

Children Moving Between UK Nations

Considerations and challenges when children are placed for adoption from elsewhere in the UK with families in Scotland

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In Partnership with:



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1. Introduction

In 2013, the Association of Directors of Social Work Adoption Services' survey found that between 2011-12 "around 37% of the children placed with adopters through Scottish Voluntary Adoption Agencies (VAAs) had come from England and Wales" (Swift, 2013: 2). Swift's report went on to note that the proportion of cross-border placements of children from elsewhere in the UK being matched with families in Scotland had a potential impact on the placements of children already under the care of local authorities in Scotland. As well as financial implications for the receiving authorities long-term, as they become responsible for supporting the child's needs from three years after the placement is finalised (Swift, 2013). Moreover, although this report only focused on the professional impact of cross-border adoptions, the added logistical and emotional challenges for children and their families were also noted as worth greater consideration moving forward.

However, this rise in cross-border placements is situated in a much more fluctuating context as in subsequent years between 2013-2016, there was a notable drop in the number of children in England being placed for adoption. The swing of the pendulum in the opposite direction occurred after 2013, with more children from Scotland being placed with adoptive parents in England. This came about, in part at least, due to the interpretation of two English legal judgements (Re B-S and Re B¹) which definitively set out the law in relation to adoption. Re B-S was primarily directed at what Lord Munby termed 'sloppy practice.' This ruling advocated a need for a greater degree of analysis and weighing up of all the realistic options for the child before permanence planning was considered (see Holt and Kelly, 2015). The consequence was a great deal of uncertainty around adoption of children from care which directly impacted on some of the most vulnerable children in society with adoption plans falling. As a result, by 2015 many prospective adopters approved in England were actively putting themselves

¹ Re B-S (Adoption: Application of Threshold Criteria) [2013] EWCA Civ 1146 and Re B (Care Proceedings: Appeal) [2013] UKSC 33

forward as potential families for children in Scotland – and there were fewer opportunities for adopters from Scotland to be matched with children from south of the border. Then in 2017-18 the pattern of children being placed across UK borders shifted direction again, with the numbers of cross-border adoptions from elsewhere in the UK² to Scotland increasing. This increase was widely believed to be the interpretation of a court judgement³ where the Supreme Court set out the correct approach in Permanence Order applications when determining the truth concerning allegations and emphasised the responsibility of LAs to meet the 'threshold test' under the Adoption and Children (Scotland) Act 2017.

As a result, in 2019 Scotland's Adoption Register⁴ conducted a brief survey to more accurately understand the number of children placed north and south of the border by all 32 Local Authorities (LAs) and four VAAs between 2018-19, to provide a national insight into the scope of this placements. From this, a briefing note (Scotland's Adoption Register, 2019) was produced for the Social Work Scotland Adoption and Fostering sub-group which identified that the number of children from England being placed with families in Scotland had continued to steadily increase. Most notably, the data showed that, between 2018-19, 52 children from England were placed with families in Scotland, while only eight children from Scotland were placed with families in England. Although a high proportion of these cross-border placements to Scotland involved VAAs, similar to the earlier survey

² Please note throughout this report the term cross-border only refers to adoptions between the four nations of the UK and not international adoptions

³ In the matter of EV (A Child) No. 2 (Scotland) [2017] UKSC 15.

⁴ Scotland's Adoption Register (SAR) is a project funded by the Scottish Government and hosted by AFA Scotland. It supports agencies across Scotland to make the family finding system work as well as possible for children identified as needing adoptive placements. SAR provide a number of family finding services at no cost to agencies across Scotland including access to the online Adoption Register. This secure Online Register allows social workers to share information about children who have a plan for adoption with approved adopters in Scotland with the highest levels of security. The system is run on a UK-wide IT system provided by the social enterprise 'Link Maker.' Throughout this report several interviewees call this Online Register 'Link Maker.' However, they are referring to the Online Register service run by Scotland's Adoption Register rather than discussing the social enterprise who runs the IT system.

(Swift, 2013), it found that an increasing number of LAs had also been involved in matching adopters approved in Scotland with children from other UK nations.

For many children, cross-border placements may have enabled the best possible match to be found, including for children who might otherwise not have been placed. The current research explored the perspectives of social workers and adoptive parents who have been involved in cross-border adoptions, to gain a better understanding of their experiences of the processes before, during and after a match has been made. It was undertaken following a period when the numbers of cross-border adoptions into Scotland had become considerably skewed in one direction, leading to concerns about reduced numbers of families available for the placement of children in Scotland, the potential impact on children who tend to wait the longest for permanent placements (e.g., brothers and sisters, older children, disabled children and children with complex health needs), and the long-term statutory and financial responsibilities for LAs who may not be aware of children moving to their area via cross-border adoptions. Several possible reasons for this increase have been suggested anecdotally, informed to some extent by the two brief overviews published previously. Yet to date there has been little evidence, beyond individual stories, to help shed light on the context underpinning cross-border matches as well as the unique experiences of families when they adopt a child from England, Wales or Northern Ireland to Scotland. Indeed, up-to-date data on cross-border adoptions in general is limited.

Therefore, this project sought to identify and critically examine the factors underpinning the recent rise (since 2017) in cross-border adoption placements by examining the experiences of adoptive families and adoption agency practitioners across Scotland. Based on new data from all 32 local authorities and four VAAs, as well as interviews with adoptive parents and social workers, we found four cross-cutting themes which this report explores. These are:

- Matching considerations
- The impact of distance
- The differences in legal processes and social work practices
- The disparities of support available to adoptive parents

2. Methodology

2.1 Project Aims

To better understand the context of the increase in Scottish adopters being matched with children from elsewhere across the UK, the project had three core aims:

1. To collate an accurate up-to-date picture of cross-border adoption placements in Scotland
2. To identify and critically explore adopters' and practitioners' perceptions of the key factors underpinning this trend
3. To consider the implications of the project's findings for current policy and practice in Scotland

2.2 Methods

The research team employed a two-phased data collection design (Mason, 2006) to gather the complex and rich data required to achieve the project's aims. First, an online questionnaire was distributed to all 32 Scottish LAs as well as the four VAAs which work across Scotland. This enabled the administrative data Scotland's Adoption Register holds on cross-border adoptions to be updated and extended; as well as gathering the perspectives and opinions on this rise from all statutory (n=32 LAs) and voluntary (n=4 VAAs) agencies across Scotland who have a specific focus in this area⁵.

Following this, semi-structured interviews were conducted with a smaller number of practitioners (n=9) and adoptive parents (n=6). The practitioners recruited for interviews were purposively sampled to both reflect the greater proportion of cross-border adoptions which involve VAAs compared to LAs and include only those practitioners who had first-hand experience supporting cross-border placements. Similarly, the sampled adoptive parents had all adopted child(ren)

⁵ See Appendix 1 for copy of survey questions

from elsewhere in the UK but lived in Scotland (further details on recruitment are provided below). Due to the current government guidance regarding social distancing in light of COVID-19 all interviews were conducted on a video conferencing platform or over the phone (participants decided which they would prefer). This phase enabled the experiences, perspectives, and opinions of practitioners and adoptive parents on cross-border adoptions to be explored in greater detail⁶. This provided rich context and insights into individual experiences of this type of adoption.

The research design and the ethical considerations underpinning the methodology were peer reviewed by two academics and the revised design was presented to AFKA's Board of Trustees for approval before data collection began. The two peer reviewers brought professional and personal expertise in the field of adoption and children and families social work, as well as experience of university ethical panels.

2.3 Data Collection

For the survey phase of this project, the Manager within all 36 agencies' Permanence (or equivalent e.g., Family Placement) Teams - all 32 LAs and four VAAs - who were sent the online survey participated in it. This was a response rate of 100%. All 36 agencies provided data on the number of cross-border adoptions they had supported between 2017-2020 (question one – see Appendix 1). In addition, 26 respondents (n=4 VAAs 22 LAs) responded to the seven optional open-ended questions (on their role in processes and their perspectives).

For the interview phase, 15 interviews and one focus group were completed across the two distinct sample groups over the phone or their chosen video conference platform (e.g., MS Teams or Zoom). The breakdown of the population groups within these 15 interviews and one focus group is provided below in *Table 1*. Practitioners

⁶ See **Appendix 2** and **Appendix 3** for a copy of the interview guides used with these two participant groups respectively

and adoptive parents were recruited using two different sampling techniques. To recruit practitioners, nine agencies were selected following the survey results. These nine agencies included all four VAAs and five specifically chosen LAs, to reflect the higher VAA representation in the agencies who supported the placement of children from England and Wales with a Scottish adoptive parent between 2017-20 (VAAs 87%; LAs 13%). The LAs sampled for interviews were determined by the size of the agencies, the desire for a mix of urban and rural LAs and the number of cross-border placements the survey found they had supported. The LAs with the highest number of cross-border placements were purposefully recruited as it was presumed, they would have more experience and knowledge of the adoption processes and practices when the match was outside of Scotland. However, one of the selected LAs could not participate because of workload demands, so two other LAs which both had the next largest number of cross-border adoptions were invited to participate instead. In addition to this, a focus group was conducted with a senior practitioner from three of the four VAAs to explore the processes and factors underpinning cross-border adoptions from their strategic perspectives.

The adoptive parents were recruited via a convenience sampling technique. This involved asking all participating agencies as well as Adoption UK Scotland to circulate an open call asking adoptive parents who lived in Scotland but were matched with their child(ren) from another part of the UK to contact the research team if they were willing to be interviewed for this project. After three months of recruitment, nine parents who met this criterion had expressed an interest in participation. Following conversations of what involvement would include: eight parents - two couples and four individuals - consented to be interviewed. A total of six interviews were conducted with adoptive parents, which included two mixed heritage adoptive parent couples; no same sex couples; and two lone parents.

Table 1: Breakdown of Sample

Primary Data Collection Phase	Total (No. of Participants)
Online Survey	36
4 VAA Interviews	4
5 LA Interviews	5
6 Adoptive Parent Interviews	8
1 VAA Focus Group	3 ⁷

2.4 Analysis

The data generated from the interviews and focus group was analysed thematically, using a mixture of deductive and inductive analysis (Clarke and Braun, 2014). The themes were developed through several rounds of reading and analysing the data until a comprehensive coding frame was developed. These codes were then used inductively to analyse the qualitative open-ended survey question responses too. The relationships between codes were considered and discussed between the first and second author before a reporting structure was agreed. Following this analysis process, the findings in this report reflect the most significant themes from the data that address the research aims listed above.

In terms of reporting, the numerical data collected in the survey on the number of cross-border placements each agency supported between 2017-2020 was disaggregated in two distinct ways to provide insight data whilst upholding the anonymity and confidentiality promised to participants. First, the data was disaggregated to highlight the differences in numbers between VAAs and LAs; and then amongst LAs the data was further disaggregated using the Scottish Government (2018) urban-rural classification system.

⁷ These were different, more senior, participants than the interview participants for these agencies

2.5 Strengthens and Limitations

As with any study, the research design chosen had both strengths and limitations. The study used semi-structured interviews to explore a range of perspectives from social workers and adoptive parents about their experiences of cross-border adoptions, and what might explain the current figures. Using qualitative methods, including interviews, allows for a deeper examination of context and complexity, which in turn can enable more nuanced findings and exploration of conflicts within the data (David and Sutton, 2011). However, using an in-depth approach brings limitations in terms of breadth, and the sample size limits the extent to which these findings can be generalised to other adoptive parents and/or agencies. In addition, our participants were skewed towards adoptive parents who had adopted via VAAs (n=5), rather than LAs (n=1). Our sample of social workers was more balanced numerically (VAAs, n=4; LAs, n=5), but this represents all VAAs in Scotland compared to around one in six LAs. While these figures reflect the far greater proportion of cross-border adoptions between 2017 and 2020 which involve VAAs (121 children), compared to LAs (18 children), findings from this study may not reflect the experiences of practice within other LAs, which is known to vary considerably across Scotland (Cusworth et al, 2019; Grant and Critchley, 2018). We have acknowledged these limitations throughout the report, and have referred to relevant findings from other large-scale studies, including *Permanently Progressing?* Phase One (Whincup et al., 2019) and the *Adoption Barometer* (2021), to provide wider context.

It is a considerable strength that numerical data was received from all 32 LAs across Scotland, with a smaller number providing additional qualitative information to contextualise the numbers. Achieving a 100% response rate was challenging, and we greatly appreciate the support of internal and external colleagues who assisted with this task.

It is important to note that survey respondents and interviewees highlighted that data on cross-border adoptions was not routinely recorded in many LAs or by the

Scottish Government and so the figures are presented with this caveat (*please see Discussion section for further implications of this*).

It is also important to acknowledge that the sample did not include adoptive parents who had experienced an adoption breaking down and the child leaving their care, nor adoptive parents who had only adopted from within Scotland. As a result, apart from two of the six couples who had adopted children from both Scotland and England, most of the parent participants could only infer comparisons between the different systems based on what they had heard from fellow adopters who had adopted their child(ren) from Scotland. However, all social workers who were interviewed had experience supporting within-Scotland and cross-border adoptions, and so were able to directly compare their experiences of practice and policy.

Finally, the bounded timeframe, between 2017 and 2020, was selected to enable a three-year insight into the number of cross-border placements approved across Scotland, to update and extend existing data (Swift, 2013) whilst remaining manageable within the scope and timeframe of this project.

3. Findings

In this section we present our findings. We start by providing an overview of the quantitative survey data. This is followed by a closer examination of the four cross-cutting themes found within the open-ended qualitative responses from the survey and the interviews.

