



**QUEEN'S  
UNIVERSITY  
BELFAST**

## Looking after children in the UK - convergence or divergence?

McGhee, J., Bywaters, P., Bunting, L., McCartan, C., Elliott, M., & Featherstone, B. (2017). Looking after children in the UK - convergence or divergence? *British Journal of Social Work*, 48(5), 1-23.  
<https://doi.org/10.1093/bjsw/bcx103>

**Published in:**  
British Journal of Social Work

**Document Version:**  
Peer reviewed version

**Queen's University Belfast - Research Portal:**  
[Link to publication record in Queen's University Belfast Research Portal](#)

**Publisher rights**  
Copyright 2017 The Author.  
This work is made available online in accordance with the publisher's policies. Please refer to any applicable terms of use of the publisher.

**General rights**  
Copyright for the publications made accessible via the Queen's University Belfast Research Portal is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

**Take down policy**  
The Research Portal is Queen's institutional repository that provides access to Queen's research output. Every effort has been made to ensure that content in the Research Portal does not infringe any person's rights, or applicable UK laws. If you discover content in the Research Portal that you believe breaches copyright or violates any law, please contact [openaccess@qub.ac.uk](mailto:openaccess@qub.ac.uk).

**Open Access**  
This research has been made openly available by Queen's academics and its Open Research team. We would love to hear how access to this research benefits you. – Share your feedback with us: <http://go.qub.ac.uk/oa-feedback>

Looking after children in the UK – convergence or divergence?

## ABSTRACT

*Comparative child welfare administrative data from each of the four jurisdictions of the UK (Scotland, England, Northern Ireland and Wales) was analysed over a ten-year period to examine rates and patterns of public care. Scotland followed by Wales has the highest rates of children in out-of-home care followed by England and NI with similar lower proportions. Despite strong links between deprivation and higher chances of becoming looked after this national variation appears more a reflection of differing legal and operational practice than higher levels of need for public care. Notwithstanding differing devolution settlements, a convergence in the direction of policy across the UK towards early intervention, extensive use of kinship care and adoption as an exit route from public care is apparent. This convergence is most apparent in the increased entry of very young children to public care in Scotland, NI and Wales. The lack of any systematic collection of data by governments on the social and economic conditions of children reflects a missed opportunity to examine separately their influence on rates of children in public care.*

Key words: looked after children, out-of-home care, child welfare, deprivation, child protection, child care.

Word count: 7,458 (excluding abstract).

## INTRODUCTION

Children in public care and the capacity of public institutions to safeguard and promote their security, stability and opportunity remain a central focus for global and regional policy development. Contemporary Western States provide for the separation of children from their family of origin when this is in the child's interests through both voluntary and compulsory mechanisms. Children in out-of-home care therefore represent a relatively well-defined population generally captured effectively within child welfare administrative data. Cross-national comparison employing such data can provide insight into the potential impact of policy on rates, demographic characteristics and outcomes for these children, although caution in interpretation and comparison is a necessity to guard against inapt or mistaken conclusions on policy success (Thoburn, 2007)

This paper draws on comparative child welfare administrative data from each of the four jurisdictions of the UK (Scotland, England, Northern Ireland and Wales) over a ten-year period to inform an interpretive enquiry into patterns of public care involvement. It is a companion piece to a comparable analysis of official child protection data (Bunting *et al.* under review). Identifying the 'appropriate' number of children in public care remains troublesome for policy makers. Examining comparative rates of looked after children illuminates the impact of policy and legal contexts as one element in a complex network of socio-economic, institutional and individual influences.

The UK provides an ideal case study to examine the potential impact of diversity in child welfare policy for three main reasons. First, broadly similar social and economic conditions prevail setting a relatively uniform context to policy

development. Second, differing approaches to welfare policy, already present for thirty years, have increased following devolution; with more universalist approaches, at least in Scotland and Wales that prioritise social citizenship over consumerism (Keating, 2012). Third, it represents an opportunity to address limited cross—UK policy learning (Keating *et al.*, 2012) and to contribute towards greater understanding of how child welfare systems produce differential rates and responses to children’s need for public care. Trends are examined in relation to the legislative and policy context pertaining to looked after children in each of the four UK jurisdictions.

