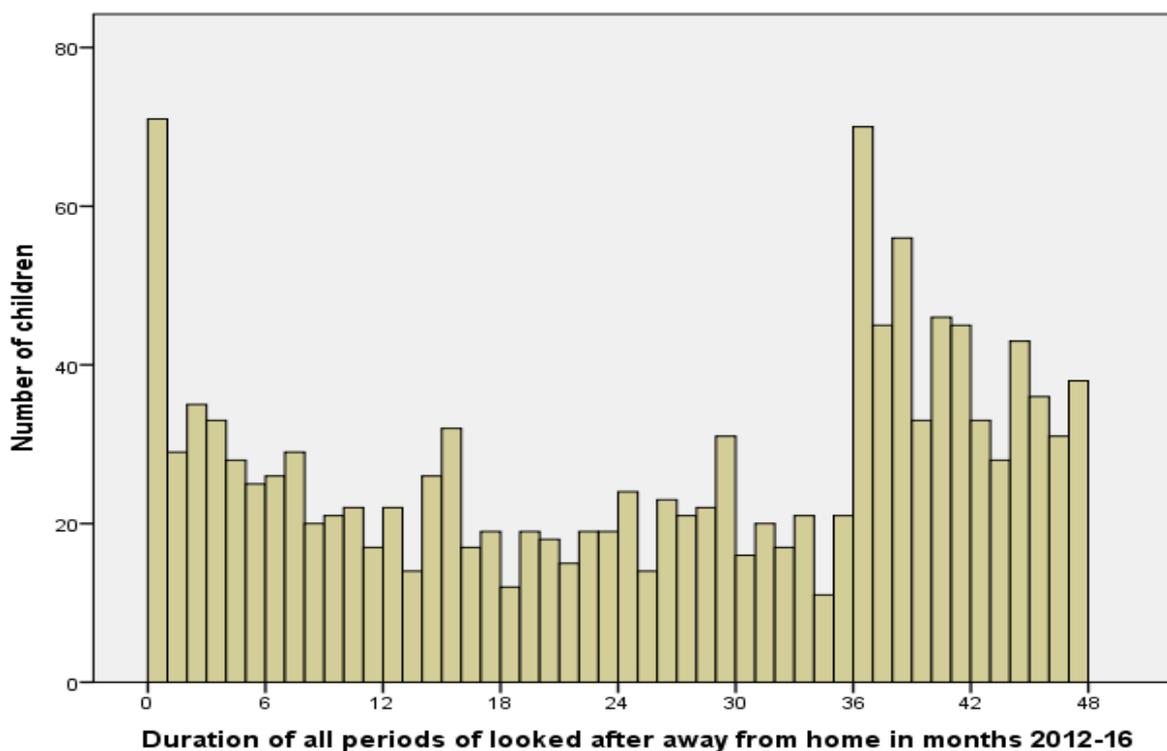
For some children, periods of time looked after (at home or away from home) were interspersed with periods when they were not looked after at home/away from home. This chapter reports the total duration of all periods spent looked after at home and the total duration of all periods away from home, but excludes any time in between these periods when children were not looked after at home/away from home or had temporarily ceased to be looked after.

### ***Away from home* group**

#### **Time looked after away from home**

Children in this group were looked after away from home for 25 months on average, ranging from less than one month to 47 months, as shown in Figure 6.<sup>42</sup>

Figure 6: *Away from home* group: total duration of all periods looked after away from home 2012-16 (months) [n=1,333]



In total, one quarter (27%) of the *away from home* group were looked after away from home for less than one year, as Table 11 shows, 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. Over one third of the children (38%) were looked after away from home for three to four years.

<sup>42</sup> *Away from home* group – duration of all periods looked after away from home (months): mean = 24.9 (SD = 15.3), median = 27 (IQR = 29), n = 1,333 (missing data for 22).

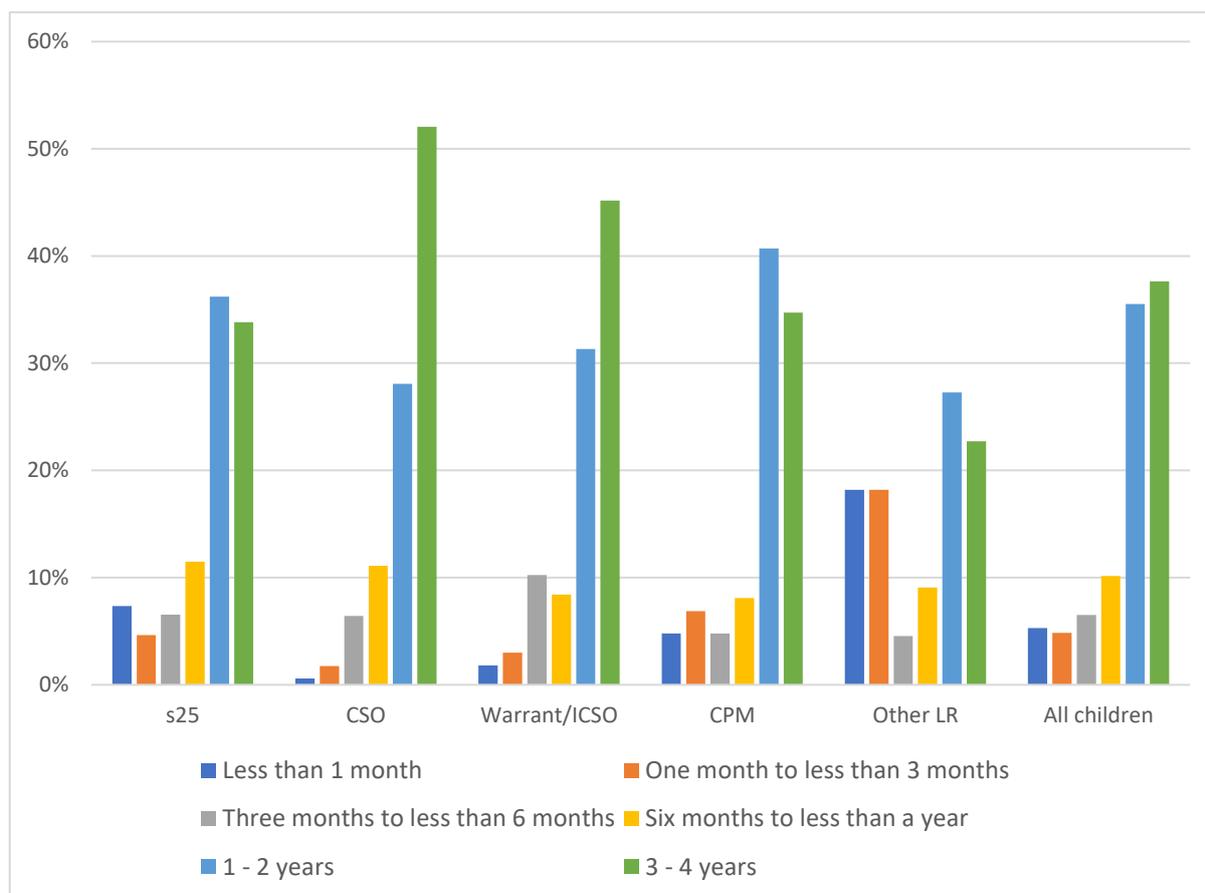
**Table 11: *Away from home* group: Total duration of all periods looked after away from home 2012-16 [n=1,333]<sup>43</sup>**

Duration	n	%
Less than one month	71	5.3
One month to less than three months	64	4.8
Three months to less than six months	86	6.5
Six months to less than one year	135	10.1
One year to less than three years	473	35.5
Three years to less than five years	504	37.8
Total	1,333	100.0

As we saw in Table 4, one quarter of the *away from home* group became looked after on a child protection measure, which lasts no longer than eight days. In some cases these emergency measures may not have been continued by a sheriff or the Children's Hearing did not impose a CSO, which would account for some children being accommodated for less than one month. Nearly half of the *away from home* group were initially accommodated under Section 25 which meant their parents could request their discharge. In cases such as these, the children may have had only a brief period of accommodation, if no steps were subsequently taken to look after the children on a compulsory basis. Alternatively, following an assessment, and possibly the provision of support, social workers may have decided that it was safe for these children to return home quickly. As a study of placement patterns in England found, children admitted on a voluntary basis often stay in care for shorter periods of time (Sinclair et al, 2007). Figure 7 shows the time spent looked after away from home, by children's initial legal reason.