3.1 Survey Data

Table 2: Total Numbers and proportion of children placed by VAAs and LAs 2017-2020

Agency	Children from elsewhere in the UK placed with families in Scotland (Elsewhere in UK \square Scotland)	Children from Scotland placed with families elsewhere in the UK (Scotland \square Elsewhere in UK)
VAAs	121	n/a
LAs	18	32
Total	139	32

*This includes England, Wales and Northern Ireland however, 98% of these figures are children from England

Table 3: Breakdown⁸ and proportion of number of children placed by VAAs and LAs 2017-2020

Agency*	No. of Children from elsewhere in the UK placed with families in Scotland	Proportion of Total Children in the Data (%)
Scottish Adoption	68	49%
St Andrew's Children's Society	28	20%
St Margaret's Children and Family Care Society	21	15%
Barnardo's	4	3%
Eastern Scotland (Angus, Dundee, Clackmannanshire, Falkirk, East Lothian, Midlothian, Scottish Borders, Edinburgh, Fife, Perth and Kinross, Stirling)	10	7%
South-Western Scotland (East Dunbartonshire, West Dunbartonshire, Argyll and Bute, Dumfries and Galloway, East Ayrshire, North Ayrshire, Glasgow, Inverclyde, East Renfrewshire, Renfrewshire, North Lanarkshire, South Ayrshire, South Lanarkshire)	8	6%
North-Eastern Scotland (Aberdeen, Aberdeenshire, Moray)	0	0%
Highlands and Islands (except Argyll and Bute) (Highland, Na h-Eileanan Siar, Orkney Islands, Shetland Islands)	0	0%
Total	139	100%

3.1.1 Inconsistencies in Data

The first question in the survey was 'Since 2017, how many children from your agency were placed with adopters approved elsewhere in the UK; and how many children from elsewhere in the UK were placed with adopters approved by your

⁸ This subdivision of Scotland is adapted from the Eurostat's (ONS, 2021) geocode Nomenclature of Territorial Units for Statistical breakdown of Scotland

agency?⁹ One of the core findings was that accurate information on numbers was not readily available from LA respondents. Upon launching the survey, the research team spent a considerable amount of time speaking to practitioners within LAs who identified they were struggling to answer the first question and following up with agencies who had not completed the survey as they did not have the information to hand. Consequently, it is important to note that some agencies provided figures with caveats around precise numbers. For instance, one LA's response to the survey question was:

"I am unable to say with exactness how many children from elsewhere in the UK were placed with our adopters over this 3-year period however I would estimate this is one."

Due to the differences in size and organisational structure of VAAs and LAs, these data consistency issues were only raised by LAs. Five responses from LAs indicated that they had given a figure of zero as no team members could recall having been involved in a cross-border placement, and they did not have this data recorded anywhere formally; a further four responses noted that the figure was an estimate.

This issue with data inconsistency was also discussed in several of the interviews conducted with LA practitioners. Three of the five interviewees explained the challenges with collecting a comprehensive information on adoptions within the systems and processes they used. For instance:

"I'm looking at the figures and I feel really embarrassed to tell you that that those figures are not right. I think that as a local authority, we're probably very good at collecting data on our own families. But I don't think local authorities have been particularly good at recording out of authority placements, both out of authority placements that involve children coming into the authority and children going out of the authority to be placed in another ... It's almost like 2 separate areas of the service ... So, the figures you've got down for us I think that they in reality are much higher" (LA Worker).

⁹ The full question was "Since 2017, how many children from your agency were placed with adopters approved elsewhere in the UK; and how many children from elsewhere in the UK were placed with adopters approved by your agency? (If possible, provide a break-down of how many were from England, Wales and Northern Ireland)."

"You know when we're linking and matching our children, we would always keep a record of when they're linked and when they're matched up. But I think the issue has been for children that are coming into our authority from elsewhere ... we should have that record because we will eventually take over responsibility for those children. But when they're coming in, they're being linked and matched by the child's authority, and there's not been an effective system to capture that data. Embarrassingly, the team leaders for those workers don't always know what the figures are. We definitely need a better way of capturing the whole system which includes capturing info on all children as well as all the much softer data. How long do people wait for a match? What are the ages and stages of children? What are the legal orders of the children that are moving? Where are they coming from?" (LA Worker).

Indeed, within LAs the remit of supporting both adopters, prospective adopters and children within permanence often sits with two distinct teams who capture data in different ways, both in terms of what they record and how they record it. Therefore, the agency wide data this project was seeking was found to be challenging to gather and access easily in the majority of LAs. Similarly, the difficulty of sharing data, especially personal and often highly sensitive information on children, between different agencies was highlighted as a prominent barrier in gathering the appropriate data on cross-border (and even cross-agency) placements too. It was noted by three of the five LA practitioners that both GDPR procedures and the presumption of what GDPR guidelines means for data sharing between organisations, including at times misconceptions or overly cautious interpretations of the regulations, has a role in the inconsistency we found. Two interviewees also indicated that unless there is a clear and direct purpose for gathering data within LA processes, such as for the Care Inspectorate or the annual Children Looked After Statistics (CLAS) LA returns, recording information is simply not prioritised and therefore not gathered or used in any meaningful way.

This inconsistency in the data on cross-border placements was also found within the secondary data used to inform this project. Most notably, the Care Inspectorate (2021: 41-42) found that between 1st January and 31st December 2019:

"Very few of Scotland's local authority adoption services and none of the independent services placed children from elsewhere in the UK and very few placed children with adoptive households out with Scotland ... In total, there were fewer than five children in each of these situations."

It is unclear why the cross-border adoption figures reported between 2017 and 2020 by LAs and VAAs for our study do not appear in the 2021 Care Inspectorate Adoption and Fostering statistical bulletin figures (which covered 2016-2019). The figures provided by agencies for our study are more in line with the briefing note provided by Scotland's Adoption Register (2019) to the Social Work Scotland Adoption and Fostering sub-group committee, which found a total of 52 children from England were placed with families approved by agencies in Scotland in 2018-2019 (43 by VAAs; 9 by LAs). Although not all agencies provided a yearly breakdown for our study, from those that did it is evident that more than five children from elsewhere in the UK were placed with families in Scotland in 2019.

From our project, it is clear that there is a pressing need for LAs to consistently record data on the children that are placed within their authority from other agencies, especially since the receiving LA becomes responsible for supporting the needs of the child after three years. This study also highlighted a need for more comprehensive data collection on all children adopted throughout Scotland – within both VAAs and LAs – if an accurate overview of adoption is to be available. There remains a considerable absence in national data on the demographics of the children who are placed across UK borders including age, stage, sibling relations, ethnicity and race, and any additional needs they have; as well as information recording the length of time spent between waiting on a match to being linked to being granted an adoption order for children placed by Scottish adoption agencies. Therefore, although the findings within this study provide valuable information for practice moving forward, the LA numerical figures should be treated cautiously given the limits to their validity raised by agencies in Scotland working directly in this field.

3.2 'Right' Match

Amongst the themes which emerged from the interview data, the most prominent was the belief that matches between adopters and children were made because they were the 'right match' for both child(ren) and adopters, regardless of distance and where the child was from across the UK. All 16 interviewees – both

practitioners and adoptive parents – emphasised the importance of this. For example:

“It has to be the right match you know, say I was comparing two sets of children, I wouldn't just select the profiles of the ones closer to my adopters, if there are children in England that seemed like a better match. I would go with them because it's about the match above all else” (LA Worker).

“The biggest factor is simply being attracted to that particular child. I wouldn't say that they fall in love with a child because they're in Scotland, or because they're from south of the border. I think when adopters are on Link Maker, they're looking at children, they see a child first, not necessarily whether they are from in Scotland, Wales or England” (VAA Worker).

“Neither of us really thought much of where the child would come from. It wasn't anything that we intentionally set out to look for. It was just, you know, a profile was sent to us from our social worker that so happened to be from England, and we went from there” (Adoptive Parent).

Within the interview data analysis, it became clear that two prominent factors framed and constrained what participants understood as the 'right' match. First, the different practices that adoption agencies (both LAs and VAAs) had developed in using Scotland's Adoption Register shaped the family finding process, and in particular the likelihood that a match would be found within or outside of Scotland. Second, the specific matching criteria (such as age range and/or number of children) for which adoptive parents were approved for influenced whether family finders looked for matches across the whole of the UK or only within Scotland.

3.2.1 Use of Scotland's Online Adoption Register

There was considerable variance in family finding processes between agencies involved in the interviews. This variance was found in terms of at what stage in the family finding process agencies began using Scotland's online Adoption Register, and whether family finding via the Register was practitioner-led or adopter-led. For the VAAs, all four agencies almost exclusively used the Register to find potential children for their prospective adopters – as only LAs hold the statutory responsibility for placing children, VAAs focus on supporting the parents in the family finding process. From the point of approval, or even slightly before, all the VAAs supported prospective adopters to Register and create online profiles on the

Register so they could begin looking through children's profiles as soon as possible.

Although all four VAAs emphasised that the worker and adopter(s) could look at children's profiles – with both parties searching the Register and expressing interest in children they thought could be an appropriate match – each agency used a slightly different approach to whether the worker or prospective adopters did more of this. For example, one agency explained that unless prospective adopters explicitly wanted to look themselves, they preferred practitioners to lead on this due to the lack of detail available on most children's profiles:

"If [prospective adopters] want to be involved with link maker from day one then you know they absolutely have the right to do that, and we'll support that; but we definitely do ask these people to give us a little opportunity in the first instance to see what's on there and make those initial discussions on their behalf. We have lots of people who will be absolutely fine with that and so we do the family finding and just run potential profiles past them ... We understand that the level of information the social worker has decided to put on there, means children can appear to be extremely straightforward which the adopters are going to jump at that, but actually there might be a lot more complications once we express interest." (LA Worker).

In contrast, another VAA stressed how important it was for prospective adopters to lead on the process of looking through the profiles. For this VAA, they understood the worker's role as principally to follow up with children's social worker(s) once prospective adopters had expressed an interest in them:

"As soon as they are approved, we encourage them to actively start searching for children themselves. I mean that's the point. The spirit of the register was to give adopters that control and power, particularly for local authority adopters who often felt they were being held back because local authorities were only considering them for children in their own area and not allowing them to look wider. Being adopter-led with family finding shifts away from workers prioritising local needs. So yeah, we encourage adopters to actively search the register themselves." (VAA Worker).

The other two VAAs described their protocol for using the Register as a collaborative process between the worker and prospective parent(s), with both searching the profiles and then sharing information between them. In contrast, from the five interviews with LA practitioners, it was clear that many did not use the Register unless they felt it was absolutely necessary. As described by one LA

worker, the process of finding a family for adoptive parents they had approved started with internal discussions within the team, then moved to include colleagues from the children and families' team and social workers with a specialist focus on permanence. If no potential matches were identified from their LA, they contacted other local authorities directly. They had limited experience of using the Register on behalf of adopters and would only use it if they were still searching for a match after three months as the 2016 Scotland's Adoption Register Regulations stipulate that LAs have a legal duty to use the Online Register beyond this period to reduce timescales and the risk of drift for the child.

This variance in the use of the Register was reflected in the accounts of all six adoptive parents interviewed for this study. Of the five adoptive parents who had adopted via a VAA, they all had initially seen their child(ren)'s profile online and described how they had been actively encouraged to look through the Register and flag profiles of children they wanted to know more about to their worker. The couple who adopted through their own LA were unfamiliar with the Register and recalled that the process of being matched with their child involved their worker contacting them with potential profiles to consider.

The approach described by LA interviewees resulted in practitioners having greater influence on the matching process, in that prospective adoptive parents were not searching proactively through all the available profiles themselves to determine whether there were children they wanted to inquire about further. Instead, the profiles brought to prospective adopters to consider had already been narrowed down. That said, of the five adoptive parents who were approved by VAAs, although all five were supported to actively look themselves, three chose to leave this to their social worker. In those instances, the family finding process was also largely led by practitioners. All three interviewees reported that they made this decision as they found the process emotionally overwhelming, as one adoptive parent explained:

"I'm bit old fashioned in that I couldn't stand the thought of looking through all these little children's profiles and trying to decide which one I like best. After matching panel, I stupidly looked at some of them and I was sitting crying. It's like looking at

Freemans catalogue of children or some sort of online dating to adopt and I thought I can't cope with this. So, we always said it would be up to [their social worker]."

Variance in agency approaches to family finding has been found in previous research, including in England (Dance et al., 2010; Farmer and Dance, 2016). Research carried out for the independent review of Scotland's Adoption Register (SAR) in 2019 also identified that adopter-led matching can be experienced by some adoptive parents as an additional responsibility (Thomas and Blackwell, 2019). Some found it difficult to manage the emotional demands associated with family finding, particularly in a context where more information is available via the online Register than would have been the case historically:

"A strong message from the Review was that not all prospective adopters want to take a lead in finding a family. Some prospective adopters would rather use more traditional family finding methods and want professionals and their adoption agencies to do so. They would prefer professionals to have the responsibility of finding a match for them. There are also prospective adopters who feel it would not be appropriate, perhaps for professional reasons, to share details of their personal lives widely and/or on an online forum." (Thomas and Blackwell, 2019: 7-8)

The support offered by agencies during the family finding process was important. Two of the adoptive parents in the current study who had proactively used the Register reflected on how challenging this period of the adoption process was:

"It's such a massive life decision, it felt quite weird getting somebody else to do it for you. Even though it was upsetting and emotional and exhausting, and all of that, it still felt like something we needed to do ourselves. But our worker did say if it's ever too much we can do it for you" (Adoptive Parent).

Those adoptive parents, along with three of the four VAA practitioners and two of the five LA practitioners, criticised the lack of detail within children's profiles. In particular, interviewees highlighted ambiguous descriptions of children's needs, which then delayed the timeframe of family finding as social workers were following up on a greater number of children before identifying a match. For instance, the same adoptive parent quoted above went on to add:

"One thing I would say though is all of the profiles are very brief and very positive, but the reality of adoption is that all these kids have problems so we learnt quickly we would flag up profiles and then learn a lot more about them once [their worker] had looked into them."

