

Luckock, B. & Broadhurst, K. (2013) Adoption cases reviewed: an indicative study of process and practice. London: Department for Education.

Exec Summary:

<https://www.education.gov.uk/publications/eOrderingDownload/DFE-RB270.pdf>

Full Report:

<https://www.education.gov.uk/publications/eOrderingDownload/DfE-RR270.pdf>

This study, commissioned and supported by the Department for Education (DfE), has just been reported in a DfE publication. The authors are social work academics at the universities of Sussex and Lancaster respectively. I have had many professional dealings with Barry Luckock in the (now quite distant) past, and have respect for his professional and personal integrity.

However I have concerns about this research: the general conclusion that all is mostly well with adoption practice in the UK (England at least) – and the use that will be made of the conclusions by the DfE (the sponsors of the research) in promoting increasingly assertive forced adoption practices.

Quotes from the research are in *italics*, my comments are in plain type (and sometimes **bold**)

Research aims:

The authors introduce the aims of the study as follows:

“*Study aims and objectives (p.14)*

§ *This small-scale study has examined the operation of adoption processes under the Adoption and Children Act 2002, through an in-depth scrutiny of twelve closed adoption cases where care, placement and adoption decisions were actively contested and/or opposed by birth parents.*

§ *The study has focused on the robustness of procedures and the quality of practice in these cases. It has sought to address the following three questions:*

§ *were the required procedures and timescales followed, such that appropriate decisions could be made?*

§ *was there any indication that children may have been inappropriately taken from their parents and placed for adoption, because the processes were weak or had not been adhered to?*

§ *did case handling within the local authority and court process deliver timely decisions for children?*

§ *The ultimate objective of the study was to evaluate the strengths of the current adoption process and establish what changes, if any, are required to ensure that the processes of local authority and*

court case handling and decision making are consistent with the principles underpinning the current legal framework of adoption in England.”

These aims and objectives (quite likely specified by the DfE as the commissioning and funding body) are very narrowly focused on the current key concerns of the DfE: a) following procedures and b) keeping to timescales. **The research does not have any focus on whether the procedures and timescales themselves do, in fact, serve the best interests of children.** This contentious question is taken as a ‘given’ – and the researchers beg no questions about it.

This can be seen clearly from the second of the three questions addressed: *“Was there any indication that children may have been inappropriately taken from their parents and placed for adoption, because the processes were weak or had not been adhered to?”*

Note the second leg of that sentence: if the severely limiting construct of *“because the processes were weak or had not been adhered to?”* was removed, there would have been a much more pertinent study. Essentially, the DfE was inviting the researchers to confirm that procedures and policies were followed – and not to analyse whether forced adoption was in the best interests of the children concerned. **Because policies and procedures may have been followed, it does not follow that adoption was the optimum outcome.** But the researchers were precluded from any such observations.

Sample size and selection:

Sample size and selection is also a factor of major significance in this study. Social services and court files relating to 12 cases of contested adoptions were analyzed. Even for qualitative research projects (especially with government funding) this is a rather small sample. The method for selecting the sample cases was *“purposive”*, that is to say not a systematic or random process. From the report, to all intents and purposes, this was a ‘convenience’ sample. Some of the local authorities approached were unwilling to participate. **More crucially, those local authorities that did participate chose themselves which cases to offer to the researchers.**

For a study that concluded that it was reasonable in all of the cases in the sample to override parental objections to forced adoption, the fact that the local authorities themselves determined which cases the researchers should scrutinize requires greater consideration than has been afforded by the researchers in their report.

The ‘purposive’ sampling only provided cases that the local authorities were prepared to have perused. The authors do not provide sufficient warning to readers of their report about the limitations of this factor. The conclusion that there are no problems with social services and court management of cases of forced adoption will inevitably be over-stated and over-generalised by those, such as Mr Gove and Mr Narey (in the DfE), who have an ideological agenda to promote forced adoption on an even larger scale than occurs at present.

All research conclusions are limited by methodological constraints. It is the responsibility of researchers in publications to highlight these. It is also the responsibility of practitioners

making reference to such research findings to be fully aware of, and to take into account, the limitations as stated. I fear that this will not happen with the Luckock/Broadhurst study.