<sup>43</sup> Data was missing for 22 children.

**Figure 7: *Away from home* group: time children were looked after away from home, by initial legal reason [n=1,320\*]**



\*Data missing on time looked after away from home for 22 children, and on initial legal status for 13 children

For children reunified with parents, which accounted for the destination of 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.<sup>44</sup>

Studies in the UK and the USA have consistently reported that the probability of return home is greatest in the first few months following placement, with the likelihood of discharge declining as time in care increases (Biehal, 2006; Bullock, 1998; Goerge, 1990). For example, Sinclair and colleagues' study of 7,399 children found a high rate of discharge during the first fifty days of placement but a decrease in the rate of discharge thereafter, with those still looked after by the end of a year likely to stay a long time (Sinclair et al, 2007). However, the fact that the likelihood of returning home decreases as time away from home increases does not mean, as has sometimes been suggested, that it is time in placement *per se* which reduces the chance of reunification (Biehal, 2007).

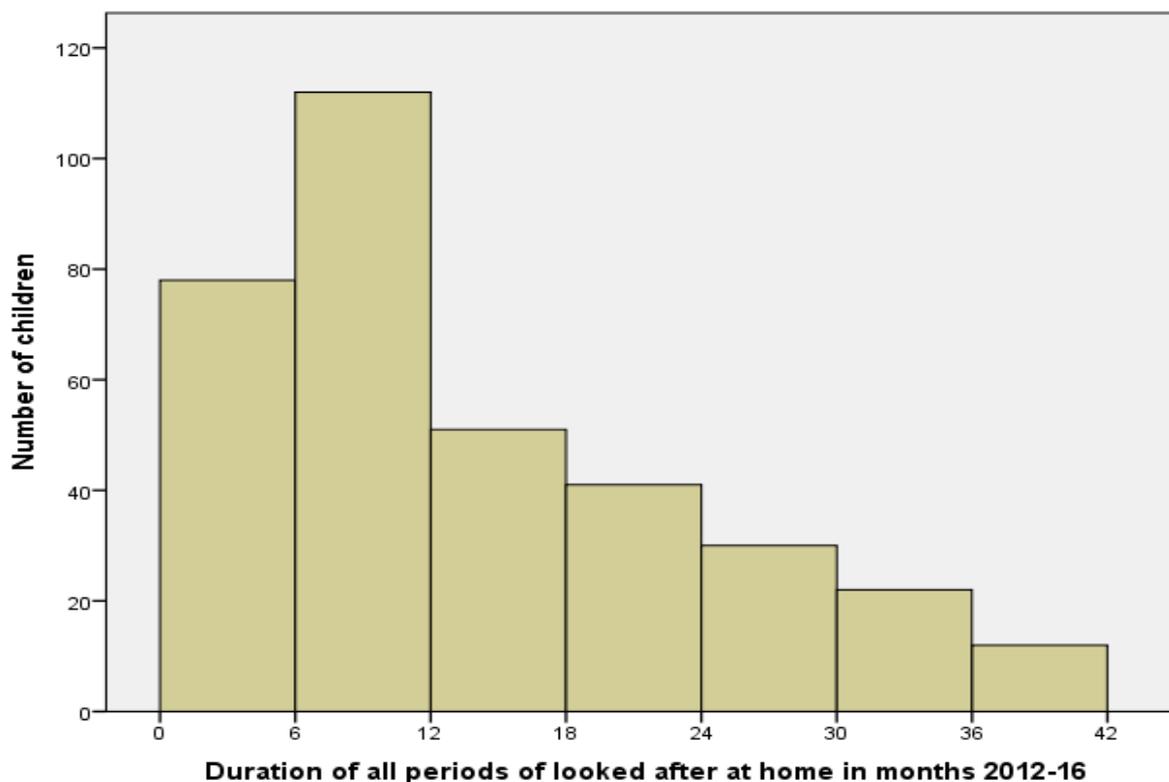
### **Time looked after at home**

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

<sup>44</sup> *Away from home* group, reunified at end of year 4 – duration of all periods looked after away from home (months): mean = 9.2 (SD=9.3), median = 6 (IQR=12), n=424.

there was wide variation, with total time looked after at home ranging from less than one month to 42 months, as shown in Figure 8.<sup>45</sup>

**Figure 8: *Away from home* group: Total duration of all periods looked after at home 2012-16 (months) [n=347]<sup>46</sup>**



Overall, over half (55%) of the 347 in the *away from home* group who were on a CSO at home during the course of the study were looked after at home for less than 12 months. This includes 29 of the 42 children who were known to have been looked after at home prior to being accommodated in the baseline year.

One fifth (276, 20%) of the *away from home* group had been placed on a CSO at home as a 'step-down' measure after a period of placement. Half of these children spent less than a year on a CSO at home, possibly because the return home was thought to be going well (and the CSO was discharged) or alternatively because continuing concerns resulted in children returning to accommodation within a short period of time.

Some children in the *away from home* group were looked after at home for longer periods of time, with two fifths (41%) of those on a CSO at home at some stage during the study looked after at home for one year to less than three years, and four per cent for three years to less than five years. This was not necessarily in one continuous period, and some children experienced periods of being looked after at home interspersed with periods away from home.

<sup>45</sup> *Away from home* group - duration of all periods looked after at home (months): mean = 14.0 (SD = 10.1), median = 11 (IQR = 14), n = 347 (missing data for 12).