Although caution should be exercised in generalising the findings due to a small sample size, these findings do provide valuable insights into how Scotland's Adoption Register is used in practice throughout the family finding process. The interviews highlighted how different approaches to using the Register directly influence the likelihood of cross-border adoptions. First, unlike VAAs, those LAs that participated in the study only used the Register if they were struggling to find prospective adoptive families in their area, or from informal connections and discussions with practitioners from other agencies. This limited the chance that the prospective adopters would be matched with a child or children from the rest of the UK. Second, social workers in LAs were more likely to lead the search of the Register on behalf of prospective adopters, whereas social workers in VAAs were more likely to encourage prospective adopters to search proactively themselves, if they felt comfortable to do so.

Currently, when a worker based in Scotland accesses the Register, the default position is that they will only see profiles of children from Scotland. However, all agencies can expand the remit of their searches on the Register to also include children's profiles from England, Wales and Northern Ireland. All nine social workers who were interviewed said they selected 'whole of the UK' at an early stage, with only two LA practitioners stating they would look within Scotland for the first couple of weeks before opening up the search. All nine of the social workers and four of the six adopters stressed how crucial expanding the search on the Register was for ensuring the 'right' match was found for two key reasons.

Firstly, eight of the sixteen interviewees emphasised the considerable difference in numbers of Scottish children on the Register compared to the total number from the whole of the UK. As one VAA worker explained:

"To give you an idea of the kind of numbers I'm talking about, last week I went on link maker to look for the children. When I went the UK-wide there was like 600+ children but if you went for Scottish children only there was just roughly 60 children which is mainly to do with population size you know ... So actually, the starting point is the maths. The numbers don't add up if we didn't look to the whole of the UK on the register. If you add up collectively all the placements that volunteer agencies are capable of making, there's simply not enough children on Scotland's Adoption

Register to match that. Fundamentally the numbers don't equal. So, for some of us, if we couldn't go outside Scotland, we'd have to shrink the number of prospective adopters we can support."

Reflecting the population size differences between Scotland and other nations of the UK it is somewhat unsurprising that the number of children in Scotland waiting for an adoptive family is substantially smaller. However, in addition to this demographic factor, there are a number of other potential influences to consider. For example, the COVID-19 pandemic forced organisations, including adoption agencies, Children's Hearings System and courts, to adapt to sudden and substantial changes in their ways of working and respond to needs arising from, or linked to, the pandemic and related restrictions. The recommendations from the Independent Care Review advocate a greater focus on maintaining meaningful relationships and a secure base for children within their families of origin (see The Promise, 2020). As a result, many agencies have been reviewing and changing processes and anecdotal reports suggest some of these changes have reduced the number of children for whom an unrelated permanent family in Scotland is being sought. Furthermore, practitioners within both the interviews and focus group described inconsistent practices amongst some LAs when it came to creating and uploading profiles to the register of children in their area across the UK.

Secondly, as noted in the quote above, for VAAs, the viability of their services was also a critical consideration in the family finding process. The appeal of being able to access children's profiles from across the UK rather than just Scotland was considered a crucial 'selling point' for people considering which agency to use to adopt, as one worker explained:

"One of our selling points when we are recruiting is that we place children from across the UK and not just the area that people are living. So, for some adopters they would see that as preferable than going to their local authority who, despite what they may say, are rightly so focused on the needs of their own children first. Whereas we are entirely adopter focused. We say to the adopters to focus on finding the right child, not the right geographical area. So, unless you legally restrict placing children from England, then I think that's always going to be the case. Adopters still have the right to look."

LA practitioners were motivated to expand the search at an early stage to increase the number of options for a slightly different reason. Since, as previously discussed, most only used Scotland's Adoption Register if they were struggling to find a match for the child(ren) locally, interviewees reflected that by the time they began searching the register they had typically been family finding for adopters for a couple of months already; and were keen to speed up the matching process. As one LA worker said:

"We probably open it up to the whole of the UK straight away because we realise if we're using the register, it's because we can't find a suitable match due to [a particular criterion] in our own LA so we're going to struggle, so want as many possible matches on Link Maker¹⁰ as we can."

What this study also highlighted was that once people had been approved to adopt, all parties – the prospective adopters as well as practitioners – wanted the family finding process to be as quick as possible. As one of the three adoptive parents who used the Register themselves explained:

"Yeah of course we naturally selected all of UK, just to kind of widen your search. There doesn't seem to be any reason to narrow it down just to Scotland, to my knowledge there's not any particular benefits are there? I certainly didn't feel I must adopt a Scottish child just because we are in Scotland. So why would we limit it? We wanted to find our child as quickly as we could."

What was evident from the interviewees' responses was that the rationale for searching UK-wide was less to do with children's locations, and more to do with having as many potential matches as possible when family finding. This focus on greater numbers was also mentioned by five of the 26 agencies that completed the open-ended survey question which asked what factors they believed would be likely to influence adopters seeking children from outside Scotland.

3.2.2 Matching Criteria

At approval panels in Scotland, prospective adopters are approved to adopt a specific number of children within a specific age range (Lord, 2016); however

¹⁰ Please refer back to footnote 2 for detailed explanation about 'Link Maker'

typically they will be able to see all children' on the Register following their approval. The only filtering which is automatically applied on Link Maker is geographical area: with Scottish adopters only able to view the profiles of children in Scotland initially until they chose to widen out the range to 'All of the UK.' Nevertheless, in addition to the location of the child's placing authority, there are a wide range of factors which can influence adopters' matching criteria – and therefore whether they expand the geography scope on Link Maker. The further matching criteria considerations may include, but are not limited to, whether the prospective adopter(s) are single or a couple; their ethnicity and cultural heritage; the physical space available within their home; where they live; their extended support system; if they have other children already; their financial situation; and how many hours they work (Borthwick and Hundleby, 2016).

Amongst these factors, eight out of the nine practitioners interviewed stressed the need to look beyond Scotland's Adoption Register for a suitable match for adopters of ethnic minority or mixed heritages. For example, one VAA reflected:

"People are being linked with English children because of the matching criteria, they're not being linked or matched with children outside Scotland because it's easier or quicker. So yeah, I think [this rise in cross-border adoptions] will be mainly to do with the adopters and children's heritage or ethnicity."

As a wealth of well-established literature advocates, including CoramBAAF (2021) and Cooper (2009), best practice in the matching processes includes that where possible children are placed with adopters who can reflect their ethnicity and cultural heritage:

"CoramBAAF believes, as a general principle, that children should be placed with families who can reflect their ethnic, cultural, religious and linguistic identities and promote these factors, as well as those who can help them navigate racial and other stereotypes." (CoramBAAF, 2021)

In line with the demographics of Scotland, the number of minority ethnic children on Scotland's Adoption Register are a relatively small proportion of the overall

number of children. For instance, in October 2021¹¹, out of 113 children in Scotland profiled on Scotland's Adoption Register, only four were described as either mixed heritage or an ethnic minority. This means 96.5% of all the children currently on the Register from Scotland were white and thus, would likely be not considered suitable for prospective adopters whose formal matching criteria included ethnic minority or mixed heritage children only.

Although most LAs practitioners discussed less use of the register overall than VAAs, finding an appropriate match for ethnic minority and/ or mixed heritage children was described as a key exception. When looking for an adoptive family who met a particular ethnicity or heritage criteria, LA practitioners said they almost always created an online profile for the children they were family finding for on Scotland's Adoption Register early on to "widen the scope for matches as Scotland is not diverse enough" to avoid only considering families from their own area. This approach also applied to working with minority ethnic prospective adopters. One LA worker commented:

"I've also got a Muslim Punjabi couple on my caseload just now who are coming to the end of their assessment and so again in terms of matches we will probably not have a child for them within [LA name] so I'm planning to begin [family finding for] them on Link Maker straightaway. So, it's just about where there is the potential for the right match not where the match is in terms of England versus Scotland. That's to say if there is a chance to match them with a child here that would be great, but I don't think there will be."

Two of our six adoptive parent interviewees described themselves as from a mixed heritage/ ethnic minority. Similar to the worker above, they spoke of the importance of matches based on ethnicity. Re-emphasising the points raised by practitioners, the demographics of Scotland meant they anticipated having to look further afield across the UK for an appropriate match:

¹¹ It is worth noting that 113 is only those profiles 'live' on the Register, any children/ sibling groups where matches were being pursued would be hidden; similar although October 2021 has been used as the snapshot example these figures are substantially lower than typical figures on Scotland's Register, predominantly due to the impact Covid has had on adoption.

"We're a mixed-race family so we knew we were looking for mixed-race children and we knew that there are more of them in England so yeah it wasn't even really a question we'd be looking beyond Scotland" (Adoptive Parents).

"So, I'm mixed-race White Scottish and Indian but most of the mixed-race children on Link maker are mixed-Black which I got knocked back for by the child's social worker when I expressed an interest in them. Which I get as you wouldn't look at the two of us together and think that I was their biological parent. Which was no concern to me, but I know it factored into social workers thinking whether I was going to be a good match. I found 'mixed race' too broad a category on Link Maker actually ... but I found [my child] eventually, although if I was only looking in Scotland, I think I'd still be looking four years on" (Adoptive Parent).

Given the overall proportion of ethnic minority or mixed heritage prospective adopters, this is only part of the overall picture of cross-border adoptions. For instance, out of the 141 prospective adopter profiles⁸ currently on the Register in October 2021 only 21 are ethnic minority or mixed heritage families. However, what these findings highlight is the definition of what makes a match 'right' is influenced by formal matching criteria, which informs decisions on whether to broaden the search to the whole of the UK on the Register to increase the overall number of potential matches for specific adopters.

In addition to the formal matching criteria agreed during the approval process, the study also found a range of 'informal' preferences (including age of child) that guided prospective adopters' decision-making process and further limited the number of profiles they actively considered during the family finding process. For example:

"I think actually it's a sheer numbers game you know ... you know I'm a single, mixed-race parent, I live in Scotland and preferably looking for a girl at the lower end of the age group I was approved for. I think I did do one search on the occasion where I was only able to access Scottish profiles and I think there was something like four children [that matched my criteria]" (Adoptive Parent).

This adoptive parent identified that although approved for a child aged between 3-7 years, they were actually looking for children at the younger end, whereas there were more numbers of older children on the register. Six of the nine practitioners who participated in the interviews identified that there was a

mismatch between the children who need adoptive families across Scotland and their experience of what adopters want and are approved for. In particular, the age and level of additional support a child required was a significant consideration for the majority of prospective adopters, and there was often a mismatch between children's needs and what adopters felt able to offer.

"Depending on the needs of the children, sometimes you've don't have the luxury of choosing between more than one family. You often just have one family that's presented and so you can't be picky about where those adopters are from" (LA Worker).

"The other thing is on Scotland's Register there is just a much higher number of children that are older and have significant needs as well, which doesn't necessarily reflect the demographics of our adopters, which is something that we need to think about ... you know the vast majority are after young preschool children who appear to be more straightforward. Like see for example last week, a Scottish 2-year-old went on Link Maker and by Monday she was off again because they were inundated with interest. Whereas you get another child whose maybe four or five and there's nowhere near that level of interest" (VAA Worker).

Therefore, as two adoptive parents described their willingness to adopt a child with complex needs made a child's location (whether within or outside of Scotland) even less of a priority. However, for those prospective families with narrower match criteria the sheer difference in numbers between the children within Scotland waiting for a permanent adoptive family and those across the whole of the UK limited the likelihood that they would find their match within Scotland. So, although the data highlights that practitioners and prospective parents were primarily concerned with finding the 'right' match and not where children were from, a more critical examination of the data shows that the context of what makes a match 'right' is framed by formal and informal matching criteria, including what kind of children are understood as 'suitable.'

3.3 Impact of Distance

Within the survey responses and the interviews of all participant groups, the impact of geographical distance on the adoption process when this is across the UK rather than just Scotland was discussed. The significance of distance was discussed in relation to three key areas: the implications of distance from birth

families¹²; the impact of distance during the transitional period; and where responsibilities lie within different social work teams working across two nations.

3.3.1 Geographical Distance from Birth Families

When asked what specific challenges and benefits arose from cross-border adoptions, participants described potentially negative and positive implications of the distance between where the adoptive parents and the birth family live. Firstly, five of the nine practitioners discussed geographical distance between birth families and adoptive parents as having potential benefits if birth family members were seen to pose potential on-going risks for the child. As these two excerpts exemplify:

"Say the parents lived in [LA name] and the adopters lived there too, they would be ruled out straight away as not a good match ... It's good to have the indirect contact ongoing and potentially having a one-off meeting with the parent, but you're not really wanting adopters to bump into birth families in their neighbourhood unexpectedly. So yeah, I would say the more distance the better, because of the risk factors that have been around for a lot of these children. I think that is a benefit in these cross-border placements" (LA Worker).

"I don't think it's first thing us or [the prospective adopters] think of but it can be problematic to live in close proximity to your children's birth parents. We would definitely avoid looking at the immediate area" (VAA Worker).

All nine practitioners interviewed acknowledged the importance of some form of continued contact between children and their birth families and that embracing a risk-averse approach to this is not in the best interests of the child. Yet, six interviewees still stressed that for a substantial proportion of the adoptive parents they were supporting, the distance between them and their child's birth family was a noteworthy advantage when the adoption was cross-border. In some interviews, it felt like the distinction between individual situations where risks had been

¹² The term birth family has been used throughout this report as is it the most widely understood and used term throughout the sector in reference to families who have lost their children to care. However, we acknowledge this is not universally used, accepted or liked, including by families. Other terms such as 'family of origin' and 'first family' are also used.

assessed and clearly identified for a particular child, versus a more generalised view of birth parents as 'risky,' was not clearly articulated. The implications of adopting a risk-averse approach have been explored in recent research with parents involved in child welfare proceedings (Critchley, 2021).

A wider point that was emphasised was that geographical distance between the birth family and the child could reduce the likelihood of the two families accidentally bumping into each other or the child being recognised by people who did not support the adoption. Two LA practitioners noted that geographical distance did not need to be across a border, as the distance between LAs across Scotland can also create substantial distance between adoptive families and birth families.