Further methodological concerns:

There are further methodological issues to be addressed. I was interested in the comment that the papers reviewed by the researchers in most of the cases in the study took on average 1 day to read. From my own involvement in court cases involving contested adoptions, I found this to be very puzzling. Almost all of the contested cases I have been involved with over many years would involve between 4 to 10 lever arch files. Seven hours is the normal time allocation for reading one lever arch file (e.g. one day). How did the researchers end up with a sample that had such an atypically small volume of papers to review?

The researchers provide a synopsis of the 12 cases that comprise the sample for their analysis. Each of these tightly summarised scenarios beg questions about alternative intervention possibilities. Yet taken as a group (i.e. the research sample), **what is striking is how they are not typical of many of the cases where parents and extended family members feel so aggrieved about disproportionate interventions resulting in compulsory adoption.**

In particular, the researchers have not been provided (by the local authorities upon whom they were dependent) with cases where characteristics of parents and extended family members do not reflect 'classic' risk factors regarding significant harm. None of the cases in the sample involve situations where a local authority seeks a forced adoption on the highly contentious ground of the 'risk of future emotional harm'. These are among the group of cases that raise the most serious concerns about disproportionate forced adoptions, and the researchers apparently made no effort to include them within their 'purposive' sample.

Discussion of poor professional practice:

The overall conclusions of the Luckock/Broadhurst study are explicitly positive about the fairness of the due process in the forced adoption in the 12 cases they reviewed: "*The research supports the view that the legal and procedural framework for decision making in adoption is robust with regard to parental rights*". (4.2.2).

However at the same time, the authors alluded to aspects of poor professional practice:

"However, the quality and effectiveness of direct practice and case handling in the local authority and the court was not wholly consistent with expectations in each case. Variability affected the timeliness of decision making, as has been shown. It also allowed questions to be raised about the extent to which children and parents were being provided with the best possible professional service at each stage of the adoption process, consistent with their respective needs and rights. The research indicates that, while the robustness of adoption decision making processes enabled decisions to be taken legitimately, attention still needs to be given to the enhancement of standards of practice." (4.2.3)

The authors later spell out the elements of identified poor practice more clearly:

"...it was not always easy to see how the interventions parents were asked to commit themselves to were intended to facilitate any changes required of them, if care proceedings were to be avoided."

Parental failures to attend assessments and services as prescribed in child protection plans were invariably carefully chronicled, as were examples of their unreasonable behaviour more generally in response to social work advice. However, there was a striking absence in statements and reports of any description of the direct methods used by social workers themselves to motivate parent attendance for specialist assessments and services and to help them sustain change. Parental hostility or outright rejection of social work intervention explains this only in part. Social work intervention tended to concentrate, in any case, on the monitoring of parental compliance with plans and the collection of evidence of their failures in this respect.

Moreover, the mismatch between the chronic nature of the problems causing agency concern in these cases and the family centre attendances, parenting classes and the home-based 'family support' interventions offered in response was disconcerting. It appeared to be the case that weak risk assessment had led, in these cases, to referrals for assessment and service that were largely routine, when a much more intensive approach was called for. There was no indication on the file that such referrals were informed by the available evidence-base, indicating what might work best given the nature of the need and the risk in each case. In general, research findings were not cited in social work statements, assessment reports or accounts of their intervention. Chronic problems of drug use and violence required specialised interventions that were not offered.

In general, across all categories of care application, the lack of a demonstrably robust, authoritative and engaged approach to risk assessment and intervention meant that parents could argue their own needs had not been fully understood and appropriately met by the pre-proceedings actions of the local authority. This was whether or not the work was undertaken following formal notification of an intention to make a care application.

In particular, the file evidence suggested the traumatic impact on parents of their own history of abuse and neglect had not been recognised or respected by the social worker in any consistent way. For several of the mothers in these cases their adult relationships merely continued the abusive pattern. Many of the fathers, in turn, had not been properly cared for as children. In each of the cases it was apparent that parents were unable or unwilling ultimately to make and sustain the commitment necessary to enable the child's needs to be met, or at least to do so in accordance with the timetable for the child." (p. 47-48)"

...by the time most of the cases came to court, or shortly after, local authority attention was firmly focused on getting authorisation for permanent removal and considering whether there were any realistic alternatives to adoption. In none of these cases did the local authority intend to use the interim care order as a source of authorisation of assessments and interventions that would test further parental capacity for rehabilitation and the return home of the child. Social work attention became focused almost solely on progressing the case towards placement. This allowed parents to file statements arguing that they were being unfairly treated by the local authority, through proceedings. In particular, complaints were made about the lack of opportunity to care directly for children and be supported in this in the foster home and during contact, which was usually arranged elsewhere. Parents claimed contact with children was being used merely to gather further evidence against them and that they had not been given an appropriate further opportunity to demonstrate their capacity to care." (p 52)