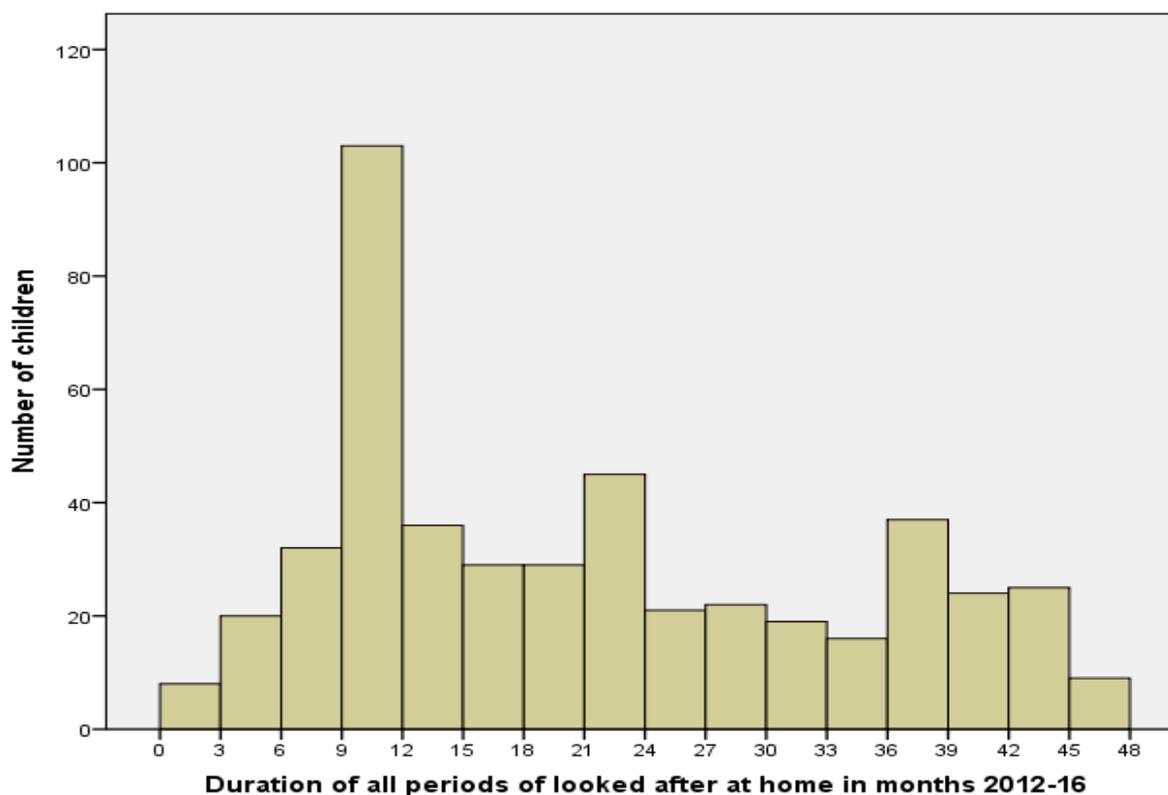
<sup>46</sup> In Figure 8 the bars represent six-month periods to prevent disclosure of small numbers.

## At home group

### Time looked after at home

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.<sup>47</sup> Figure 8 shows the distribution of the total time these children were looked after at home.

Figure 9: *At home* group: Total duration of all periods looked after at home 2012-16 (months) [n=475]<sup>48</sup>



Many of the children in the *at home* group were looked after at home for lengthy periods of time, including 46% looked after for one year to less than three years and 20% for three years to less than five years.

As can be seen in Figure 9, there was a clear spike<sup>49</sup> in the number of children looked after at home for 9-12 months. For children continuously on a CSO at home for this period of time (and it is important to note that this was not always the case), 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 (although earlier reviews can take place if requested). For many of these children, therefore, this peak in the discharge of CSOs at, or just before, 12 months may have been prompted by the looming legal requirement for their CSO to be reviewed by a Children's Hearing. This suggests that in some cases decision making as to whether or not children should remain on a CSO may be system-driven rather than needs-led. Clearly it would be

<sup>47</sup> *At home* group - duration of all periods looked after at home (months): mean = 21.0 (SD = 12.2), median = 19 (IQR = 21), n = 475 (missing data for 6).

<sup>48</sup> In Figure 9 the bars represent three-month periods to prevent disclosure of small numbers.

<sup>49</sup> This 'spike' was the subject of small group discussion at the Permanently Progressing conference in September 2018. The 145 attendees (included practitioners, policy makers and academics) suggested several explanations including annual reviews at Children's Hearings and allowing sufficient time for change to be made within families.

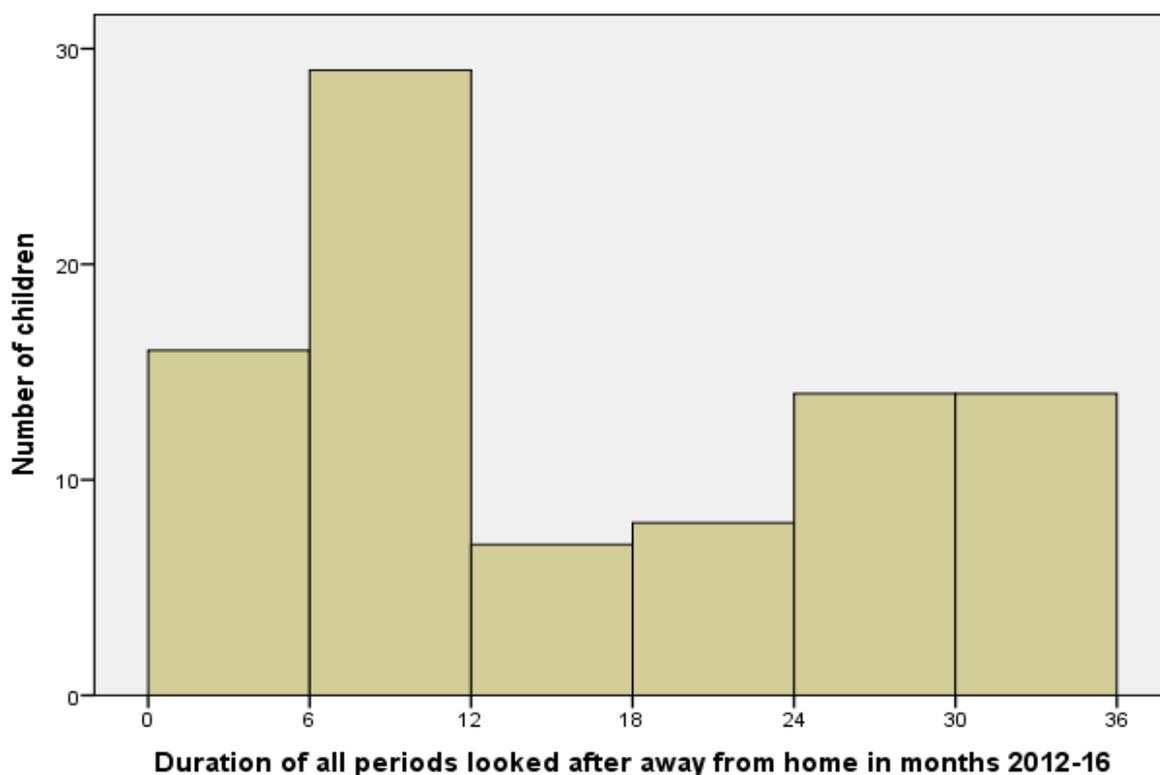
concerning if Hearing timescales are driving decision making rather than the long-term plan for the child. An alternative, or supplementary, explanation may be that it may take time to gather the necessary information and assess parental capacity and engagement before decisions are made to discharge a CSO at a Children's Hearing or, alternatively, request that the Hearing extends the duration of the CSO at home or makes a CSO away from home.

### Time looked after away from home

Since, by definition, none of the *at home* group became looked after away from home during the first year of the study, those who were subsequently looked after away from home could have spent no more than three years away from home by the end of the study. These children were therefore looked after away from home for a shorter period, on average, than the *away from home* group (16 months compared to 25 months), with time accommodated ranging from less than one month to 35 months.<sup>50</sup>

Around five per cent of the *at home* group were looked after away from home for less than one month, a figure similar to that for the *away from home* group. There was a spike in the number of children who ceased to be looked after away from home six to twelve months after they were accommodated, as shown in Figure 10.