Half of the adoptive parents interviewed also reported the benefits greater geographical distance can have for themselves and their children. As one interviewee explained:

"We have always been up for maintaining some level of contact for the kids, but I think part of that is because we know there's distance. I think if they were very close to where we live that would be a little bit strange. You might bump into them, and I like I'm not sure I'd know what to do for the best, like should I speak to them or not? What would happen if they bumped into [child's name] when they're older and maybe out with their friends?"

Indeed, four out of the six adoptive parents hypothesised situations they believed they would be more likely to experience if they had not adopted a child from outside of Scotland; including, their child(ren) being recognised, or unexpectedly bumping into family members. Two parents also recalled stories they had heard from friends who had adopted a child from a neighbouring – or at least geographically closer – LA within Scotland to identify the advantage of the distance. As one adoptive parent described:

"I have a friend whose child was placed from the same local authority where they were born it has been really difficult, so I think there's a balance for Scottish placements within Scotland. Like there are huge benefits of being close to the foster family in terms of making those awful transition weeks easier, but those benefits must

definitely be weighed against the safety concerns. So, yeah, there's something about a placement from England which is attractive [compared to one within Scotland]."

Social workers in the current study did describe considering in whose interests' distance was viewed as advantageous, especially within the context of cross-border placements. Where possible, practitioners discussed supporting and encouraging birth family members to remain in contact with the child who is separated from them – whether that be their child, sibling, or grandchild.

How to maintain and support contact between adoptive parents, children and their children's birth families is a particular concern when the adoptive placement is cross-border. The legal order in relation to contact between children and birth families is made at court, informed by the recommendations of the child's social worker. The main contact options available are either in-person or indirect ('letter box') contact, and within these two categories there may be a broad spectrum of conditions attached to the contact decision such as, how often birth families can contact their child and whether in-person visits are supervised by social workers or not. When children move to live with adoptive parents geographically far away from birth parents, it can bring added challenges to maintaining contact in practice. As one LA described:

"If anything, significant distance is a big challenge for the children, and especially for those children who have ongoing in person contact relationships with birth family members, because you really need to have a level of proximity to maintain that contact effectively. Especially for the children who are a little bit older because they have a very developed sense of their identity and their culture ... also in cases where there is an older sibling, we need to look at how we promote and manage the contact there. I think where there are siblings who remain with the birth family and you're moving that child to another country, I think you we need to think about that a lot more because you wouldn't want to lose those relationships because of distance. It's not impossible, and I think if everyone committed to it then yeah, it could happen by either meeting halfway up in the middle of the country or a neutral location. If there's a will, there's a way. So, we don't necessarily need to see that as a barrier but it's certain a lot more resources and time when that much travel is involved."

Although '*not impossible*,' as this worker stressed, four of the six adoptive parents interviewed discussed how the contact arrangements they had with their child's birth family had been in person arrangements to begin with but had moved to

letterbox contact following the legal order being granted. Two of these adopters stressed that they would have liked to consider maintaining an in person contact arrangement, however, they had been advised against it by either their worker or the child's worker due to the difficulty distance imposed on supporting these arrangements in a meaningful and sustainable way for both the adopters and the social workers. As Neil and colleagues (2013) outlined, contact arrangements following the approval of an adoption order are often emotional and complex. Therefore, it requires both careful case-by-case consideration and substantial support to help ensure contact, whether in person or indirect, remains an overall positive experience for children and their families. What was evident from the data was that significant geographical distance brings additional challenges in relation to establishing and sustaining meaningful contact between children and their birth families, which requires careful planning and support to ensure children's connections to people who are important to them are not lost¹³.

3.3.2 Impact of Distance on Transitions and Relationships

A second issue interviewees discussed regarding geographical distance was the additional challenges this brought for the transitional period for children. Three LA practitioners and all six adoptive parents reflected on the impact the distance between adoptive parents and the child's foster carers had during the introductory meetings and the eventual move to the adopter's home. For example:

"I'm not sure if we had an opportunity to adopt another child whether we'd go outside of Scotland again. ... It was honestly such a challenge because of the distance just getting [their child] here. [The foster carers] travelled overnight and obviously had to bring [their two other foster children] with them so that was tough for them ... So no, I'd say the distance was more of a challenge than anything really. Like even now we would like to meet up with [child's previous foster carer] but we just can't without it being a whole weekend trip away" (Adoptive Parent).

"It's more difficult when you're moving children cross-border because we would want the foster carers to have ongoing contact with the adoptive parents, especially initially when kids move it's really, really important. And that has been

¹³ It is important to note this project was conducted before the Children (Scotland) Act 2020 embedded the new emphasis on maintaining children's relationships with brothers and sisters (see section 13) and so the current practices to prioritise and sustain important relationships with birth family members cannot be comments on.

difficult when kids move to or from England. I wouldn't say that's a barrier though as we have paid for flights and trains and different things, and actually for some foster carers it can feel like a little mini break. But yeah, foster carers and adopters being close makes it so much easier for the child and everybody else so it's definitely something we have to consider if supporting a match from opposite ends of the country" (LA Worker).

Foster carers are often the people with the greatest connection with the child, and knowledge of the child(ren) at the time of adoption. Consequently, regular contact during the initial transition for child(ren) as they move to adoption, as well as more structured on going contact between the foster carers, the child and adoptive parents as the child grows up is invaluable (Neil et al., 2018). All adoptive parents reflected on the benefits for both themselves and their child(ren) being able to text or call previous foster carers in terms of both maintaining and strengthening their child's secure base. The potential logistical difficulties involved in maintaining this support at a distance, and the loss of what might have been possible if they were geographically closer, was noted as a disadvantage with cross-border adoptions. There is the potential for more creative digital methods to be considered and built into long-term support plans from the early stages of exploring a possible match, both to support the transitional period and to maintain a relationship with their previous carer(s) as the child grows up.

The distance between adoptive parents and the child's LA was also discussed in relation to unsuccessful matches. Two VAA practitioners and three adoptive parents explained that most of the children they expressed an interest in via Scotland's Adoption Register who were outside of Scotland were either not followed through by the child's worker or the link did not proceed, which they believed to be due to the geographical distance involved. As one adoptive parent explained:

"One interview that we had that didn't work out was because [the child] was from [the south of England] and the workers basically thought we were too far away ... I think everyone was concerned about the logistics because [name of their other child] at the time was in primary one and we were just thinking about visitation and how that was going to work. ... the big advantage to adopting locally is you can make that transition period more natural and less abrupt. I'd say [their other child who was

adopted within Scotland] had a better transition than [their child who was adopted from England] for that exact reason."

Although only one of the adoptive parents interviewed had experience of adopting within Scotland as well as across the UK, the concern about how distance had an impact on the transition was also mentioned by several practitioners. The child's move from their foster carers to their adoptive parent's home was discussed as much more of 'an event' when the adoption was cross-border. However, most parents and practitioners emphasised they did not see this as a considerable long-term challenge, because after the first two to three months following the transition, they would have anticipated less frequent contact with foster carers regardless of how far away they lived.

3.3.3 Who is Responsible for What?

A final point regarding the challenge of the geographical distances involved with cross-border adoptions was the role of the child's social worker in supporting the adoption process. Where the adopters reside in Scotland, and the child in England or Wales, the adoption application may be lodged in the English or Welsh court. There is a different legal system as well as different social work practices. Consequentially, most practitioners stressed the importance of having a "helpful worker" in the placing LA who could take the lead in the day-to-day work involved in linking and matching process. As one LA worker explained:

"We don't get any specific training on how to process adoptions when the child comes from outside Scotland, I would be asking the placing social workers for advice saying: 'I don't want to do anything to delay this or make it more difficult so just please keep me right'. I've found most people were very happy to do that though."

All LA practitioners pointed out the absence of a best practice guidance or training on supporting cross-border adoptions. When asked what would be useful for them, practitioners described an easy-to-use guide of what legal and practice processes were and how they differed between the four nations including which worker/agency has responsibility for which parts of the process. LA practitioners noted how useful this information would be for cross-border adoptions where they were the placing agency supporting a child moving to another nation of the UK.

LA practitioners described that their teams tended to rely on one or two social workers to deal with the cross-border adoptions due to the complexity in understanding the practice and policy differences between nations. Once a worker had experience with supporting a cross-border adoption and had some knowledge of the differences in processes in different jurisdictions, their team manager often allocated subsequent cross-border 'cases' to that worker. In practical terms practitioners described how challenging their first experience supporting an adoption match between a child and family from two different UK nations was, due to the different social work and legal practices and terminologies and procedures they had to adapt to and learn on the job. Navigating the different jurisdictions' approaches to the adoption process was challenging. Social workers noted a lack of sufficient training beforehand, compounded by a lack of clear resources to refer to throughout the process.

After successfully supporting one cross-border adoption case, practitioners often felt a lot more confident to support similar placements, since they held knowledge others in their team did not. However, two LA practitioners noted concern that any approach which relied on one or two members of staff within a team to undertake all the cross-border placements could mean if they were ever off work or left the team all their knowledge would leave with them. Therefore, it was suggested all in an adoption team could benefit from having access to training and resources on cross-border adoptions before they are faced with supporting such a placement.

Practitioners also identified the challenges the geographical distance presented for dealing with any issues that require in person support. Geographical distance was identified as influencing how adoption processes were fulfilled and by whom (practitioners from placing agency or area in which adoptive parents lived), which in turn led to inconsistency in the support provided to families. Due to the geographical distance, the cost of travel and time involved in conducting the initial home visit as well as all other subsequent visits following the placement of their child, agreements were often put in place early on between the placing agency and the adopter's agency to share the responsibility. These atypical agreements

often meant the standard allocation of responsibilities for assessments and supporting prospective adopters in visiting the child (ren) was not followed within cross-border adoption placements. Many of these decisions seemed to be driven by resources rather than by considerations for the child. Social workers gave examples of adoptive families who had been visited by a different worker each time depending on who could travel to Scotland, rather than the worker most familiar with the child and their needs.

Similarly, five of the six adoptive parents who had adopted children from outside Scotland reflected on the lack of a consistent relationship with a worker from the child's LA, due to the distance between them and the placing agency. For instance:

"I remember when we were really overdue a statutory visit at the point where the legal stuff was getting finalised. And [child's LA in England] sent this guy who just got landed with doing the visit because his son was at university in Scotland. He was lovely but he didn't know anything about us. He's a social worker that is his job, but I think he just kind of got handed this case file and was asked to come and check on us. He didn't know [the child's] case at all so most of the visit was us updating on the stuff his worker would have already known. It was really frustrating." (Adoptive Parent).

"I think we were supposed to have a visit every month [from the placing agency] so what they did they split it with [Scottish VAA] every second month. And then quite a few folks in their team were originally from Scotland so they took it in turns coming up. We always seen someone different each time the only consistent worker was ours." (Adoptive Parent).

Social workers also reflected on these challenges from their experiences of supporting children from Scotland who had been placed in cross-border adoptions to other parts of the UK. Three out of the five LA interviewees described practices of identifying if any member of the team was already planning to travel to that particular area of the UK – whether for professional or personal reasons. If so, they ended up taking on the responsibility for that case or at least the task which required imminent travel, even if they had not previously worked with the child or adoptive parents. Thus, they indicated a greater emphasis on practical resourcing considerations due to the distance cross-border adoptions imposed on family placement teams, rather than prioritising the children's needs by ensuring

that at the time of transition the worker was known and familiar to the child and family. Indeed, LA practitioners identified that providing this support to families when a child is placed outside of their own agency is much more complicated when substantial distances are involved.

As one VAA worker and one LA worker emphasised, many of the hesitations and challenges associated with cross-border adoptions are more to do with the business concerns of an agency than concerns for the actual needs of the child(ren). As one VAA worker said:

"I honestly think the lack of support for these adopted children isn't determined just by geography, it's by attitude and expense. So social workers traveling down for meetings to London, or something, is more expensive and it's more time consuming. They'll say, 'we're trying to cut back on social work expenses', but this child needs their social worker to visit, and they refuse so we often do it because otherwise you have children not being seen by social workers which is illegal."

Equally, one LA stated:

"We talk about how challenging it is to move child over to England because of the distance, but you still have the same distance issues if we match a child [from the central belt] up to somewhere like Aberdeen or the Shetlands. I know you're still in the same legal system, which is better, but the distance is still a huge issue ... Supervising the case afterwards as well once the child moves is very difficult. I think if we're looking at adoptions across big distances that's something that needs to be considered as well. We actually sometimes find it easier to work with a local authority in England than up really far north as they are actually geographically closer."

It is clear that where there is a considerable geographical distance between the agency supporting the adoptive family and the agency responsible for placing the child, a greater amount of practitioners' time and agency resources are required, primarily due to the travel involved in fulfilling the legally required in-person assessments and visits. Although prioritising and problematising the financial and resourcing challenges involved in cross-border adoptions can be seen as not 'child-centred,' the context of staffing levels and other responsibilities described by interviewees do need to be taken into consideration.

Six of the nine practitioners noted that, despite its acute challenges, the pandemic has forced agencies to consider which aspects of the adoption process *must* remain in-person, conducted face-to-face, and which parts could be conducted online via video conferencing platforms. The use of online communication for certain aspects of the matching, assessment and transitional processes could go some way to reducing the increased resource and financial demands cross-border adoptions place on adoption agencies. The challenge will be in ensuring that those aspects that must remain face-to-face are not compromised.

3.4 Different Jurisdictions' Legal Practices & their Impact on Permanence

Another prominent factor raised in relation to the increase in cross-border adoptions was the differences in legal practices across the UK, and the impact these have on the process of adoption. Every VAA and LA worker interviewed noted that in their experience the timescales to permanence were, on average, consistently quicker in England and Wales¹⁴ than they are in Scotland. They attributed these to differences in the legal systems and social work practices underpinning these legal transitions to adoption.