Many Western States provide for degrees of multi-level governance (for example federalism in Germany or devolved administrations as in the UK). These locate responsibility for areas of public policy making (Hallett and Hazel 1998) at different levels and are in themselves influenced by supranational institutional organisations including the United Nations (UN) and the European Union. In the UK devolution settlements in 1999 created three separate parliaments/assemblies (Scotland, Northern Ireland and Wales) with differential jurisdictional powers but all capable (from 2006 in Wales) of delivering primary and secondary legislation and deriving independent policy agendas in health, social services and education; key strategic areas for child welfare. In these areas, legislative powers for England reside with the UK Parliament and policy development within separate government departments.

### National Legislative and Policy Context

In England the Children Act 1989, albeit amended, remains the underpinning legislative foundation of the child welfare system and in Northern Ireland, equivalent legislation is found in the Children (NI) Order 1995. In April 2016 the Social Services and Well-being (Wales) Act 2014 replaced many of the child welfare provisions previously found in the 1989 Children Act. Within the Children Act 1989 and the Children (NI) Order the term 'looked after' refers to children and young people under the age of 18 years who live away from their parents or family and are supervised by a local authority social worker. A 'looked-after' child may either be accommodated by the local authority (at parental request, with parental consent or in the absence of parents) or be subject to an order made by family courts in order to protect the child from significant harm. This definition is retained in the 2014 Welsh Act (section 74).

In Scotland, the Children (Scotland) Act 1995 and the Children's Hearings (Scotland) Act 2011 underpin the child welfare system. England, Wales and Northern Ireland have court-based systems for child welfare and address the needs of children who offend in separate youth justice courts (Bottoms and Dignan, 2004). In Scotland, a unitary jurisdiction integrates child welfare and youth justice decision-making within a system of lay tribunals (Children's Hearings System); children's underlying needs and circumstances are considered similar regardless of legal classification. Children's hearings are intended to encourage a non-adversarial approach to facilitate discussion of child welfare issues between parents, children and panel members - the citizen volunteers who are the decision makers (McGhee, 2011). Courts remain the primary decision making forum when adoption and permanence decisions are required and where there is immediate risk of significant

harm albeit these latter cases are promptly transferred to the children’s hearings for ongoing consideration. Children’s hearings decide if a child is in need of compulsory measures of supervision (CSO) a legal order that is not available in other UK jurisdictions. The legal basis for a CSO provides for a broader range of concerns than child protection and additionally includes the need for guidance, treatment or control. CSOs may permit a child either to remain at home with his/her family (discouraged in recent policy, Scottish Government, 2015) or it may place the child in out-of-home care (McGhee, 2011). Children in out-of-home care and those who remain at home with their families receiving support by virtue of a compulsory supervision order are defined as ‘looked after’ in Scotland.

#### Policy and law - summary

	Key legislation	Decision making fora	Looked after children - definitions	Adoption – interim measures
England	Children Act 1989	Family and Youth Courts	Children in out-of-home care supervised by local authority	Placement orders
Wales	Social Services and Well-Being Act 2014	Family and Youth Courts	As above	Placement orders
Northern Ireland	Children (NI) Order 1989	Family and Youth Courts	As above	Freeing orders

		Courts		
Scotland	Children (Scotland) Act 1995 / Children's Hearings (Scotland) Act 2011	Lay tribunal – children's hearings Court primarily for permanency measures	As above and includes children on compulsory supervision orders living at home	Permanence orders with authority to adopt

### *Permanency and kinship care*

In all four jurisdictions there is separate adoption legislation and varied public and private law measures to secure children in long-term alternate care, primarily through adoption, foster or kinship care arrangements. Although Scotland has enshrined the concept of permanency within legislation, it remains a core theme of policy and legislative development across the UK (BAAF, 2010, DfE, 2010, Scottish Government, 2011, 2015b). In England and Wales for example, the Children and Young Persons Act 2008 and Care Planning Guidance (DfE, 2010) requires that there should be an agreed permanence plan for all children who are accommodated or in care. Early intervention, another common theme of child welfare policy across the UK (Davidson *et al.*, 2012) is central to policy development for looked after children in all four jurisdictions (Scottish Government, 2015b, DHSSPS, 2007, DfE 2011) albeit in Wales this is couched in a general duty on local authorities to provide or arrange preventive services (Welsh Government, 2015).