Figure 10: *At home* group: Total duration of all periods looked away from home 2012-16 (months) [n=88]<sup>51</sup>



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 to 28% of the children in the *away from home* group. There are a number of possible explanations for this difference between the groups. First, children in the *at home* group were somewhat older when

<sup>50</sup> *At home* group – duration of all periods looked after away from home (months): mean = 15.8 (SD = 10.9), median = 35 (IQR = 20), n = 88 (missing data for 6).

<sup>51</sup> In Figure 10 the bars represent six-month periods to prevent disclosure of small numbers.

they became looked after, and older still when they were placed away from home. It is possible that professionals' concerns might have been somewhat less acute than for the many very young children in 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 and were therefore well known to services. These factors may in some cases have made services more confident about returning children home while, in other cases, may have led them to conclude that children could not be safeguarded at home and that a permanent placement away from home was therefore needed. The latter appeared to be the case for the eight children in the *at home* group who had been placed with prospective adopters by the end of the study (see Table 10).

## Summary

- The total time looked after away from home was 25 months, on average, for the *away from home* group, compared to 16 months for the 94 children in the *at home* group who became looked after away from home after the baseline year.
- One quarter of the *away from home* group were looked after away from home for less than one year (in total), including five per cent accommodated for less than one month.
- For children in the *away from home* group who were reunified with parents, which accounted for the destination of nearly one third of this group by the end of the study, the total time looked after away from home was just over nine months on average.
- Just over half (51%) of those in the *at home* group who were placed away from home at some stage after the baseline year were looked after away from home for less than a year (in total).
- Total time on a CSO at home was 14 months on average for the 347 children in the *away from home* group who were looked after at home at some stage during the study, compared to 21 months for the *at home* group.
- One quarter of the children looked after away from home became looked after at home at some stage during the study period. For over half (55%) of this group the total time on a CSO at home was one year or less.
- For the *at home* group there was a clear spike in the number of children looked after at home for 9-12 months. This spike 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.

## 9. Pathways to permanence for the *away from home* group

This chapter examines routes to permanence for the total population of children age five years or under who became looked after away from home during 2012-13. The findings presented below refer to the children's permanence status at a specific point in time, 31 July 2016, which was the final data point for the *Pathways* strand. Some children had returned home, some were in other types of permanent placement, while for a third group there was no discernible evidence that the child's placement was permanent.

The chapter considers the relationship between type of permanent placement, age at starting to be looked after away from home, and time to permanent placement. As discussed in Chapter 1, there are a number of aspects to permanence including, for example, physical and legal stability (objective permanence) and subjective perceptions of permanence (Sinclair et al, 2005; Biehal, 2014). In this chapter we focus on legal permanence, as this is the aspect of permanence that can be reliably ascertained from the CLAS data. Other aspects of permanence, including feeling secure are discussed in the final reports from our *Outcomes* and *Children and carers* strands.<sup>52</sup>

### Routes to permanence

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 permanent placements or had a legal reason which indicated they were on a route towards permanence, either outwith or, in a small number of cases, within the looked after system (see Table 12). This includes 80 children placed with prospective adopters.<sup>53</sup>

**Table 12: *Away from home* group: routes to permanence 31 July 2016 [n=1,355]**

Route	n	%
Reunified with parents (ceased to be looked after)	356	26.3
Reunified with parents (looked after at home)	69	5.1
With kin on Section 11 Order (not looked after)	153	11.3
Permanence Order	28	2.1
Adopted (via POA)	102	7.5
Adopted (via direct petition)	110	8.1
With prospective adopters	80	5.9
Looked after away from home (no discernible legal permanence)	428	31.6
No longer looked after (no data on destination accommodation)	29	2.1
Total	1,355	100.0

<sup>52</sup> These reports are available on the website.

<sup>53</sup> The number with prospective adopters is based both on data on placements and data on legal status (POAs), which were supplied in separate files. The smaller number shown in Table 9 is based solely on placement data, which explains the difference in the proportion of children observed to be in placements intended to be permanent.

The most common pathway to permanence was reunification with families, a route taken by nearly one third (425, 31%) of the *away from home* group. The majority of children who had returned home were no longer looked after, but a smaller group were looked after at home.

The next largest permanence group comprised 292 children (just over 21% of the *away from home* group) who were on an adoption pathway. This group included 212 children who had been adopted (16%) together with 80 others (6%) placed with prospective adopters at the end of the study.

The third largest permanence group (11%) comprised children for whom the permanence plan was legal guardianship into adulthood under a Section 11 Order.

Apart from the children living with prospective adopters when the study ended, the children in these three groups had ceased to be looked after (and it was, of course, the intention that those with prospective adopters would soon cease to be looked after too).

Another, much smaller, group of 28 children continued to be looked after away from home under Permanence Orders, which were used to provide legal security within the looked after system. Permanence Orders are intended to provide legal permanence for children who cannot safely return to parents. By taking children out of the Children's Hearings System (which requires that a review of the child's circumstances is held at least yearly) the aim is to reduce risks to the stability of these placements and contribute to children's perceptions of permanence and emotional security. These orders were used for only 2% of the children in the cohort.

Nearly one third (428) of the children were still, or again, looked after away from home three to four years after they started to be looked after, without a legal order specifically designed to provide them with stability and permanence. It is possible that plans for permanent placement were in progress at the time the study ended. Nevertheless, these children had experienced up to four years without the stability that legal permanence can provide.

### **Age at starting to be looked after**

Children in the *away from home* group had a median age of 14 months when they became looked after away from home.<sup>54</sup> Children who were adopted or placed 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, with a median age of less than one month.<sup>55</sup> However, 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).

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<sup>54</sup> The 29 children who were no longer looked after, but for whom no data on destination accommodation was available are excluded from this analysis.

<sup>55</sup> Median (IQR) age children became looked after away from home (months): adoption pathway 0 (12), reunified = 20 (35), PO = 26 (46), Section 11 = 18 (36), looked after away from home = 21 (39), n=1,326. Overall, there was a statistically significant association between permanence group and age when children became looked after away from home (Kruskal-Wallis = 158.3, df = 5,  $p < 0.05$ ). However, the only significant group differences ( $p < 0.05$ ) were between adopted-reunified, adopted-PO, adopted-Section 11, adopted-looked after away from home.

**Table 13: Age first looked after away from home by permanence group on 31 July 2016 for *away from home* group [n=1,355]**

Age	Reunified		PO		Section 11		Looked after away from home		Adoption pathway		No longer looked after (destination unknown)		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Under 6 weeks	77	18.1	7	25.0	32	20.9	87	20.3	164	56.2	9	31.0	376	27.7
6 weeks to under 1 year	88	20.7	*	*	31	20.3	70	16.4	55	18.8	*	*	253	18.7
1 year to under 2 years	70	16.5	*	*	25	16.3	73	17.1	22	7.5	*	*	198	14.6
2 years to under 3 years	73	17.2	*	*	23	15.0	64	15.0	29	9.9	*	*	197	14.5
3 years to under 4 years	49	11.5	*	*	19	12.4	54	12.6	14	4.8	*	*	143	10.6
4 years to under 6 years	68	16.0	*	*	23	15.0	80	18.7	8	2.7	*	*	188	13.9
Total	425	100.0	28	100.0	153	100.0	428	100.0	292	100.0	29	100.0	1,355	100.0

\* Indicates zero or number too small to report

As can be seen from Table 13, just over one 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.