3.4.1 Legal Systems

Social workers highlighted that in their experience the legal routes to permanence in Scotland tend to take longer and were more complex than the process in other jurisdictions. For example:

"We have found that children are in a better position to be placed because of their legal positions in England. They are already free to move without the complexities associated with the children's hearing system ... they are much more likely to already have a Placement Order or a more secure permanency plan which I think is so much clearer for the adopters in terms of understanding what the next steps are" (VAA Worker).

¹⁴ Participants in the interviews and the survey compared England and Wales's jurisdiction with Scotland. Consequently, this section does not refer to or include the Northern Irish context.

"I would definitely say that England has a much more streamlined and quicker system than Scotland in terms of adoption. The parental rights and responsibilities being removed at that earlier stage means you can do a proper transition plan and just know what's what from the beginning ... for [a child we were placing] we were so glad they were matched with a family in England because we felt the process was probably going to be quicker than if we had to process it in Scotland, which was especially important because [the child] was older and had very complex needs" (LA Worker).

Practitioners in this study expressed their belief that children from England and Wales with a plan for adoption experienced less time being looked after prior to when the rights and responsibilities of their birth parents were removed to when they were placed with an adoptive family. All four VAA practitioners commented that in their experience children from elsewhere in the UK tend to have a Placement Order secured before their profiles are uploaded on to the online Register. They identified that this provides greater clarity for prospective adopters as to how long the process from expressing an interest to the finalised adoption order is likely to take. In contrast, children from Scotland on the Register were likely to be on a Compulsory Supervision Order (imposed by a Children's Hearing) and the process of obtaining a Permanence Order with Authority to Adopt has not begun (AFA Scotland, 2017). Or indeed, the placing authority had decided to not pursue the Permanence Order with Authority to Adopt legal route and instead supported the prospective adopters to process a Direct Petition to Adopt (see Plumtree, 2011 for more details overview of the different legal routes).

Whilst this study did not directly compare administrative data between Scotland and England's adoption timescales, practitioners who had supported both cross-border and within-Scotland adoptions said the starkest time difference for adopters between the two jurisdictions was following the placement of a child. Officially, families in England and Wales can apply for the Adoption Order 10 weeks after the child is placed with them; compared to 13 weeks in Scotland. However, in practice, interviewees and survey respondents stressed these timescales can be substantially longer than the legal minimum stipulation, with great variance across Scotland. Amongst the nine practitioners interviewed, eight highlighted that across each key stage of a child's journey to permanence, the

period between adopters completing their home study and the adoption order being granted was notably longer in Scotland. This was often discussed in relation to the role of the children's hearings system. For example:

"Whichever route (i.e., POA or DPI) you use doesn't matter without a huge overhaul of the hearing system for permanence. It needs to be child centred whereas at the moment it feels adult centred. It's taking far too long to go through court. I mean for a child who's been in care from being a baby to now being four with no permanent family, it's just so wrong ... I think social workers are confused by the cases where birth parents can be continuously assessed every time their situations significantly change. We're seeing situations of parenting capacity assessments being requested by the [children's hearing] panel every three or four months in particular cases. That's just not within the child time scales and it just feels to me like the child's best interests are really lost in that in terms of everything we know, and the research says about brain development, attachment and child development, those first three or four years of a child's life are so important" (LA Worker).

"I think that Children Hearings are becoming a bit more adversarial, and if both parents take along solicitors the focus seems to slip from the child to the parents' rights. I really do believe children's hearings has a place, but for children that are still at home, that's what they were set up to focus on. But I think regarding permanency work [panel members] find it too difficult, too emotional. Because what we're doing here is taking away parental rights and responsibilities, taking children away from their birth families which is hard, I totally get. But they can cause harm to children if they don't allow children to move in a good timely way because we know that sooner children moved to their permanent family, the better it is for their emotional, psychological and educational development. And if the system is preventing children from moving to that, then something must be done about it. People been saying this for years now" (VAA Worker).

Children can be looked after away from home under Section 25 Children (Scotland) Act 1995 or a Compulsory Supervision Order (SCO) under Section 83 Children's Hearings (Scotland) Act 2011. Where children are looked after under a CSO¹⁵ this has been imposed by a CH. Where a child is subject to a CSO and the Agency Decision Maker 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

¹⁵ CSOs are issued by Children's Hearings and can last for a maximum of only a year before being reviewed, although birth parents have the right to ask for a review after 3 months.

Hearing to take place for the purpose of providing advice to the sheriff about the local authority's plan for the child. Furthermore, where a PO application has been lodged in Court and the child is subject to a CSO, a CSO can be varied only with the leave of the Court. Therefore, decisions about contact and changing the child's place of residence are considered by both the Children's Hearing and Court. This means that the involvement of the Children's Hearing in the permanence process is substantial, especially when the application for a Permanence Order with Authority to Adopt is contested by the birth parents.

Issues with the children's hearing system's role in giving advice to the court about permanence has already been evidenced in range of studies including, *Permanently Progressing?* (Whincup et al., 2019) and Hill and colleagues (2017), as well as detailed in the *Promise* (Independent Care Review, 2020) – the recommendations produced following a 3-year 'roots to branches' review of Scotland's care system. Participants in this study highlighted the uncertainty and variation these panels can bring to the permanence process for children from Scotland, which adds a level of complexity and uncertainty to what prospective adopters can expect when embarking on adopting through the Scottish legal system. Previous research carried out by SCRA has identified several stages of the adoption process, not only panels, but that also led to drift and delay in children's permanence plans being progressed (Henderson et al., 2015).

The Adoption and Children's (Scotland) Act 2007 set out two different routes to adoption for a child: a Permanence Order with Authority to Adopt, or a Direct Petition (see AFA Scotland (2017) to understand the differences in these two routes). In England, there remains only one route to securing a Placement Order (Cullen and Harris, 2014). The option of two different legal approaches for progressing towards adoption in Scotland was perceived as an advantage by all nine practitioners, as it should enable the best possible approach to be used depending on the individual circumstances of each child. However, the first phase of the *Permanently Progressing?* research (Biehal et al., 2019; Whincup et al., 2019) found that the route chosen by LAs tended to be more about the 'culture' of a LA (i.e., "it's what we do here") rather than the individual circumstances of each child.

Moreover, compared to the process in other UK jurisdictions, the point at which birth parents' rights and responsibilities are removed is later in Scotland. Consequently, adopters are often much earlier into the process of legal permanence, whether through a Direct Petition or securing a Permanence Order with Authority to Adopt, and this has an impact on how prospective adopters in Scotland may experience the adoption process. As one VAA worker explained:

"There's no consistency and uniformity, both in the approaches LAs can take to adoption or how long the PO will take to grant. Which just makes our job harder, you know. We try to prepare our adopters by covering all the legal stuff, but I mean how can we do that properly when we know that where the child is coming from will impact how their permanence is processed? ... I think what adopters like about the English system is the sense of knowing when things are going to happen. There's not any sort of last-minute children's hearing decisions that'll scupper the moves you know. There's such a better sense of a certainty around the process and it's also speedier, well on some occasions not always, but it's the certainty."

What this practitioner identified is that it is not necessarily the length of time it takes to secure legal permanence which can make adoptions in Scotland feel more challenging than adoptions processed in England, but rather the level of uncertainty and complexity surrounding the process. In particular, interviewees felt that the interplay between the CHS and the court means that there is increased potential for delays and uncertainty. These additional complexities of the Scottish system, therefore, was noted by both workers and adoptive parents as an influential factor for Scottish prospective adopters to adopt a child from elsewhere in the UK. These commonly held assumptions of England quicker and more simple timescales were also found in previous research which indicated that within the Scottish system the majority of adoptions take over 2 years from the child becoming looked after away from home (Hanson et al., 2018; Biehal et al., 2019). In contrast, Biehal and colleagues (2019: 55) evidenced that in 2016-2017, time between a child becoming looked after to adoption was less than 2 years for 63% of children adopted in England, which they suggested was due to the Children and Families Act (2014: s.14) in England which introduced a timeframe of 26 weeks.

Given the increasing informal contact prospective adopters maintain with fellow adopters (Hall, 2021; Selwyn and Lewis, 2020), other adoptive parents' experiences

of the impact the Scottish legal system has on timeframes and uncertainty are likely to influence the decisions families make subconsciously and consciously when using the online Register. As one VAA worker described:

"Then you know adopters talk to each other, so new prospective adopters on Link Maker can find themselves looking for a child from England because of these differences and how much more predictable and quicker their legal system is ... you know I've actually had an adopter say to me "I've heard it will take double the time if we adopt in Scotland" which is hard to respond to because yes, it's not necessarily double but at the same time they're not wrong, it is quicker if the child they end up adopting is from England."

As discussed previously, all six adoptive parents stressed that primarily they matched with their child because it was the 'right' match for both, not because a Permanence Order with Authority to Adopt¹⁶ was already secured, or because the child was from England rather than Scotland. However, two of the adoptive parents in the sample reflected on how their previous complicated and lengthy experiences of adopting a child from Scotland influenced the factors they considered the next time when family finding through Scotland's Adoption Register. As one parent explained:

"[Of] course if any [child on the Online Register] had a placement order we would totally have considered them. But after what happened, we were very much like 'Nope' to anyone where the birth parents could still contest everything. I just couldn't deal with that level of uncertainty again you know ... so yeah [the process of adopting our child from England] was much more straightforward. So, we never kind of ruled out Scotland as an option but then again, [children that met this legal status criteria] were almost exclusively not in Scotland which kind of made that decision for us"

Thus, the longer timescales associated with adopting children within the Scottish legal system seem to be a key factor in understanding the recent rise in cross-border adoption placements. As well as formal differences within the legal systems, respondents also described the impact different social work practices had on adoption timescales.

¹⁶ Or Placement Order if the child is from England – although these are not directly comparable as the legal systems differ between England and Scotland

3.4.2 Social Work Practices

Practitioners and adoptive parents identified that in addition to differences in legal systems and processes, differences in social work practice between Scotland and elsewhere in the UK had an impact on the process and on timeframes. All four VAA practitioners and the two adoptive parents who had experience of adopting through both legal systems discussed that in their experience some Scottish LA teams tend to be slower at responding to initial notes of interest and also moving plans on to the approval stage than agencies south of the border. For example:

"In terms of conversations and connections English authorities are much swifter at getting back to us. Now I'm not going to say this is the case with all local authorities in Scotland because we've got some that are much better now, but others are really shockingly poor at getting back to us, I'm talking 10-11 weeks to follow up on assessments and even meet the adopters sometimes ... so yeah I would say where my families are a possible option for children from England [English LAs] are so much more efficient in terms of moving quickly to exchange information and arrange a visit" (VAA Worker).

"So, this time round we'd prepared for the weeks and weeks of silence and no progress because of our experience with our first child from Scotland] but no it was a lot quicker ... don't get me wrong I can only speak for our experience adopting from England] but yeah, we were both surprised how quickly [the English worker] did everything. I remember asking [our worker] if this was normal and she said 'yeah England tends to be quicker' ... I just don't understand why if it can be done quicker it isn't done quicker here as well you know" (Adoptive Parent).

One factor which several practitioners identified which may contribute to response differences was the impact formal timescales imposed on English and Welsh LAs has on progressing permanence for children who cannot return home. Section 14 of the Children and Families Act (2014) stipulates decisions need to be made within 26 weeks. Whereas, in Scotland no comparative legislative timescale exists, although the guidance on the 2009 Looked After Children Regulations and the 2007 Adoption and Children (Scotland) Act (Scottish Government, 2011) sets out timeframes within which a child's route to permanence needs to be reviewed. The guidance states that where a child is 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). Research by the Scottish Children's Reporter Administration (SCRA) (2015) found this recommendation was not achieved for the majority of children across Scotland where permanence had been identified - with 90% waiting between one and three or more years before they attended a matching/ Adoption and Permanence panel after being looked after away from home (Henderson et al., 2015). They compared their findings for Scotland with data published in England, which suggested that a substantially higher proportion of children waited less than 18 months between entering care and moving to adoptive families (58%); in comparison only 35% of children in Scotland waited less than 18 months to move into either an adoption (AO or POA) or permanent fostering (PO) placement (Henderson et al, 2015).

Of the four VAA practitioners and three LA practitioners who discussed the six-month timescale in England and Wales, all expressed the belief that the introduction of a similar monitoring framework in Scotland would not necessarily quicken or reduce the legal complexities in children's journey to permanence away from home. Rather, they highlighted the potentially harmful unintended consequences such key performance indicators could have for children. Nonetheless, what they noted was useful about the Department of Education's (2018) approach was the formal recognition and emphasis that permanence plans should be progressed in a timely manner. As these two practitioners discuss:

"In England they've been much more focused on results in permanence and adoption. The measures they use means English authorities must justify how long children are taking to arrive at their permanent home. And central government starts asking questions if the timeframes are way off. So, there's a lot more pressure on local authorities to move children through the stages of the adoption process, for the figures to look good. Which I don't always think is the right motivation because you'll just get moves being made for the sake of meeting the KPI and not because that's the right move for that child. But don't get me wrong I understand the reason behind them, the measure is a way of saying to agencies 'permanence is important' which yeah, I think the children's teams sometimes do need to be reminded of" (LA Worker).

"I don't necessarily agree with KPI's because naming and shaming agencies isn't necessary productive. But when we have agencies who are waiting 12 weeks before they even meet adopters for the first time, I do think from our perspective it would be easier if agencies were reminded of the importance of progressing permanence within their caseload. So yeah, I don't know what the solution is, but I do

wonder if sometimes people would be more motivated by very clear guidelines and timelines than the current way it's done here" (VAA Worker).

Importantly, as Broadhurst and Mason (2017) critique, securing the quickest permanence option for a child in order to meet formal 26-week timescales can result in parents not being allowed sufficient time to make the changes required to maintain care of their children. However, interviewees within this study expressed strong views on the need to shift the current social work culture in adoption work to avoid delays. In particular, practitioners were concerned that when permanence has been identified as the best option for a child, their needs can be seen as less of a priority as they are not considered currently in 'crisis' or at immediate risk. A focus on child-centred timescales is underpinned by research which identifies the risks for children's development, sense of stability, and poorer outcomes associated with drift and delay (Biehal et al., 2010; Henderson et al., 2015; Selwyn et al., 2015). It was somewhat surprising that in interviews for the current study there was relatively little discussion of the Permanence and Care Excellent (PACE) programme (CELCIS, 2020), which was developed to reduce delays in permanence planning by supporting multi-agency partners to improve systems, processes and practices (CELCIS, 2020), and involved 27 LAs across Scotland between 2014 and 2020. This may be due to the prominence of the Independent Care Review and the Promise (2020).