Kinship care is prioritised as the preferred placement choice in government policy across the UK (Selwyn and Nandy, 2013) however different terminology and assessment processes are applied in each of the four jurisdictions (Murphy, 2014). In England, the term “family and friends care” is used instead of kinship care and statutory guidance (DfE, 2011) differentiates informal family and friends care, where there is either no involvement from social services or the child is considered a child in need, from more formal arrangements where the child is looked after by the local authority. Although Welsh guidance refers to kinship care it makes the same informal/formal differentiation and in both England and Wales non-relative foster carers and relative/friend foster carers are formally assessed against the same standards. NI and Scotland also use the term kinship carers but assess and approve this group against specific standards for kinship care (DHSSPS 2014, The Looked After Children (Scotland) Regulations 2009, SSI/210). Financial regimes for kinship carers vary depending on whether the child is formally looked after by a local authority and variation in payment of allowances is not uncommon (see for example Wade *et al.*, 2014, Kidner, 2012).

Adoption, including non-consensual adoption is available in all four jurisdictions. In England and Wales this is primarily through placement orders, in Northern Ireland through freeing orders, with or without parental consent. In NI, the Adoption (Northern Ireland) Order 1987 still remains the legal basis for adoption processes, although consultation to update this legislation is on-going. England has witnessed legislative reform to increase the number of children adopted and to speed up the process through the Children and Families Act 2014. This Act amended the Children Act 1989 to give greater priority, to “fostering for adoption” placement in



cases where adoption is being considered for a child (similar arrangements are in place in Wales under section 81 of the Social Services and Well-being (Wales) Act 2014). This reflects a longstanding priority given to adoption for looked after children in English policy circles (Narey, 2011). Concurrent planning processes (DfE, 2011) increasingly underpin adoption processes. This involves placing children, typically infants and younger children, with carers who are approved as both foster carers and adopters, whilst at the same time providing the birth family, usually those with the most complex and entrenched needs, with intensive, time-limited, rehabilitative support services. If rehabilitation is unsuccessful then the foster carer can go on to adopt the child. In Wales a National Adoption Services has been launched to reduce delay in adoption processes (<http://gov.wales/?view=Search+results&lang=en>). Scottish legislation has undergone reform following a lengthy review process that culminated in the Adoption and Children (Scotland) Act 2007. This Act created a new legal order, a Permanence Order (intended to provide security of placement without resort to adoption). Permanence Orders with authority to Adopt (PO(A)) effectively replaced freeing orders; direct adoption petition remains. Both orders are permitted with and without parental consent.

Variation also exists between UK jurisdictions regarding the use of special guardianship orders (SGO) introduced through the Adoption and Children Act 2002. This order provides a legal status for non-parents who wish to care for a child in a long term secure placement and was implemented as an intermediate legal status offering greater security than long-term fostering without the absolute legal severance from the birth family associated with adoption. Although it was anticipated that SGOs would be primarily used where a child had developed a

strong relationship with a foster carer, since implementation the majority of applicants have been family carers (Wade *et al.*, 2014). Available only in England and Wales, once a SGO has been granted the child is no longer defined as looked after in these countries. The Scottish permanence order differs from SGO's in that they not only allow the restriction of parental responsibility but its removal where carers are granted the authority to adopt and unlike SGOs, a child subject to a permanence order remains looked after unless they are adopted or the order revoked.

### *Residential settings*

In England, Wales and Northern Ireland child offenders in secure residential settings are considered and counted in official statistics as looked after by the relevant local authority; in Scotland young people aged 16/17 years who receive offence-related custodial sentences are not counted in looked after children statistics unless they remain on compulsory measures of supervision; children aged 8-15 years referred to a children's hearing on the offence ground and subsequently placed on supervision are counted as looked after children. In Scotland and Wales diversion of young people who offend from formal systems is a key strategy (Scottish Government 2008a, Jones 2016). Pitts (2015) argues in England a "pragmatic rediscovery of 'diversion'" (p.37) through revision of a key performance indicator has seen a significant reduction in young people entering the youth justice system. All jurisdictions have developed policy to support care leavers in the transition from care to adulthood including provision to remain in the same (or similar) care placements for longer periods (see for example Scottish Government 2013; Department for Education 2015).

## METHOD

The data presented in this paper are derived from published administrative data. Where available, trend data for the years 2009/10-2014 is taken from the most recent publications (2013/14) while earlier data for the years 2005-2008/9 is taken from 2008/09 publications. Where trend data is not available, statistics are sourced from individual annual publications and in once case direct aggregate data from a statistics authority. Likewise, where available, rates per 10,000 children published in official reports are used. Where these were not available they are calculated using the 2005-2014 mid-year population estimates for each of the nations (ONS, 2014). Findings are structured to examine rates of children in out-of-home care, the balance between voluntary and compulsory placements, entries and exit destinations.