## Time to permanent placement

Table 12 shows that 60% (818) of the *away from home* group had achieved a permanent placement by the end of the study, either reunification to birth parents (with or without a CSO), a Section 11 Order with relatives, a Permanence Order, or through adoption (via a POA or direct petition). Table 14 shows the median number of months from the date the child first became looked after away from home to the date that a legally secured permanent placement was achieved, either at home or away from home.<sup>56</sup>

For children reunified with parents, time to permanence is calculated as the time from starting to be looked after away from home to the date of the legal status (at the end of the study) which secured their return home (their final return prior to July 2016, if more than one). For children whose legal permanence was achieved through a court order, time to legal permanence is calculated as the total time from starting to be looked after away from home to the date of the Adoption Order, Section 11 Order or Permanence Order.

<sup>56</sup> The calculation is from first becoming looked after away from home to the date they entered the legal status which secured their placement at the end of the study. For some children, this may overestimate the time to entering that placement, as they may have been living with the same carers under a different legal status prior to the current legal status being made.

**Table 14: Time in months from becoming looked after away from home to status on 31 July 2016 [n=818]**

Route	n	Median <sup>57</sup>	Interquartile range <sup>58</sup>
Reunified with parents, with or without a CSO	425	15.0	22
Section 11 Order	153	22.0	18
Permanence Order	28	14.5	30
Adopted via POA	102	31.0	10
Adopted via direct petition	110	25.5	12

Compared to 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.<sup>59</sup> The median total time from admission to return home (the final return, if more than one) was 15 months.

As we saw in Chapter 8, 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, especially adoption. In Scotland, there are two routes to adoption, direct petition (by adopters) or Permanence Order with authority to Adopt (POA). It took a median of 25.5 months for children adopted via their prospective adopters' direct petition to the court, with a range from six to 44 months. For children on a Permanence Order with authority to Adopt (POA) and then adopted following the local authority's application to the court, the median time to adoption (from starting to be looked after away from home) was 31 months, with a range from 12 to 47 months.

Research by SCRA found that the majority of adoptions take over two years from children's first involvement with services to achieving permanence through adoption (Henderson 2011; Hanson et al, 2018). For the children in our study four fifths (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 three fifths (61%) of adoptions via direct petition. This is concerning given the developmental needs of the very young children concerned to experience stable parenting and have the opportunity to form secure attachments.

<sup>57</sup> The median is the middle value of a distribution. If this falls between two integers, the midpoint is used.

<sup>58</sup> Interquartile range is a measure of dispersion used alongside the median, and describes how spread out the values of a variable are.

<sup>59</sup> Kruskal-Wallis = 131.2, df = 4,  $p < 0.05$ , n = 818. There were statistically significant differences between all groups except reunified-PO, PO-Section 11 and Section 11-Adoption (direct petition).

### Summary

- This chapter discussed pathways to permanence for the *away from home* group that were evident by the end of July 2016, three to four years after they started to be looked after. By this point, two thirds of the children were in placements intended to be permanent.
- Reunification with parents was the most common route to permanence, as almost one third (31%) of the children had returned to their families by the end of July 2016, including 5% living at home on a CSO.
- One fifth of the *away from home* group were on an adoption pathway, including almost 16% adopted and 6% placed with prospective adopters, at the end of the study. A further 11% of children had ceased to be looked after when they were placed on Section 11 Orders. Only two per cent were on Permanence Orders.
- 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.
- Time to permanence was calculated as the number of months from the date the child first became looked after away from home to the date that a legally secured permanent placement was achieved, either at home or away from home (although children had not necessarily been looked after continuously during this period). The children who achieved a permanent placement most quickly were those who were reunified with parents, taking a median of 15 months.<sup>60</sup>
- Time to adoption was much longer, taking a median of 25.5 months for those adopted via their direct petition to the court and a median of 31 months for those adopted via a POA.
- For nearly one third of the children there was no evidence that legal permanence had been achieved or that plans for permanence were underway at the end of the study.

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<sup>60</sup> The total time looked after away from home for this group was just over nine months on average.

## 10. Discussion

This is the first longitudinal study to be based on data on the population of children in Scotland who start to be looked after at an early age (five years or under in 2012-13). Drawing on administrative data provided by the Scottish Government, Phase One of the study investigated pathways through the looked after system for all children in this age group who started to be looked after in Scotland during the year 1 August 2012 to 31 July 2013 until July 2016. The study compared the pathways of children who became looked after away from home to those of children who became looked after at home. It provides important new information on the pathways of young children through the looked after system over a four-year period, and the routes they take to permanence, or in some cases impermanence.

### Local authority variation in rates of children looked after

The study found that where a child lives may affect the likelihood that he or she will become looked after. The rate of children becoming looked after varied across the 32 local authorities from less than one child per 1,000 children under five years old in one local authority to nearly ten children per 1,000. Within this overall variation, the percentage of children who were looked after away from home also varied considerably by local authority. This suggests that children in some local authorities had a greater chance of becoming looked after than those living elsewhere. Populations of children are very small in some Scottish local authorities and much larger in others, but the study found no evidence that the likelihood that a child would be looked after away from home was related to the size of the local population of children age five years or under.

It has long been argued that variation in rates of children becoming look after away from home may be partly explained by local variation in rates of deprivation (Packman, 1969; Bebbington and Miles, 1989). A recent analysis of Scottish administrative data on looked after children (of all ages) found that variation in rates of children looked after was associated with local authority deprivation deciles (Hooper et al, 2017). Research in England has also indicated an association between local rates of child welfare intervention and local levels of deprivation (Oliver et al, 2001; Hood et al, 2016; Bywaters et al, 2014; Bywaters et al, 2018). Our study found a clear and statistically significant relationship between the level of deprivation and the likelihood of being looked after (either at home or away from home), with the rate of children looked after increasing in line with rates of deprivation. However, the reasons for the relationship between poverty and child welfare intervention are complex and there is no clear evidence of a simple causal relationship between the two (Jonson-Reid et al, 2009; Bywaters et al, 2016).

Other studies reporting local variation in rates of child welfare intervention (including placement away from home, reunification with families, and adoption) have suggested that it may also reflect differences in approach between local authorities and even between teams. These include differences in thresholds for admission to public care, in the use of adoption, in the availability of preventive services and in the wider service context (Dickens et al, 2007; Sinclair et al, 2007; Oliver et al, 2001; Broadhurst et al, 2018). Alongside variation in levels of deprivation, differences in the approaches of local authorities, as well as those of the local Children's Hearing and judiciary, are also likely to affect the rates of children looked after. We explore the drivers of decision making in Scottish local authorities in more detail in our *Decision making* strand (see Chapter 1 for details).

### Who becomes looked after away from home?

Scottish Government statistics show that the number of children looked after at home has been falling in recent years. However, the number looked after away from home has risen steadily from the late 1990s, although it has stabilised in the last few years and recently fell slightly. The latest available government figures show that three quarters of looked after children (of all ages from

birth to 17 years) are looked after away from home, compared to 57% in 2007 (Scottish Government, 2018a). The Scottish Government's annual reports on Children's Social Work Statistics make few distinctions between children looked after away from home and those looked after at home. However, our study found marked differences in the characteristics of these two groups.

Nearly three quarters (74%) of the children age five years or under who started to be looked after during the year 2012-13 were looked after away from home (the *away from home* group), with the remainder becoming looked after at home (the *at home* group). Children who were looked after away from home were significantly younger than those who were only looked after at home during this year. Nearly half (46%) of children in the *away from home* group were under a year old when they first became looked after away from home. Over one quarter (28%) were under six weeks old at that point, including 250 (18%) who were less than seven days old.