3.5 Support

3.5.1 Expectation vs. Reality of Support

Throughout the interviews, all six adoptive parents reflected on what they had expected from the adoption process compared to what had occurred. What their reflections highlight was how different each person's adoption journey was. The variety of expectations before they began the process; the timeframes from approval panel to the adoption order being finalised; the level of financial support they received; and the unexpected delays in the process emphasised how variable and complex the permanence process.

Nevertheless, several commonalities were found. Firstly, all adoptive parents stated they had little to no knowledge of what the adoption process would involve prior to beginning the approval process with their worker. Notably, they said they were unaware that the process would differ depending on whether the child was from Scotland or another nation of the UK, even after they had completed their adoption preparation course. However, they had heard of differences between LAs and VAAs. Five out of the six stated that their decision to adopt through a VAA, rather than their local LA, was driven by what they had heard from others about the levels of life-long support the voluntary agencies offer. For instance, one parent stated:

"I knew that I wanted to go with a [voluntary] agency rather than local authority as I'd heard from various sources that agencies tend to have better post adoption support, like there's more available and you don't have to fight so hard to be heard."

The Adoption and Children (Scotland) Act 2007 and the Adoption Support Services and Allowances (Scotland) Regulations 2009 (SSI 2009/152) sets out that the Local Authority must assess the need for adoption support during and following a child's adoption. During the matching panel and subsequent application to the court, an adoption support plan is created between the placing authority and the prospective adoptive parent's agency. This plan outlines the mandatory provisions of support the placing LA must provide to the child for the 3 years following their placement. In addition, where the child has been placed by LAs, the Adoption and Children (Scotland) Act 2007 (s.71) stipulates adopters have the right to be assessed for a means tested Adoption Allowance. As outlined in the Adoption Support Services and Allowances (Scotland) Regulations 2009 this allowance is provided to eligible parents to financially support the needs of an adopted child placed with them, or to enable the continuation of adoption arrangements following the adoption order being granted. If families meet the criteria for Adoption Allowance, the monthly sum is paid directly to the adoptive parents. However, agency decisions as to whether and how to assess adopters for this additional financial support or not can vary substantially. Some assess everyone as standard practice and others assess based on the needs of the child or broader additional needs the placement will impose on the family, such as being placed

with siblings for example. The absence of a national minimum allowance for adopters means this type of financial support is neither standardised nor guaranteed.

Beyond the official levels of support adopters should be entitled to whether they adopt through their LA or a VAA, according to VAAs, where they believe they differ from LAs is in their provision of life-long adoption support – other than financial. As one VAA worker explained:

“Once they have legally adopted their child, we sit down with them and see what kind of support they would like from us going forward. Because it can range from ‘we just want to walk away and if we feel we need to we could come back at any point;’ to ‘we just like to be able to keep in touch’ in which case we invite people to various training events so they can keep involved with the agency. We have Christmas parties and summer picnics so they can really keep that social connection as much as possible, which makes it easier for them when things are difficult. That way we hope they feel they can come back and ask for help. The voluntary agencies are much better at that, keeping in touch with people beyond the adoption and first couple of months of that transition [...] we see our relationship with adopters being life-long not just three years”.

Previous research has found a mixed picture of adoption support across Scotland (Adoption Barometer, 2021; Grant and Critchley, 2018). While some LAs would describe their services in similar terms to the quote above, the practitioners interviewed identified significant gaps and resourcing issues that affected the level of support they were able to offer individual adoptive families. Three of the five adoptive parents who had adopted their child via a VAA spoke very highly about the support they had throughout their adoption journey. One parent stated that since adopting their child they have realised that the specialist services agencies offer differ, and this was not made clear when they were choosing which agency to go with at the beginning:

“But at the time when you're thinking about adoption, you're not thinking about how things will be later down the line to be honest. I wish there was somewhere impartial that compared what support was available across [all VAAs and LAs] that we could have gone to first you know [...] when they say all the supports available, you don't really know what that means. But I think after looking at [another VAA] and you've seen what support they have got available, that's been a frustration.”

It is important to re-state that the sample for this study was small-scale and heavily weighted towards adoptive parents approved by VAAs, and practitioners from VAAs, so this data needs to be seen in that context. However, similar to the findings around timescales and legal complexity, as information is being shared informally within the adoption community, the narratives outlined about the differences between VAAs and LAs and between adopting a child from England or Scotland may influence those at an earlier stage of the process.

3.5.2 Adoption Support Fund

In addition to the statutory adoption support plan and means tested adoption support allowance, the financial support available to parents who adopt a child from England through the Adoption Support Fund (ASF) was raised within interviews and surveys. The ASF is a resource available to all children in England¹⁷, which can be accessed to pay for specialised support (DfE, 2018). The money from the ASF is not paid to parents like an adopters' allowance but rather is paid directly to the organisation providing the additional support. For example, the Fund could pay a child's school, nursery, or a private specialised service provider to support a child's health, educational or social needs (Burch et al., 2021; Thomas, 2015).

Although practitioners emphasised that they believed access to the ASF would not be the reason why Scottish adopters were matched with children from England, all VAA practitioners and three of the five LA practitioners noted how important this additional financial support can be. In Scotland, there is not an equivalent national resource to underpin and financially fund support linked to the adoption support plan. As one VAA worker explained, the financial support on offer in Scotland is not comparable to the ASF in England:

"[The adoption support plan] isn't a separate Fund like it is elsewhere. You can only go to the local authorities and see if they are willing to support these things [...]"

¹⁷ The Adoption Support Fund is available for children from England living with adoptive parents elsewhere in the UK *and* children who live in England with their adoptive families. Wales operates Adoption Support within their National Adoption Service which brings together all Welsh LAs and VAAs under one 3-tiered collaboration (see National Adoption Service, 2021) so children from Wales who are matched with Scottish adopters are not eligible for the ASF.

So we have this postcode lottery where England and Wales will fund quite expensive therapeutic support packages which Scottish local authorities would just flat out refuse to fund."

Both VAA and LA practitioners discussed the challenges which arise with cross-border adoptions in Scotland due to not having an equivalent support package as England with the ASF. Without this flexible resourcing model, any support a child will require following adoption in Scotland is generally identified and agreed by both the placing and receiving agencies as part of the co-ordination process for the transition of child. Adoption support plans which are typically recommended at the Permanence/ Adoption or Matching panel and subsequently decided by the Agency Decision Maker on a case-by-case basis outline the general support anticipated. However, as set out in the Adoption and Children (Scotland) Act 2007 (s. 1; 3; 22) this can (and should) be reviewed and updated if the needs of the child/ young person change over time. Yet, as four of the practitioners interviewed noted, despite what the regulations stipulate the ability to go back and add in extra support and recourses that were not flagged up initially can be particularly challenging in practice. For instance, one VAA interviewee said:

"I think for me the really crucial part of what's missing here is if you need to go back to the child's local authority in Scotland because an adopter's struggling and a therapist is now needed [for example] and they refuse to fund it saying, 'that wasn't agreed in the adoption support plan, and you know that funding is not available'. When really it should have been in the plan because children's development is fluid and yes it wasn't the case at the time of support plan was written that he needed a therapist but, in a support plan, we did identify that child had a traumatic background, and we know from research they may need therapy at some point".

The absence of such a fund creates challenges for resourcing for the placing LA's when it is a cross-border adoption, which two of the LA practitioners discussed is made even further demanding due to the lack of an outsourcing procurement process. Indeed, even when funds are identified to access support from more specialist services, it is difficult and time consuming to find an appropriate provider. As one worker explained:

"So unlike the Adoption Support Fund, if parents and I discuss that the child would benefit from an art therapist or a family counsellor or a life story worker I'm kind of like Googling round and looking in the Yellow Pages trying to find a service [...]"

As a local authority we don't have any people that have been through procurement and assessed as specifically trained to work with those that have been adopted [...] I don't think it's good enough to be honest, you know it puts a huge stress on us as workers. We need to know who we would ring [...] like a bank of approved specialists."

A further three practitioners echoed a desire for a clear procurement process, stressing how important it is that they can outsource the support children need to trained counsellors and therapists. Otherwise, that support is left to social work, which does not always provide the tailored, family-centred resource model the ASF aspires to offer. Moreover, although qualified to support children who have experienced trauma, and the challenging family dynamics which can arise pre- and post-adoption, social workers are not always the right professionals to respond to the specific needs of some families. As one LA worker stated:

"They put us on a one-day training course in like [play therapy] which I think is great, it makes me a better social worker, but then you know my manager will be like 'so you can do all the post adoption [play therapy] for children now' but that's not right I'm not a fully trained therapist. I could actually unintentionally be doing more harm to those children. It's all about money saving and I just think that's wrong".

Without a financial resource like the ASF, it was argued that practitioners cannot fully deliver child-centred or family-centred support. Even the most well-intentioned workers are limited by the boundaries of their professional remit as one VAA worker explained:

"The local authority came back and said, well [VAA Name], is lifelong so you should provide whatever that child needs, and I had to remind the local authority that this child is their responsibility. Of course, we will provide for the adopter any support and guidance, but the child needs a therapeutic intervention and support in school and that's outside of what we do" (VAA Worker).

Nevertheless, although it was clear many of those who participated thought access to the ASF was one of the main benefits of cross UK adoptions from England; the data also highlighted how uncertain both practitioners and adoptive parents were about whether the fund was available to Scottish adopters who are matched with a child from England. Since the placing local authority is financially responsible for the child for the first 3 years of an adoption placement, as stipulated in the 2009 Looked After Children (Scotland) Regulations, any English

child – including those placed in Scotland - can access this fund. Yet, amongst the practitioners interviewed there was a variance in their understanding of the eligibility criteria for the Fund. For example, a LA worker discussed an example of a child from their Scottish authority adopted by parents in England, who unexpectedly received support from this Fund:

"I don't know enough about [the ASF] when children come from England to Scotland. Are they even eligible to apply for it now that they're in Scotland? Interestingly, I do know that children who move from Scotland to England are entitled to the Adoption Support Fund. Although only because I remember supporting an adoption in England and was told by the parent's worker that the child was eligible ... I thought, well how does that make sense? They're a Scottish child so we would normally have responsibility for them financially for the first three years. But for whatever reason we were able to access the fund in that first three years. They got some play therapy very quickly and an allowance was given to the school for learning support needs. I was really impressed. I didn't know that this child would get all that support without it costing our agency any money."

Likewise, a VAA worker reflected on how they are unclear if English children qualify for the fund if they are adopted by parents who live in Scotland:

"I don't know if it's true, but I've been told that children that come from England only get the basic stuff and then lose the right to apply or they aren't eligible, I think. But I'd need to check, I don't know if that's true or not [...] and like is it only for the three years? I'm not sure [...] It's definitely not very common practice to know if it'll be available when the child is coming from England"

The uncertainty surrounding what financial support is available to adoptive parents in the case of a cross UK border adoption expressed by social workers was shared by the adoptive parents we interviewed. All six parents said they were unaware of the potential financial support available to them during the adoption process. Of the three who had benefitted from the ASF, all reflected on how unexpected it was. Two of the three mentioned that the fund also came as a surprise to their worker (from Scottish LA). As this adoptive parent explained, it was their child's worker in England who made them aware this fund was even an option:

"Our adoption agency didn't actually know, and we didn't find this out until a few months ago that we can access the adoption support funds for the first three years. So, we had no idea about that too, and our worker in Scotland didn't realise that was standard. In fact, when we told them we'd been advised by [the English

worker] we could get this she said 'no, that's not right'. But it was and we got the acceptance and commitment therapy we were struggling to get before that way."

Amongst those who had experience of supporting adoptions where adoptive parents were able to access the ASF, four spoke very positively of how much this fund had helped the child following their adoption. Two of the practitioners also considered that the way the fund is set up can empower adoptive parents as they request the support directly from the child's local authority rather than having to go through their worker. As one LA worker pointed out, this removes an additional step in the process of adoptive parents asking for help, which can be difficult:

"Rather than having to go through their social worker after eight years, or whatever, to say 'we're still competent parents but now we're having problems' they can request support from different specialists themselves. I just know parents can feel a lot of shame about having to go back to that original local authority to ask for permission to get support. I think families need a system where they can self-refer. Because the families are always right you know [...] They know their child better than I ever will."

Furthermore, two practitioners discussed how they thought the availability of a similar fund in Scotland could drive up the quality of adoption-specific support available for agencies to outsource to, because as one VAA worker stated: *"organisations follow the money."*

However, six of the nine practitioners stressed there were limitations with the existing ASF model in England and Wales. They argued that if a similar fund were to be established in Scotland there would need to be proper consultation, and it should not simply replicate processes south of the border. Specifically, they identified the inconsistency of how the fund is managed and the resources allocated. Parental applications to the fund sit locally with the authorities' adoption team, and in practice, this can result in inconsistencies and a lack of transparency around the approval criteria. This was identified as a key factor in why there is such widespread confusion over what financial support is available in the instances of a cross-border adoption. For example, one VAA worker explained:

"It's individual managers who influence how much that money should be used so some local authorities will say you can't have it because you're placed in Scotland"

and others say, well, it's for the child so yeah here you go ... they don't follow rules uniformly."

Amongst VAA interviewees, the fact Regional Adoption Agency practitioners in England need to apply to the child's LA to access the fund for their parents was noted as a drawback of the existing model. As often the child's placing LA, despite been required to apply on the behalf of the family, may know very little about the child and adoptive family's circumstances and history compared to the Regional Adoption Agency team.