Previous work examining the comparability of official child welfare statistics (Munro *et al.* 2011) has shown that, despite the breadth and detail of statistical data collections in each jurisdiction, there are some limits on comparability. There is close alignment between data collections in England and Wales and greater divergence in data items and classifications used in Scotland and to a lesser degree Northern Ireland. Building on the work of Munro *et al.* (2011) and further detailed review of each jurisdiction's data collection documentation the data presented are either identical or broadly comparable across the four parts of the UK. Any differing legal, statistical or data categorisations that might impact on comparability are

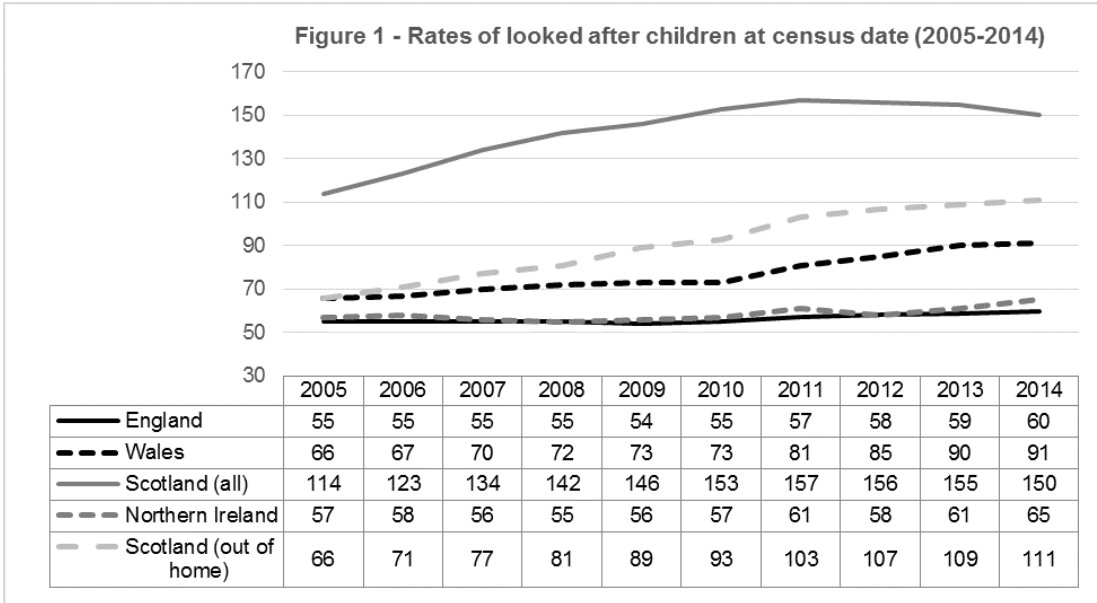
highlighted and considered throughout the paper.

## FINDINGS

### *Comparing rates of looked after children*

All UK nations collect data on the number of children looked after (LAC) at the census date. In Scotland, the annual census date coincides with the school year (31 July) whilst for the rest of the UK it is 31 March. Over the past decade Scotland has maintained a substantially and consistently higher rate of looked after children than all other UK nations (see Figure 1). As in Wales, the Scottish rates of looked have been steadily increasing over time, although this began to drop off from 2012. Rates in England and NI also show a slight upward trend over time.

The difference in looked after rates between Scotland and other UK nations can be partially explained by the operation of the Children's Hearings System which is unique to Scotland and which classifies children living with parents on a compulsory supervision order as looked after. This grouping represents a significant proportion of looked after children, just over a quarter (27%) in 2014 (Scottish Government 2014). In order to make LAC rates more comparable, statistical publications commonly calculate the rate of children looked after in out-of-home care through exclusion of Scottish data relating to children looked after at home. Using this method, although LAC rates for Scotland reduce significantly, they remain substantially higher than other UK nations (Figure 1 – the dotted line represents Scottish rates of children looked after in out-of-home care). However, additional variation in available legal orders and use of different placement options may also contribute to differential rates between nations, as explored below.