The age profile of children in the *at home* group was quite different. Only 14% started to be looked after before they were one year old, and the number of children who became looked after at home before the age of six weeks was very low (five or under). The proportion of the *at home* group who were four-to-five years old when they became looked after was double that in the *away from home* group.

The CLAS dataset does not indicate the reasons why children become looked after away from home but a survey of social workers in our *Outcomes* strand provided detailed information on the histories of 433 of the children in the *Pathways* strand who were drawn from 19 participating local authorities and were either looked after away from home or adopted/placed for adoption at the time that data collection for the *Outcomes* strand took place. For the majority of these 433 children the most common reported reasons for placement were abuse and neglect. Nine out of ten of the children had directly experienced abuse or neglect (in some cases pre-birth including maternal substance misuse during pregnancy) and for 71% of these children the maltreatment was severe.<sup>61</sup> The most common additional reasons contributing to decisions to place children away from home were parental drug or alcohol misuse and mental health problems (each reported for just over 70% of parents) and domestic violence (reported for just over 60% of parents).

Rising rates of newborn babies and infants becoming looked after away from home have been noted both in national statistical reports and in research. National statistics show that the percentage of children starting to be looked after in Scotland before they were one year old nearly tripled between 2003 and 2013 (from 6% to 16% of all children becoming looked after during the year), although it has since remained fairly static (Scottish Government, 2018). In England, studies of national administrative datasets have reported a shift to earlier intervention, between 1991 and 2012 (Mc Grath-Lone et al, 2016) and a doubling of the rate of newborn babies per 10,000 population appearing in care proceedings between 2007 and 2017 (Broadhurst et al, 2018). A Scottish study of permanence planning for 100 children found that 44 had been assessed as at risk at or before birth (Hanson, 2011), while an English study of 42 babies looked after away from home before their first birthday found that abuse and/or neglect were most commonly the principal reason for admission to care (Ward et al, 2006).

Some children may be identified as at risk while unborn. The placement of babies may arise from ongoing parental alcohol and substance misuse, parental mental health, domestic violence and the prior abuse or neglect of siblings (Biehal et al, 2018; Masson and Dickens, 2015). In the context of these concerns, professionals, Children's Hearings and the judiciary may take a

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<sup>61</sup> See Chapter 1 for details of the *Outcomes* strand. The severity of each type of abuse or neglect was assessed by means of a standardised measure of maltreatment.

cautious approach to safeguarding babies in view of their heightened vulnerability. These developments may also reflect growing recognition of the impact of neglect and abuse in infancy on children's socio-emotional and behavioural development and growing policy attention to early intervention (Allen, 2011; Scottish Parliament, 2013; Ward et al, 2012 ; Brown and Ward, 2012; Scottish Government, 2015).

Children in the *away from home* group were more likely to have recorded additional support needs (8%) than the *at home* group (5%), although the strength of the relationship was very small. Any difference may be due to the fact that more information on children's additional needs may emerge once children become looked after away from home. Child disability is known to be a risk factor for maltreatment and studies have reported higher rates of disability for children in public care compared to those at living at home (White et al, 2014; Taylor et al, 2016; Biehal et al, 2018).

A total of 94% of the children for whom information on ethnicity was recorded were white. Although small numbers of children in other ethnic groups could be identified, data on ethnicity were missing in many cases. Research in England has shown that children from some minority ethnic groups are over-represented among the population of children looked after away from home while others are under-represented (Biehal et al., 2018, Owen and Statham, 2009). Without more comprehensive data of this kind, it is difficult to assess whether this is true for Scotland

### **Pathways to permanence**

The study followed the children's pathways through the looked after system for three to four years from the time they started to be looked after. As might be expected, patterns were quite different for children in the *at home* group compared to the *away from home* group. This may reflect differences in the nature and severity of the children's experiences and the significantly older age of the *at home* group.

Children in the *at home* group were more likely to cease to be looked after within the three-to-four-year study period than the *away from home* group. They were also far less likely to be adopted, although a small number were placed with prospective adopters by the end of the study. However, many of these children were looked after at home for long periods of time, with over 46% looked after at home for one to two years in total and 20% for three to four years. Research by the Scottish Children's Reporter Administration (SCRA) found that nearly 16% of children on Supervision Requirements (the predecessor of the CSO) had them for five or more continuous years. However, unlike this study, the SCRA study included children of all ages, including older children on Supervision Requirements, so these findings are not directly comparable with our own (Henderson et al, 2011b).

For the *at home* group there was a clear spike in the number of children looked after at home for 9-12 months. This spike 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.

We looked closely at permanence pathways for the 1,355 children in the *away from home* group. Two thirds (898) of the children in the *away from home* group had either achieved a permanent placement or were evidently on a pathway to permanence by the end of the study in July 2016. These children were either reunified with parents, on a Section 11 Order, on a Permanence Order, or on an adoption pathway.

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. International studies of reunification have found that there is a high rate of reunification within the first few months of placement but the number returning home generally declines thereafter. For this group of children, the total time looked after away from home was just over nine months on average.

A second permanence group included the 153 children (11% of the *away from home* group) for whom the permanence plan was legal guardianship by relatives or friends under a Section 11 Order. There appears to be little empirical research on the usage and outcomes of Section 11 Orders or their successor, the Kinship Care Order. However, research on the use of Special Guardianship Orders (SGOs) in England may be relevant here since, although not precisely the same as Section 11 Orders, they too are mainly used to provide legally secure placements into adulthood with family and friends. The use of SGOs has risen considerably in recent years, although they are increasingly being accompanied by Supervision Orders and concerns have been raised about children being placed with relatives previously unknown to them (Harwin et al, 2019; Masson et al, 2017; Wade et al, 2014). Although research has shown that the disruption rate for SGOs is higher than that for adoption, it is much lower than the disruption rates found in many studies of foster care (Selwyn et al, 2014).

A third permanence group comprised 292 children (nearly 22% of the *away from home* group) who were on an adoption pathway. This group included 212 children who had been adopted by the end of the study together with 80 others who were placed with prospective adopters. Children on an adoption pathway were significantly younger when they started to be looked after away from home than children in all other permanence groups, with a median age of less than one month compared to between 18 and 26 months for children in other permanence groups. Studies in England and Northern Ireland have similarly found that the younger the age at admission, the greater the chance of adoption, particularly those who enter public care before they are one year old (Biehal et al, 2010; McSherry et al, 2010; Sinclair et al, 2007). For these children the likelihood of future stability is high. An English study (Selwyn et al, 2014) which used administrative data to investigate the stability of 37,335 adoptions found that the rate of disruption was only 0.7% over five years and 3.2% over 12 years, with most disruptions occurring during adolescence. Where adoptions did disrupt, this generally occurred five or more years after the adoption, whereas the disruption of placements with special guardians typically occurs earlier.

For a fourth group, Permanence Orders were used to provide legal security *within* the looked after system. However, these orders were used to secure permanent placement for only 2% of the children in the cohort. Permanence Orders are intended to provide legal permanence for children who cannot safely return to parents. Their aim is to bolster the stability of these placements and enhance children's emotional security and perceptions of permanence. Permanence Orders were introduced by the Adoption and Children (Scotland) Act 2007 and have therefore been available as a possible route to permanence for a number of years. Their use has been increasing since 2012 and, although only 28 children in the *away from home* group had been placed on a Permanence Order by July 2016, a total of 1,669 Permanence Orders were made in that year (Scottish Government, 2018b). These orders therefore appear to be predominantly used to provide legal permanence to children older than the study cohort (who were just 4-9 years old in 2016), perhaps because Section 11 or adoption orders may be seen as preferable routes to permanence for younger children who cannot return home. However, there are likely to be circumstances in which younger children may benefit from the legal security that Permanence Orders can provide.