Finally, eight of the 12 practitioners who participated in interviews or the focus group also commented that in practice the current ASF does not offer the sums of money often required for some of the more complex needs certain children have¹⁸. Consequently, while all practitioners stressed the fund was invaluable and enabled families to access therapeutic support, five out of the 12 further emphasised that if a similar fund were to be developed in Scotland, the grey literature and experiences of colleagues in England and adoptive families about the limits of the existing English model should be considered.

The influence the ASF may have on the rising number of cross-UK adoptions within Scotland was also raised within the interviews with adoptive parents. For example, one parent noted:

"Knowing what I know now, I think I would absolutely recommend anyone to adopt from England rather than Scotland. Partly because the Placement Order was in place so that was much smoother, but also because you can access this Adoption Support for the first three years. Honestly, I think once agencies know that, and once other prospective parents know about that, I just don't see what the pull would be to adopt from Scotland".

¹⁸ The Adoption Support Fund is not paid directly to families but rather paid to the local authority to fund a range of therapeutic services. The maximum amount per child per year is currently, in 2022, capped at £5000 for therapy, as well as a separate amount of up to £2,500 per child if specialist assessments are needed. If any therapy and additional assessments above this amount are required, the LA is required to match the costs up to a maximum of £30,000 (see First4Adoption, 2022)

Four of the five parents noted that the limited knowledge they possessed before officially beginning their adoption journey, was gained through talking to colleagues, friends or family members who had already been through the adoption process; or other adopters they had spoken to in online support groups and forums. Likewise, seven of the nine practitioners provided instances of when 'their' prospective adopters anecdotally referred to information they had heard about adoption processes from others. As well documented in previous research (Dance et al., 2010; Thomas, 2013) the majority of prospective adopters do their own informal research before they contact an adoption agency for the first time. Thus, as prospective adopters often join support groups – commonly via social media platforms – the types of experiences described by participants in our study about financial support are likely to be shared in online forums and may influence some prospective adopters.

3.5.3 Other Financial Support

In addition to the impact of geographical difference on the accessibility of adoption support, all nine practitioners who were interviewed also discussed the inconsistency of statutory financial support offered across Scotland compared to what they had heard from colleagues in other parts of the UK¹⁹. In particular, both the inconsistency regarding paying 'prospective adopters' a fostering allowance and fees²⁰; and the high threshold required to be eligible for adoption allowance was noted as potential factors which made adopting outside of Scotland appealing. Within the 2009 Adoption Agency (Scotland) Regulations 2009 it is stipulated that all prospective adopters should be approved as foster carers for the child(ren) they are intending to adopt. However, practices regarding this registration process varies substantially between agencies both in terms of whether the prospective adopters receive equivalent pay to foster carers (either interim or permanent) and whether they are treated like foster carers regarding

¹⁹ Noting that only 1 participant had previously worked in England – the rest only reflected on what they had heard from others

²⁰ Unlike the rest of the UK Scotland does not have a national minimum rate and so amount can vary substantially depending on the child's age and level of need (See Fostering Network, 2021)

training and reviews. Around half of the social workers commented that in their experience LAs in England were more consistent about financially supporting prospective adopters once the child is placed. For instance, one LA worker provided this cross-national example:

"For example, I've got two children who have been placed from an external authority in Scotland and that family get absolutely zero in prospective Adoption Allowance and fostering fees. That's partly because of their salary, but that's wrong. You're asking people to be foster carers but not to actually pay them, yet the social work team will expect them to write reports, attend reviews, do regular care planning and meetings to support contact with the birth family. Whereas, when I've dealt with England the agencies often say, 'you know our carers receive allowance by law and we would expect you as a local authority to be paying them the full fostering fees and allowances'. That just feels right, that's how it should be here too".

How consistently Scottish LAs undertake a financial assessment for all prospective adopters appeared to vary between areas. Some LAs complete a means test for all adopters as standard practice to ensure all possible support available is offered; others only assess adoptive parents when they, or the child, are deemed to have circumstances which may require additional support. Due to this variation all nine practitioners, from LAs and VAAs, felt the needs and rights of prospective adoptive parents were often considered last within the procedures and practices which underpin adoption processes in Scotland. One worker even stated that adopters seem to be *"invisible in the grand scheme of it"* - not formally recognised for their time and the challenges involved pre-adoption when their child is placed with them, but the adoption order is not yet secured. Given this, social workers and adopters described having to find ways to work *around* the current systems to enable adoptions to go ahead with the necessary support in place.

That being said, all four VAA practitioners praised the practices within a range of local authorities. They commented that despite the substantial resourcing and workload pressures LAs face, they have found creative ways to financially support adoptive families. As one VAA said:

"There are local authorities here who are much more open to being creative about how they can support families, but that completely varies not even just agency to agency but worker to worker. You know it requires a good adoption manager and

a local authority who has a good sense of duty to the child and then also a worker who is willing to think outside the box to help the family."

The picture appeared to be mixed, and there were examples where LAs in Scotland financially supported adopters. However, what was clear was how variable practices were across Scottish LAs. For every positive example recalled, practitioners had two or three negative ones they shared where families received no financial support before the adoption order has been legally granted. It is worth noting, however, that it may be easier for practitioners to recall examples where a decision has felt unjustified or has created difficulties, as emotionally resonant experiences may be more likely to stand out and influence perceptions of practice (Whincup et al, 2019).

Similar differences in practices were also found in relation to payments of Adoption Allowances. The 2009 Adoption Support Services and Allowances (Scotland) Regulations outlined that all LAs across Scotland have a duty to assess parents for an Adoption Allowance as part of the preparation for the matching panel. This allowance is a monthly payment to adoptive parents for a period of time to supplement their income so they can financially support their child. However, three VAA and four LA practitioners criticised how high the eligibility criteria are and argued that where this financial support is absent it can considerably disadvantage adoptive parents, and thus the child. As one LA practitioner identified:

"All the financial support options we have available are means tested very tightly so actually a lot of families can't apply for it despite having a child with significantly high levels of need, so they have to pay for specialists themselves and take the time off work unpaid [...] I don't think we actually assess need properly. We just ask them to tell us about their finances, but I don't think it should be that simple. You know, they get a semi liveable wage, so they get nothing? That just feels a bit too simplistic for how complex the needs are of the children we are matching."

Practitioners repeatedly emphasised that their job was to provide adopters with as much support as possible to ensure they could meet the needs of the children. The inconsistencies and tightening of the eligibility criteria for financial support available to adopters in Scotland when matched with children in Scotland was a

factor identified by participants as influencing the rise in cross-border adoptions. Social workers from VAAs described how their agencies often paid for extra services to ensure children's needs are met, especially when adoptive parents did not qualify for financial support through an Adoption Allowance. Where adoptions involve a child from England, VAA practitioners highlighted that fostering fees were more consistently paid to prospective adopters prior to adoption orders being granted, and that the ASF was available. So, although practitioners stressed that they didn't actively pursue or encourage cross-border matches when family finding for their adopters, financial support was raised as a potentially influential factor throughout the matching process. As one VAA interviewee explained:

"From a business perspective as well it's the realisation that it's then left to us because we continue to support them even when the local authorities refuse. So, we end up paying for these extra services for the child. And that definitely influences your linking and matching to some extent. We know it shouldn't, but it does. Whereas if you knew there was an opportunity for that child and other children to be able to access a support fund like they can in England it might make people subconsciously more open to thinking about 'well, that's actually their responsibility'."

4. Discussion

This is the first empirical study to explore in-depth the factors underpinning the rise in cross-border adoption of children from elsewhere in the UK with families in Scotland. The aim was to develop a better understanding of some of the factors that led to this rise in recent years. This information is useful not only for Scotland's Adoption Register, but for a wide range of stakeholders working in adoption practices across Scotland and working to identify families for children whose early experiences mean they need a permanent adoptive family in which to grow up.

Drawing on first-hand experiences and perspectives of practitioners and parents, it provides valuable information about the factors which have influenced this trend. It considers some of the implications and challenges which arise in the context of cross-border placements, given the well-documented differences in practice and policy between UK nations. Crucially, the participants in this study recognised that for many children and families cross-border placements have enabled them to

find the 'best possible' match, including children who might otherwise not have found a permanent family. Many families, including those with and without adopted children, have strong ties across the UK via family, close friendships, heritage or previous moves between areas. The findings from the current study explore the additional considerations for families formed via adoption.

In exploring the current rise in cross-border placements between adopters in Scotland and children from elsewhere in the UK – noting the fluctuating history of this trend – this study has highlighted several factors which are relevant not only to understanding the numbers of cross-border adoptions, but also broader differences between adoption practice and policy in Scotland and other UK nations, predominantly England. Some of the findings transcend the issue of cross-border adoptions and appear to be linked to systematic issues which adversely impact on adoption processes in Scotland. While it was beyond the remit of this study to compare timescales between Scotland and other UK nations, practitioners in Scotland who had experience of cross-border and within-Scotland adoptions compared both systems. Participants highlighted concerns that for within-Scotland adoptions there were higher levels of drift and delay, and a lack of availability of adoption support. They also considered the challenges which arise within the legal processes across Scotland which may involve the LA, Children's Hearings, and the courts across different jurisdictions. The general perception was that Scottish processes, systems and practices were slower, less supportive of adoptive families and more complex. Participants raised serious concerns that these differences can inhibit the work required to ensure the needs of children and their families in Scotland are adequately supported before, during and beyond the Adoption Order to enable adoptive parents to provide secure, loving, safe childhoods for children who have already experienced significant disruptions and loss in their early lives.

The increased level of informal contact between prospective adopters (including via social media) means that while individual family and agency experiences will vary, narratives can emerge that powerfully influence choices made by prospective adopters and social workers when using the Register or other

methods of family finding. Participants in the current study clearly described this in relation to higher levels of drift and delay, more complex legal processes and less financial support for adoptive families in Scotland when compared to England. However, given that our study was relatively small scale, to contextualise our findings in the next section, we briefly consider other relevant research studies.

4.1 Adoption Process in Scotland

Evidence from other research has explored the multiple interacting components of the adoption processes in Scotland, against a background of increasing complexity in the legislative and practice context for care experienced children and their families (Woods et al., 2018). The Promise concluded that the 'care system' in Scotland is 'complex and fragmented' (2020: 110). The adoption processes in Scotland can involve at least three major systems (social work, Children's Hearings and courts), which do not always work smoothly together, and previous research has found that at times decision making can be '*driven by processes and policies rather than a child's specific needs*' (Whincup et al., 2019). The Adoption Barometer, an annual survey of adoptive families carried out by Adoption UK for the past three years, has found that respondents from Scotland rated policy and services more poorly than respondents in England, although with some improvements over the three years (Adoption Barometer, 2019; 2020; 2021).

A recurring theme found within this study was that LAs in England were seen as more proactive: better organised, quicker at responding to notes of interest, quicker at starting the process of discussion, and better at communicating with prospective adopters and their social workers about what is happening. That speed was described in contrast with practitioners' experiences of practice in Scotland, particularly instances where children and adoptive parents had experienced long delays in the permanence process. While exact comparisons are difficult to make, and it is important not to over-generalise from a small sample, other evidence supports the descriptions of adoption in Scotland as a relatively lengthy process. The Permanently Progressing? study is following up a cohort of children who became looked after aged 5 or under in 2012-2013 in Scotland. In the first phase of the study, which examined national data from 2012 to 2016, for

children who were adopted, the median time between becoming looked after away from home and the date of the Adoption Order was 25.5 months for children adopted via direct petition and 31 months for children adopted via a POA (Biehal et al., 2019). These timescales were longer than reunification with birth parents (median 15 months), Permanence Order (median 14.5 months) and kinship care via a Section 11 order (median 22 months). These findings also echo earlier research by SCRA, cited earlier, which identified that the majority of adoptions took over two years from the child's first involvement with services to the adoption order being granted (Henderson, Hanson and Whitehead, 2011; Hanson et al., 2018).

Any discussions of timescales need to take account of the profound decisions involved in adoption, which have life-long implications not only for children and adoptive families but also for birth families. Decision making in adoption, or other forms of permanence for children, is emotionally and intellectually challenging (Whincup et al., 2019). However, there are long-standing concerns about the negative and long-term impact for children of 'drifting in care' without safe, nurturing and reliable care from a consistent caregiver, including higher risks for poorer outcomes across a range of domains (Rowe and Lambert, 1973; Cusworth et al, 2019). The need to address delays in permanence planning for children is recognised in policy at national and local level in Scotland (Scottish Government, 2015).

4.2 Funding For and Access to Adoption Support

Social workers and adoptive parents who had benefitted from the ASF drew attention to the lack of an equivalent national fund in Scotland. Entitlement to the ASF for the first three years of placement, means the adopters can access early support, including therapeutic support. While participants recognised the limitations of the ASF, they highlighted a lack of consistency across Scotland in the funding of adoption support and indicated that local authorities often had to find 'creative' ways to secure support not explicitly set out in the adoption support plan

at the time of the adoption due to the challenges found when adding extra support and resource beyond the original plan agreed at matching²¹.

These findings in relation to adoption support are in line with previous research in Scotland. As noted earlier, adoptive parents' responses to the Adoption Barometer 2021 rated policy and practice in adoption support lower in Scotland than England and (for some questions) Wales. Similarly, a mapping exercise of the adoption support provided by all local authorities and voluntary adoption agencies in Scotland found substantial variability with some VAAs and LAs offering a wider range of services, more quickly and for longer periods than others. Practitioners as well as adoptive parents expressed frustration with some of the gaps and the lack of consistency (Grant and Critchley, 2018).