*Placement type at the census date*

All nations collect data on the placement type of looked after children at the census date (see Table 1). While there are considerable variations in the degree of detail provided, six comparable groupings are available:

- Non-Relative Foster Placement
- Relative/friend foster care/kinship care placement
- Adoption
- Placement with parents
- Residential care (regulated children’s homes)
- Other placement type - includes other residential settings, secure units, hostels, community placements, residential schools, non-regulated homes/hostels etc.

Table 1: Placement type at census date (2005-2014)

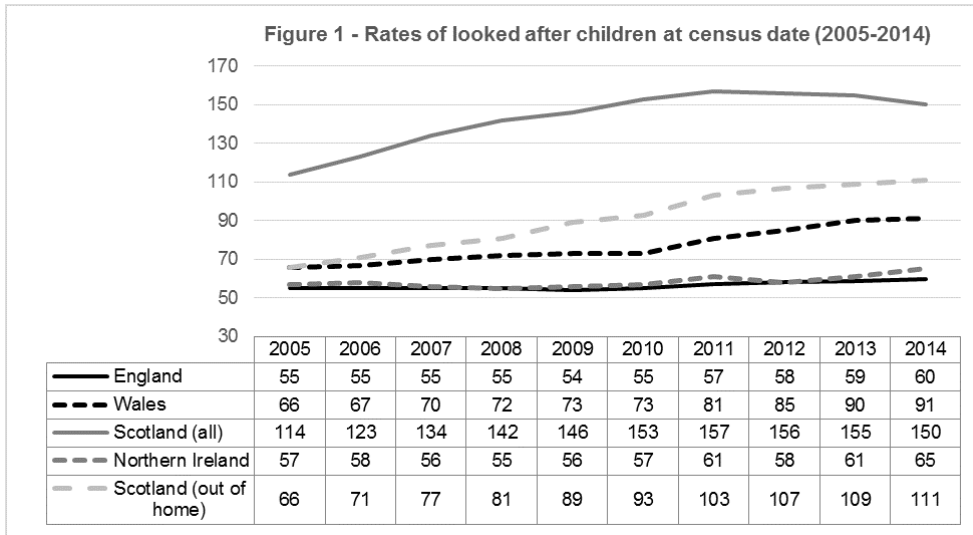
(percentages)

	Foster Placement/Kinship care			Adoption	Placed with parents	Residential care (regulated children's homes)	Other placement *
	Total	Non-Relative Foster Care	Relative/friend foster care				
<b>ENGLAND</b>							
2005	68	66	12	6	9	9	8
2006	69	57	12	5	9	9	8
2007	70	58	12	5	9	9	8
2008	71	60	11	5	8	9	8
2009	72	61	11	4	7	9	8
2010	73	62	11	4	7	8	9
2011	74	63	11	4	6	8	7
2012	75	64	11	4	5	8	7
2013	74	63	11	5	5	8	8
2014	75	64	11	5	5	8	7
<b>WALES</b>							
	Total	Non-Relative	Relative/friend foster care	Adoption	Placed with parents	Residential care (regulated children's homes)	Other placement *
2005	72	58	14	0	14	5	3
2006	74	60	14	0	12	5	4
2007	75	61	14	5	11	5	4
2008	75	61	14	5	12	5	4
2009	77	63	14	4	11	4	4
2010	78	62	16	4	9	4	4
2011	79	63	16	3	9	4	4
2012	77	62	15	5	10	4	5
2013	77	62	15	5	10	4	5
2014	77	62	15	5	9	4	5
<b>SCOTLAND</b>							
	Total	Non-Relative foster care	Relative/friend kinship placement	Adoption	Placed with parents	Residential care (regulated children's homes)	Other placement *
2005	42	28	14	1	43	6	7
2006	42	29	13	1	42	6	8
2007	44	29	15	2	43	6	6
2008	45	29	16	2	43	5	6
2009	49	29	20	2	39	5	6
2010	49	20	20	2	39	5	6
2011	50	30	20	2	39	4	5
2012	55	31	24	2	34	4	5
2013	58	33	25	2	32	4	5
2014	59	33	26	2	30	4	5
<b>NORTHERN IRELAND</b>							
	Total	Non-Relative foster care	Relative/friend foster care	Adoption	Placed with parents	Residential care (regulated children's homes)	Other placement *
2005							
2006	62	-	-	-	20	13	4
2007	59	-	-	-	24	12	5
2008	57	-	-	-	26	13	5

2009	65	-	-	-	19	13	3
2010	65	-	-	-	19	11	6
2011	74	46	29	1	10	10	6
2012	74	44	30	1	11	9	7
2013	75	44	31	1	12	8	5
2014	75	44	32	1	12	7	5

\*Other placement includes other residential settings, secure units, hostels, community placements, residential schools, non-regulated homes/hostels etc.