Although important research on long-term foster care has previously been conducted in Scotland (Triseliotis, 2002; Triseliotis et al, 1995), there has been little recent Scottish research on the use of this type of permanent placement. However, research on long-term foster care elsewhere

in the UK has highlighted the positive outcomes that children may experience in placements of this kind. In some cases, permanent foster placements may be planned as such from the start, while in others an existing placement may be redefined as permanent (Schofield et al, 2012; Schofield, 2000; Beek and Schofield, 2004; McSherry et al, 2016; Biehal et al, 2010).

A fifth group were the children who appeared to be in *impermanent* placements three to four years after they started to be looked after. This group, who accounted for nearly one third (428) of the *away from home* group, did not appear to be on any pathway to permanence at this point, as far as it was possible to tell from data. It may be that local authorities were in the process of reunifying children with their parents, or that kinship carers were in the process of applying for a Kinship Care Order. For some of the children, local authorities may have been considering a Permanence Order, or a plan for adoption may have been made but prospective adopters not yet found. Some of these children may be living with the carers who will go on to provide them with a long-term home, but still lacked the security of legal permanence. It is possible that foster carers (kin or non-kin) may have agreed a plan with social workers to provide children with long-term care under a CSO, potentially providing a stable, long-term placement, albeit one that does not offer legal security.

Administrative data could not tell us whether any action to ensure permanent placement for these children was in progress at the time the study ended. Even if it was, the time to achieving a legally secure permanent placement was likely to be at least four years from when they started to be looked after. This is a very long time in the lives of young children, nearly half of whom were under one year old when they started to be looked after away from home. Without any form of legal permanence, and the increased stability and emotional security that this may bring, these children were likely to experience the damaging effects of impermanence (Tarren-Sweeney, 2008b; Tarren-Sweeney, 2008a). The question remains as to why it had taken so long to make and implement plans to ensure the permanence of placements for this substantial minority of children looked after away from home from an early age.

It is anticipated that Phase Two of the study will commence in 2020, and will analyse administrative data to follow up the 1,836 children in our cohort, tracking their progress from 2016.

### **Placement stability**

The study found that one fifth (20%) of the *away from home* group had three or four placements while accommodated and nearly five per cent had five or more. Some placement moves may be in a child's best interests, such as a move from a temporary placement to one intended to be permanent, or a move to a new placement from one in which they are unhappy. Children may move from one placement to another for a variety of reasons. These include an unsuccessful return home followed by a new period of being looked after away from home. Alternatively, placements may end because of the foster carer's illness or family problems, because of the child's emotional or behavioural needs, the unsuitability of the carers or a lack of timely support to carers when needed (Ward and Skuse, 2001; Biehal et al, 2010; Ward, 2009). One study found that children who entered care before they were four years old, on average, were less likely to experience placement disruption (Biehal, 2010).

Whatever the reasons for the instability, children with multiple periods of being looked after away from home and/or multiple placement moves may experience disrupted attachments, emotional insecurity and a sense of *impermanent*. Sinclair has suggested that the key drivers of placement stability include the wishes and feelings of the child, the 'chemistry' or 'fit' between the child and the foster family, contacts with the birth family and how the child gets on at school (Sinclair et al, 2007).

### **Is adoption the 'gold standard' in Scotland?**

A report for the British Association of Social Workers (BASW) (Featherstone et al, 2018) claimed that in England adoption is viewed as 'the gold standard' approach to permanence and stability for children who are considered at risk within their families of origin and who have come into the care of the state. The BASW report also expressed concerns that the timescales introduced in England by the Children and Families Act (2014) do not allow sufficient time for parents to make changes, and that adoption is pursued hastily (Featherstone et al, 2018). Empirical evidence from this study found that in Scotland the most common destination for children who became looked after away from home when aged five or under was a return home, with a year on year rise in the number of children who were reunified with birth parents. Children who became looked after away from home were twice as likely to have returned to their birth families within four years (31%) or been placed with relatives on a Section 11 order (11%) than to be adopted or placed with prospective adopters (22%). Our study therefore found no evidence that adoption has become the 'gold standard' in Scotland. Furthermore, where adoption was thought to be the most appropriate route, there was no evidence that this course of action was pursued hastily, rather the opposite.

### **Permanence away from home: the problem of delay**

For children who cannot remain safely with their birth parents, research has shown that relationships and outcomes are more positive if they enter their permanent placements at an early age. Late separation from neglectful or abusive parents and the disruption of attachments formed with subsequent caregivers can have profound effects on children's development and wellbeing. For example, a meta-analysis of research on adoption found that babies are more likely to become securely attached to their adoptive parents if they are placed for adoption before their first birthday than children who are placed at an older age (van den Dries et al, 2009). Other studies of adoption have found that children placed when older are more likely to experience placement disruption and poorer developmental outcomes (Rushton, 2004; Dance and Rushton, 2005; Selwyn et al, 2014). Studies of foster care similarly found that placement away from home at an earlier age is associated with improved placement stability and outcomes (Sinclair et al, 2005; Sinclair et al, 2007).

For the majority (70%) of children who had been adopted by the end of the study in July 2016, the Adoption Order came more than two years after they had first become looked after away from home. For the 80 children placed with prospective adopters at this point, the time to adoption would be even longer. By way of comparison, in 2016-17 the time from becoming looked after to adoption was less than two years for 63% of children adopted in England, 60% of children adopted in Wales, and 23% of children adopted in Northern Ireland (StatsWales, 2017; Department of Health, 2017; Department for Education, 2017). These figures refer to time from a child's last entry to care, and are for children of all ages.

Research in Scotland has investigated system-related delay in the permanence process, reporting that the main area of delay appeared to lie in the decision making process and that there were few delays in court processes (Henderson et al, 2011a). Another study by the same team reported that, for nearly 91% of a sample of 200 children, it took over two years from their initial involvement with services to a court order being made, and pointed to evidence that services are often over-optimistic about parents' capacity to improve and tend to prioritise the capacity of families to resolve the difficulties that led to the removal of the child (Henderson et al, 2015). The Scottish Government responded to these concerns by commissioning CELCIS to develop a programme for whole systems change, the Permanence and Care Excellence (PACE) programme. This supports multi-agency partners to improve systems, processes and practices in order to ensure that every child who becomes looked after has a stable home that can provide nurturing relationships as early as possible (Mitchell and Porter, 2016).

Where adoption is the preferred means to permanence, there are two routes in Scotland under the Adoption and Children (Scotland) Act 2007, a direct petition and a POA. The median time between becoming looked after and adoption was 31 months for children adopted in local authorities using the POA route, and 25.5 months for those using the direct petition route. However, caution is needed in concluding from these findings that the direct petition route is, *per se*, necessarily quicker, as there are multiple drivers of time to adoption. Both research and government data in England have consistently reported considerable local authority variation in rates of adoption and, indeed, in rates of looking after children away from home (for example, Sinclair et al, 2007). This suggests that variation in local policies and approaches to the use of adoption and, possibly, variation in local judicial approaches, are also likely to play a part in determining time to adoption.