One of the strongest themes for adoptive parents and social workers was that the adoption process is about the 'right' match, albeit one that was influenced by formal and informal matching criteria. The life-long implications of adoption are recognised in several legal thresholds, however the welfare of the child throughout their life remains the paramount consideration for courts and agencies in decision making (Plumtree, 2014). Including the legal requirement for the court to be confident no lesser order (i.e., such as a CSO, KCO or PO) would meet the child's needs. Previous research evidence from the perspective of adopted adults, adoptive parents and birth parents also highlights the lifelong nature of adoption (Triseliotis, 1973; Triseliotis et al., 2005; Neil et al, 2018). The majority of children who need adoptive families, particularly those who wait the longest, are likely to have significant needs related to their early experiences, whether before entering care or within the care system, some of which may take time to emerge. Therefore, support for adoption has to reflect this timeframe, and adapt to children and adoptive family's needs as they change over time. As Quinton (2012: 101) argues, matching is not an event but a process through which 'adoptive parents *come to meet* the needs of adopted children' (emphasis in original). The concept of a 'right'

²¹ Despite this being possible, and even encouraged, within the regulations

match therefore raises important questions about the process of recruiting, assessing, training and supporting adoptive parents, and the resources available to achieve this, particularly in relation to children who are older, children with more complex needs and sibling groups.

4.3 Challenges in Cross-Border Adoptions

Along with the acknowledgement that cross-border placements have created many positive placements and enabled children to be placed who might otherwise not have been, there were some clear challenges in making and sustaining cross-border placements. Broadly these fell into challenges related to the adoption process (planning, preparation, securing the legal order and support), and challenges related to the short-term and long-term implications for children maintain meaningful relationships, including the transition from former foster carers and of children maintaining contact with members of their birth family.

Social workers' (at least initial) lack of familiarity with the social work and legal processes involved in cross-border adoptions was of concern. In some instances, they were given inconsistent messages by their Legal Advisors and advice regarding the need for a child to have a POA granted prior to being placed for adoption, which was found to result in providing incomplete information to the prospective adoptive parents they were supporting. Social workers also expressed concerns about decisions made in courts in England about contact with birth family following adoption, which may have been different from advice in Scotland. Many had not accessed information regarding this before, and according to the LAs who participated, much of the knowledge in the interviewees' experience and knowledge of cross-border adoptions was held by a single worker within each agency. The introduction of online matching systems makes it easier for families to be linked with children from across the UK than may have been the case historically. Information about how best to support cross-border adoptions, therefore, needs to be more easily available so that practice and decision making is guided by accurate, up-to-date and reliable advice.

Where adoptions were cross-border, some difficulties were identified in relation to managing introductions and the child's move, as well as establishing support for the family. Any inter-agency placement is likely to involve navigating different expectations and negotiating provision and costs, but this can be particularly difficult in cross-border adoptions where practitioners are unfamiliar with the legislation, policies and established practices in different jurisdictions. In addition, geographical distances bring additional costs of travel and time, as well as practical difficulties in visiting the child(ren). None of these are insurmountable, but they involve additional work and planning. The increased availability of and familiarity with technology to facilitate online meetings in recent years may offset some of these challenges, although there will always be meetings and activities that need to take place in-person, and this has resource implications when large geographical distances are involved (whether cross-border or not).

Perhaps the longest-term challenge the majority of both practitioner and adoptive parent participants raised was in relation to the support required to ensure children can maintain contact and connections with birth family members, including parents and siblings, where it is safe for them to do so. Section 13 of the Children (Scotland) Act 2020 sets out the importance of sibling relationships, while The Promise's emphasis on supporting 'whole families' means practitioners, including Children's Hearing panel members and permanence teams, need to consider how contact between children and their birth families is supported. Likewise, previous research chimes with practitioners' concerns that support is needed for all family members, and that contact over time is dynamic and requires sustained effort long beyond initial planning for adoption (Neil et al., 2013). In cross-border adoptions, this requires the additional consideration of how geographical distance and differences in practice cultures may affect the likelihood of contact being maintained and, if necessary, supported over time.

5. Implications of the Findings

5.1 Practice Guide to Cross-Border UK Adoptions

Several VAA and LA workers as well as adoptive parents noted how useful an accessible practice guide and fact sheet specific to cross-UK adoptions would be. Interviewees were particularly keen for clear guidance on differences in the adoption process – including possible delays – and on what support is available for children placed in Scotland from other UK nations. As one LA worker explained:

“It would be nice for there to be a kind of almost like an information guide of what’s available in terms of financial support. Whether that’s children going to Scotland and England or England coming to Scotland ... Because right now you’re learning by speaking to your colleagues who’ve experience of cross-border adoptions you know, or if you can’t find someone then we almost entirely have to rely on the English workers. I think either a guide or training on all this would be so useful, because even as social workers we have not resources to turn to.”

Two workers also advocated for a separate resource listing all the adoption-competent services that adoption social workers could contact and commission for more specialised adoption support for their adoptive families. Across interviews, workers and adoptive parents discussed the lack of an equivalent to the national Adoption Support Fund for adoptions within Scotland. As previous research has identified, to be effective adoption supports need to be appropriate, accessible and timely. Accessibility refers not only to the services themselves, but to information about services being freely available and straightforward for people to find.

5.2 National Data on Children Placed Across UK Borders

The findings also highlight a considerable absence in national data on the numbers and demographics of children who are placed for adoption across UK borders, including age, stage, sibling relationships, ethnicity, additional needs and information on the length of time children have spent waiting at each stage of the process, from linking to matching to approval of the adoption. The process of data collection for this research, and the difficulty some local authorities had in identifying accurate figures for a recent three-year period, indicate that information on cross-border adoptions is not recorded consistently or regularly by a relatively high proportion of agencies.

This lack of data has implications at both national and local level for planning, providing and evaluating support provided to adoptive children and their families (including birth and adoptive families). Without a clear route to identifying when a child is placed for adoption in their area, local authorities will be unaware of the number of families who may need support.

The term 'whole families' used throughout the Promise and Plan 21-24 stresses the inclusion of adoptive families and siblings within the wider group of families with care experience. For agencies to be able to deliver holistic support underpinned by the ten principles of intensive family support, as required by the Promise, they need to know how many adoptive families are living in their area. Adoptive families may need support from a range of services, including social work, education, health and others, at various times and with different needs. A consistent approach to recording when children are placed across LAs, including in the instances of cross-border placements, would enable better planning across services and ultimately a better chance of children and families receiving appropriate and timely support when needed.

5.3 Staying Connected to Important People and Places

The Promise, as well as previous policy and research, emphasises how important it is for children to be able to maintain connections with people who are important to them, including siblings, birth family members and former carers. Recent legislative changes have strengthened their rights in relation to building and maintaining relationships with their siblings, whether or not they have lived together previously.

Findings from this research suggest that while social workers are aware of the importance of children maintaining (and in some cases building) these relationships, it was not always clear how this worked in practice and whether sufficient time, resources and planning were in place to ensure that such connections are not lost for children. Geographical distance brings additional

considerations but is not in itself a reason why relationships cannot be sustained. This is an area where some of the lessons learned, and the skills developed, by workers and families through the pandemic might help. While digital communication methods have some limitations and are unlikely to be able to fully replace seeing people in-person, they can play a key role in keeping in touch. These methods can be built into support plans from an early stage to support the transition between foster carers and adoptive parents as well as to support connections between children and their birth families, including within cross-border placements.

5.4 Consistency of Adoption Support for Children Adopted by Families in Scotland

The findings in relation to consistency of support are both concerning and, unfortunately, familiar from previous research and the experience of organisations such as Adoption UK Scotland. Local authorities and voluntary adoption agencies described different practices at almost every stage of the support process, from whether financial assessments were carried out as standard or only in circumstances where a potential financial need was identified, to the level and type of support made available to adoptive families and how this was accessed and funded. Some adoptive parents and social workers advocated for an Adoption Support Fund similar to the model in England, with one adoptive parent describing it as making a *'more even playing field for Scottish children.'* Other interviewees suggested that national adoption allowances would mitigate the variance on financial support between local authorities. While it is beyond the scope of the current report to suggest the best model, the findings add further weight to the evidence that the inconsistency and in some instances serious lack of adoption support for children and their families requires urgent attention.

Whole family support (including for adoptive families) is a priority area in the Promise and requires a national approach to ensuring that the support available is driven by children and families' needs, not geographical location or agency. A

nationally consistent approach driven by children's and families' needs, rather than geographical location, the effectiveness of individual workers or agency resources, is required to achieve Scotland's vision of providing whole family support.

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Appendix 1: Survey Questions

Background

Recent data collected by Scotland's Adoption Register indicates a sharp increase in the numbers of adopters approved in Scotland being matched with children from local authorities in other parts of the UK. Many children and families are likely to have benefitted from the opportunity for cross-border placements. However, the current situation is heavily skewed in one direction and represents a major reduction in the number of families available for the placement of children in Scotland compared to the position 18 months ago.

Therefore, this research will bring new insights into the factors which have influenced the growing trend. To ensure a nation-wide perspective this survey will gather information on the localised experiences of cross-border placements from all 32 local authorities and the 4 voluntary adoption agencies.

Informed Consent

By completing this survey, you are consenting to the information you provide informing and potentially being quoted within a report initially for the Scotland's Adoption Register Advisory Group and the Scottish Government, which will then be distributed more widely with practitioners and policymakers. All data will be anonymised in all outputs from this project. The only identifiable information we will report is the number of cross-border placements you tell us your agency has been involved with (see question 1). This survey has 8 questions, which we estimate will take no longer than 15-20 mins to complete.

1. Are you happy to continue with the survey? YES/ NO *Required* (only those that click Yes will be able to complete the survey for consent purposes)
2. Please state the agency your responses relate to: [Text Box] *Required*

Questions

Since 2017, how many children from your agency were placed with adopters approved elsewhere in the UK; and how many children from elsewhere in the UK were placed with adopters approved by your agency? (If possible, provide a breakdown of how many were from England, Wales and Northern Ireland)

1. In your experience, are there particular factors that influence the likelihood of adopters seeking to adopt a child from other parts of the UK?
2. What do you think are the main benefits of cross-border placements? (For example, for the child, adopters, agency or others)
3. What do you think are the main challenges of cross-border placements? (For example, for the child, adopters, agency or others)
4. In your view, why have cross-border adoptions become increasingly more common?
5. If the current rise in children from other parts of the UK being placed in Scotland continues, what do you think could be the implications long term for your agency?
6. What changes, if any, in policy, practice or guidance do you think should be introduced to manage cross-border placements between Scotland and the rest of the UK?
7. Is there anything else you would like to tell us for this research?

Appendix 2: Practitioners Interview Schedule

1. Could you tell me a bit about your role with [specific organisation name]?

Prompts:

- a) What is the main purpose of your role?
- b) How long have you been doing the job?

2. How many adoptions have you been involved in where a child (children) was being adopted from other parts of the UK to Scotland in the past 5 years?

Prompts:

- a) How common are cross-border placements within your organisation?
- b) In your experience, are there particular factors that influence the likelihood of adopters seeking to adopt a child from other parts of the UK?

3. What have been the main benefits and challenges of cross-border placements, in your experience?

Prompts:

- a. What do you think are the main benefits and challenges for children who are adopted via a cross-border placement?
- b. Has the COVID pandemic impacted how you support these kinds of adoptions?

4. In your view, why have cross-border adoptions become increasingly more common?

5. Prompts:

- a. What were the main incentives of adopting outside of Scotland in your experience?
- b. Ask about the role of legal processes
- c. Ask about the impact financial and structural support plays
- d. Ask about how social work practices influence adopter's decisions to adopt from England / rest of UK

6. [If not already covered] Do you think what you've told us relates only to England, or other parts of the UK?
7. [If applicable] Of the cross-border placements you have been involved with, did you discuss with prospective adopters them adopting children from Scotland?
 - a) If yes, why did the adopters not go ahead with adopting a child from Scotland?
 - b) If no, why not?
8. When referring adopters to Scotland's Adoption Register, does [name of organisation] tend to select whole of UK or just Scotland?
 - a) If yes, do you know why this is option chosen?
 - b) If no, do you know why not?
 - c) Were you aware that the default position is just Scotland?
9. In your experience, do relevant policies and practices allow you to support placements of children from Scotland?
10. What changes, if any, in policy, practice or guidance do you think should be introduced to manage cross-border placements between Scotland and the rest of the UK?
11. What do you think would help tackle this growing trend?
12. If the current rise in children from England being placed in Scotland continues, what do you think could be the implications long term for your organisation?
13. Is there anything else you think is important for us to know for this research from your experience?

Appendix 3: Adoptive Parents Interview Schedule

1. To start with, could you just briefly tell me when you adopted your child(ren)

Prompts:

- a. How long did it take from when you decided to adopt to when you had [name] home?
- b. What made you decide to use [agency name/ LA name]?
- c. Did you have several potential matches before this one that didn't work out?

2. Could you tell me a bit about why you decided to adopt a child(ren) from England (or Wales)?

Prompts:

- a. What were the main incentives of adopting outside of Scotland?
- b. Did you look at/ consider the profiles of children from Scotland?

3. [If not already raised] What legal status did [name of child] have when you began the matching process?

4. Did this influence your decision?

If so, in what ways?

5. [If not already raised] Did the level of support you expected to receive both financially and by organisations, influence your decision?

6. What kind of support did you expect to receive?

Prompts:

- a. (Financial? access to services? support groups?)
- b. Has the support you received differed from what you expected?

7. [If not already raised] Did discussions with your social worker influence your decision?

If so, in what ways?

8. Where (and from who) did you learn about the differences between adopting in England (or Wales) compared to Scotland?
9. How has your experience of the adoption process compared to your expectations, based on what you had been told beforehand about the adopting a child from England (or Wales)?

Prompts:

- a. What was different than you were told/ expected?
10. We are interested to understand more about what kind of factors influence people's decisions about adopting a child from another part of the UK. Is there anything that you viewed as a barrier to adopting from within Scotland?
 11. If you used Link Maker/ Scotland's Adoption Register, can you remember if you chose to view information about children only in 'Scotland' or 'All UK'?
 - a. What influenced this decision?
 - b. Were you aware that the default option is Scotland?
 12. Is there anything else you think it is important for us to know for this research from your experience?