In these quotes from their report, Luckock and Broadhurst describe what I would refer to as the contemporary 'child rescue' social work role. In essence this role has degraded into 'monitoring parental compliance with plans and the collection of evidence of their failures...' and 'focused almost solely on progressing the case towards placement'. However, the authors stop short of contrasting this with the historic skills-based 'family preservation' social work role of providing a supportive relationship and appropriate services to prevent family breakdown. Whilst making muted critical comments about contemporary social work practice, the

authors do not consider the pertinent contextual factors of a) the current dogmatic pro forced adoption political imperative, and b) severe resource constraints.

Post-adoption contact considerations – curiously ignored:

Perhaps the most startling aspect of the Luckock/Broadhurst publication is that there is no consideration whatsoever of post adoption contact (direct or indirect) in the sample cases, or in the analysis as a whole. There is a significant academic and practice literature about the nature of post adoption contact in the UK and the USA. Strong views are expressed by proponents and by opponents of such contact. **In the 12 cases made available to the researchers in this study, there appears to have been no record of assessment with regard to post adoption contact** (otherwise the researchers would surely have identified this as a ‘category’ of data to be analyzed).

Given the apparent absence of such data in the files, it is remarkable that the researchers did not comment on this in their analysis and research report. A reader perhaps more cynical than myself might wonder whether this was due to the influence of the DfE as commissioner and resource of the research: the current stance of the DfE is highly regressive with regard to pursuing an idealistic surge in closed forced adoptions.

Why did the researchers ignore this matter? This is particularly important as in my experience many parents (particularly those with significant enduring problems) who actively contest forced adoption would be willing to accept an adoption outcome if a mutually agreeable basis for direct post-adoption contact was negotiated between themselves and the prospective adopters.

Adoption ‘timelines’:

A further issue of concern relates to the researchers’ use of the notions “*adoption journey*” and “*adoption timeline*”. The focus of the study is solely on the pathway between birth and the making of an adoption order – with a fairly explicit value judgement that this period should be considerably shorter than is currently generally the case (reflecting DfE policy). This stance omits a consideration of at least two very significant areas.

The first relates to the unreasonableness of the State not allowing sufficient periods of time for natural parents/families to respond positively to appropriate family support and therapeutic interventions. The authoritarian policy of rapid forced adoption is a politically expedient means of concealing the impact of drastic cuts in resources for family support services.

The second issue ignored by Luckock/Broadhurst is that **the time period spanning birth to adoption order is only a very short stage in the lifetime experience of the adoptee. Many more significant phases of the life cycle will follow, all of which will be affected by the circumstances of the early forced adoption.** From this lifelong outcomes perspective, the significant factor is not the number of months between birth and the adoption order. Rather the crucial factors include the following: a) adoption breakdown rates pre age 18; b) adoptee sense of well-being throughout childhood and adult life; c) how the adoptee perceives and construes the impact of loss of natural family relationships; and d) the impact of late teenage or adult ‘searching’ for, and possible reunification with, natural family members.

There is a large international literature relating to these long-term consequences of adoption (including the sense of dissatisfaction felt by many adoptees). Reference to such a perspective is absent from the Luckock/Broadhurst report. These issues do not appear to have arisen from the records supporting forced adoption that the researchers studied (which will have included opinions that adoption was in the best interests of the child concerned). The researchers do not note this absence; nor comment on the associated literature. In fact, as a research report, it is strange that the report contains no review of, and almost no reference to the contextual adoption literature. It may be significant, that much of the relevant literature is not supportive of the rapid forced closed adoption policy of the Department for Education (the sponsors of the Luckock/Broadhurst study).

Summary and conclusion:

Luckock & Broadhurst (2013) reviewed the English court files in respect of 12 cases of contested forced adoption. They concluded that in every case policy and procedures were properly followed, and that parental rights were not infringed. However there are major methodological limitations that severely restrict the generalisability of this conclusion beyond the sample of 12 cases. This study does not confirm that the policy and practice of rapid forced adoption is in the lifelong best interests of the children concerned. Any claim that this research provides evidence for a) the benefits and proportionality of forced adoption; and b) that the process is not unfair to natural parents – should be strenuously rebutted.

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