## Implications for policy, practice and research

- The Scottish Government's annual reports on Children's Social Work Statistics are a valuable resource for policy, planning and research, but they 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, as this study has shown, there are differences in their characteristics and pathways of these two groups of children. It would also be helpful if the collection of information on children's ethnic origin and additional support needs could be improved, as there were significant levels of missing data on both.
- The study found considerable 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. Further research into the reasons for these variations would be helpful.
- 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 their accommodation 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 Scottish Government has expressed a commitment to early engagement and early permanence identifying four routes to permanence (Scottish Government 2015). Two thirds of children age five years or under who became looked after away from home in 2012-13 achieved permanency within three to four years. Given the length of time taken to achieve permanence, and the fact that for some children this had not been achieved after three to four years, the Scottish Government should consider whether further action is needed to achieve these aims.
- 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 raises questions as to why a substantial minority of the study 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 concerned
- 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. This is important for all children looked after away from home, but particularly so for very young children.
- 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. Research is needed on whether permanence was achieved for this group of children, and the outcomes of *impermanence* for the children concerned. The Permanence and Care Excellence (PACE) programme has been implemented over the course of this study, and its impact would form part of this research.
- Although overall the use of Permanence Orders has increased (Scottish Government 2018) Permanence Orders were only rarely used for the children in our sample and thus appear to be mainly used for older children. It would be useful to investigate the reasons for the very 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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## Appendix 1: About the authors

### **Professor Nina Biehal (Co-Principal Investigator and lead author)**

Nina is a Professor of Social Work Research at the Department of Social Policy and Social Work, University of York, and was formerly a social worker. She has led a number of studies of outcomes for children who are fostered, adopted, in residential care or reunified with their parents. She has also completed studies of child protection, including research on abuse in foster and residential care and a comparative study of child protection systems in three countries.

### **Dr Linda Cusworth (Co-Investigator and co-author)**

Linda is a Research Fellow in the Centre for Child and Family Justice Research at Lancaster University. She is an experienced quantitative social researcher, and has worked as a researcher in child wellbeing, child protection and family justice for around 15 years. She has a passion for the use of administrative data and linked data in family justice research.

### **Jade Hooper (Research Assistant and co-author)**

Jade is a Research Assistant and PhD Candidate based in the Faculty of Social Science at the University of Stirling. She previously worked on a large, UK four-nation Nuffield Foundation funded project investigating child welfare inequalities and has experience in quantitative research and methodologies and the handling of sensitive administrative data. Jade was involved with the quantitative analysis of the Children Looked After Statistics and the Scottish Children's Reporter Administrative data.

### **Dr Helen Whincup (Principal Investigator and co-author)**

Helen is a Senior Lecturer at University of Stirling, teaching primarily on the post-qualifying Masters in Applied Professional Studies (Child Welfare and Protection) and the Professional Supervision module. She is a qualified social worker with a practice background in children and families work, and practice and personal experience of adoption.

### **Dr Marina Shapira (Co-Investigator and co-author)**

Marina is a Lecturer at the University of Stirling. Her research includes the analysis of immigration labour market impact, ethnic socio-economic inequalities; attainment gap between migrant and non-migrant children; the role of educational qualifications in socio-economic mobility; the role of school curriculum choices in reproducing social inequalities in educational outcomes. Marina was involved with the quantitative analysis of the Children Looked After Statistics.

## Appendix 2: Steering Group

### **Paul Bradshaw**

Paul is Head of ScotCen Social Research, the Scottish arm of NatCen Social Research, one of the UK's largest independent social research agencies and a not for profit, charitable trust. In a research career spanning 20 years, Paul has led on wide range of projects including Growing Up in Scotland, a large-scale longitudinal study tracking the lives of multiple cohorts of children living in Scotland.

### **Chris Creegan (Chair)**

Chris Creegan is an adopted person with a background in social research, including senior roles at the National Centre for Social Research. He was Chair of Scottish Adoption from 2008-15 and has served on permanency panels in Scotland and England.

### **Robin Duncan (Co-ordinates and minutes steering group)**

Robin has been the director of Adoption and Fostering Alliance (AFA) Scotland since October 2016 and divides his time between AFA and managing Scotland's Adoption Register. Robin acts as coordinator for the steering group.

### **Fiona Lettice**

Fiona is a Development Manager for Scottish Attachment in Action and was previously Development Manager for Adoption UK in Scotland. Fiona is an adoptive parent of two young adults. Fiona inputs into Strathclyde University Post Graduate Course on 'Securing Children's Futures' run by AFA. She is a member of the BeST Services Trial User-Professional Group, and the Trial Steering Committee Group at Glasgow University.

### **Kirstie Maclean**

Kirstie is a retired social work manager and consultant who specialised in delivering, managing, reviewing and inspecting fostering and adoption services for most of her working career. She was Director of the Scottish Institute for Residential Care for three years. She is currently a trustee for Scottish Adoption and for the Dean and Cauvin Young People's Trust.

### **Fiona Spencer**

Fiona worked in research and policy in the public and voluntary sectors. When working in government research her responsibilities included research in Scotland on children, young people, families and social work. Formerly a Visiting Professor at Strathclyde University, she is now retired and remains active in MS Society policy and research networks

### **Caroline Thomas**

Caroline is an independent research consultant, with an Honorary Senior Research Fellowship at the University of Stirling. She has 30 years' experience of conducting, commissioning and managing child-welfare research.

### **Vivien Thompson**

Vivien Thomson is a social work service manager with Falkirk Council. She has over 35 years' experience in the fields of adoption, fostering and kinship care. She is currently chair of the Social Work Scotland Corporate Parenting Sub Group and the Fostering and Adoption Practice Network, and represents SWS on the Permanently Progressing Steering Group.

Each member of the Steering Group brought a wealth of professional and/or personal experience to their role, and the study and the research team benefited from their insights.

## Appendix 3: Legal routes to permanence

Placement type	Legal routes
Permanence at home	No Order; Children's Hearings (Scotland) Act 2011 Section 83 Compulsory Supervision Order.
Kinship Care	No Order; Children (Scotland) Act 1995 Section 25; Children's Hearings (Scotland) Act 2011 Section 83 Compulsory Supervision Order;  Children (Scotland) Act 1995 Section 11 Parental Responsibilities and Rights (including Kinship Care Order as introduced by Children and Young People (Scotland) Act 2014);  Adoption and Children (Scotland) Act 2007 Section 80 Permanence Order; Adoption (as below).
Adoption	Adoption and Children (Scotland) Act 2007 Section 83 Permanence Order with Authority to Adopt (with the option of a Permanence Order being taken first) followed by Adoption and Children (Scotland) Act 2007 Section 28 Adoption Order;  Adoption and Children (Scotland) Act 2007 Section 28 Adoption Order (lodged as a direct adoption petition by the adoptive parents).
Permanent placement with current foster carers or other permanent foster carers	Children (Scotland) Act 1995 Section 25; Children's Hearings (Scotland) Act 2011 Section 83 Compulsory Supervision Order;  Children (Scotland) Act 1995 Section 11 Parental Responsibilities and Rights; Adoption and Children (Scotland) Act 2007 Section 80 Permanence Order;  Adoption and Children (Scotland) Act 2007 Section 83 Permanence Order with Authority to Adopt.

All the relevant legislation can be accessed at <http://www.legislation.gov.uk/>

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

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