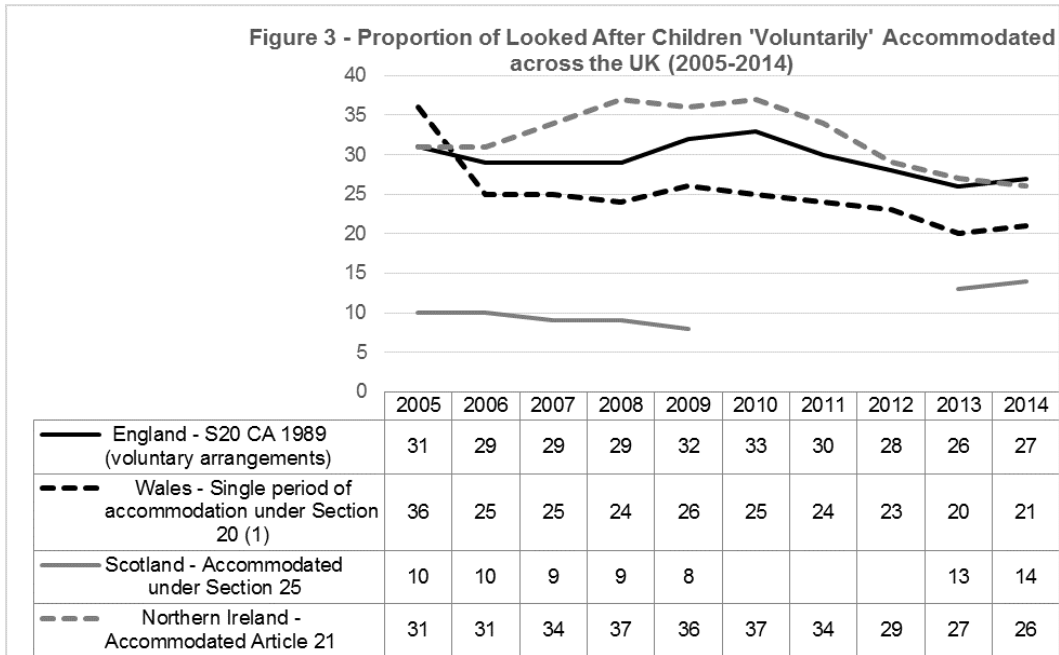
Adoption is used in only a small minority of cases across the UK but there are national differences. This placement option accounts for 0-1% of placements at the census date in Scotland and NI, compared to 5-6% in England and Wales. The majority of placements in England and Wales and NI are in foster care, although 3 in 10 of these involve kinship placements in NI compared to 11-15% in England and Wales. Given the different thresholds and mechanisms for assessing and approving non-relative foster care/kinship care across nations, arguably this is not a comparison of like with like. One way to take account of varying operational practice on overall looked after rates is to exclude both those placed in kinship/relative foster care and those looked after at home, focusing instead on children for whom the local authority provide accommodation. As Figure 2 demonstrates, this reduces the rate of LAC at the census date across all countries, it has a much more substantial impact on Scottish statistics giving an 'accommodated' rate which is similar to that of Wales (Figure 2). It also shows that NI has a much lower 'accommodated' rate, almost half that of either Wales or Scotland



### *Voluntary and compulsory measures*

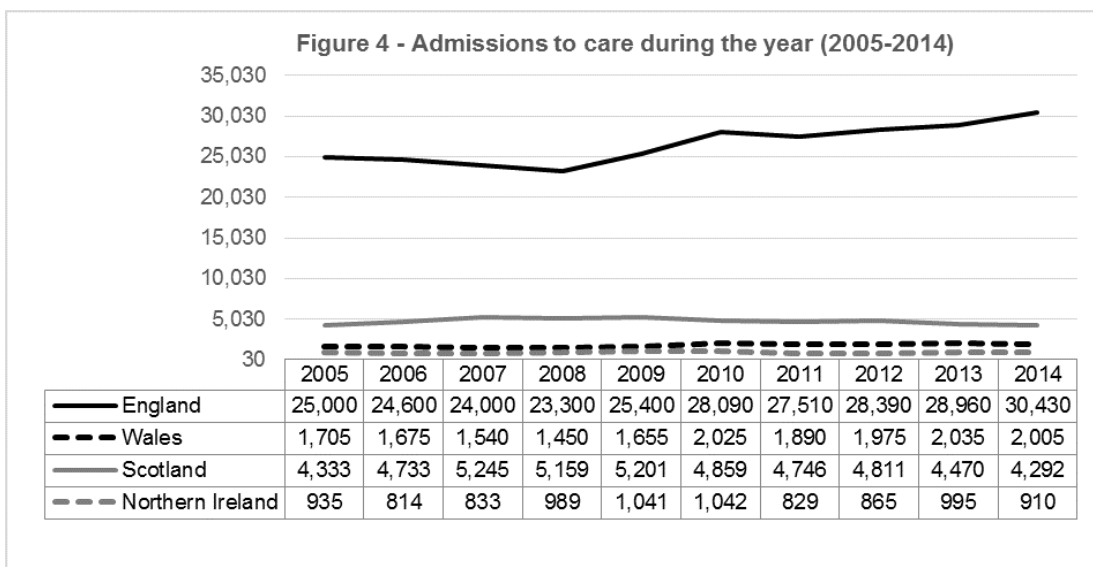
Each UK jurisdiction collects data on the legal status of looked after children at the census date, although the range and level of detail provided varies considerably and several orders are specific to certain jurisdictions e.g. CSOs in Scotland. However, the legislation in each nation provides for children to become accommodated by local authorities on a ‘voluntary basis’ as a form of family support, allowing for comparison of the use of voluntary measures versus compulsory measures across the UK. The data show that both England and Northern Ireland have the same relatively high proportions, approximately 3 in 10 looked after children in ‘voluntary’ placements, although this has decreased in recent years. Whilst Welsh figures for 2005 were higher than any other nation during the ten-year time period, these have decreased ever since and now account for 1 in 5 of placements. Scottish figures have been consistently lower, roughly 1 in 10, although changes in data collection practices mean that reliable data is not available 2009-2012 (see Figure 3). Lower Scottish rates, highlighted above, will also be affected by the wider use of placements with parents and kinship care in this jurisdiction.



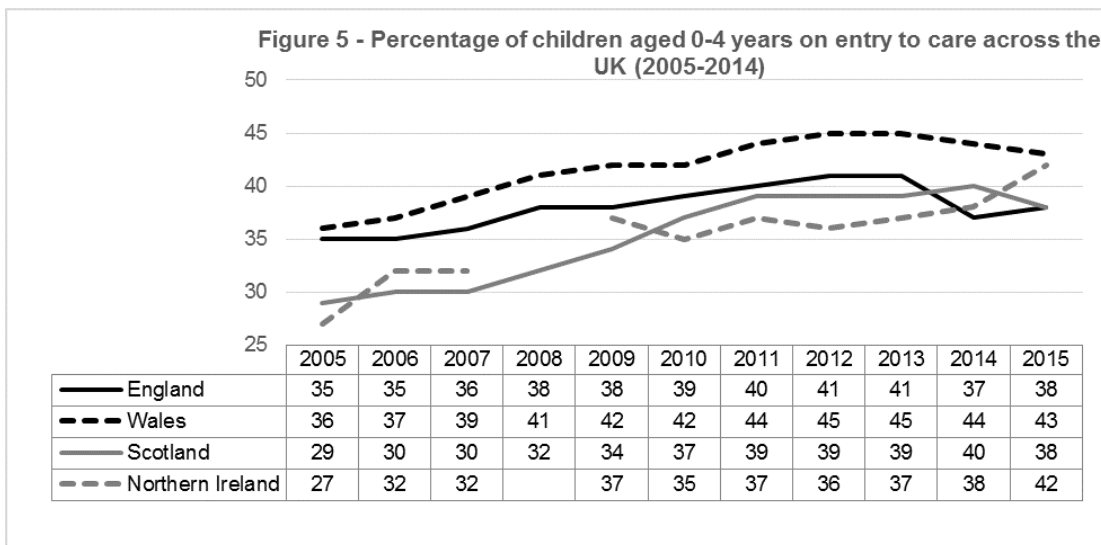


### *Admissions to care during the year*

All UK nations collect data on the number of admissions to care during the year, which can provide a more current overview of practice. As Figure 4 shows, admissions to public care have remained fairly stable in Wales and NI but have been steadily increasing in England, particularly since 2008 while Scotland has seen a slight reduction since 2010.

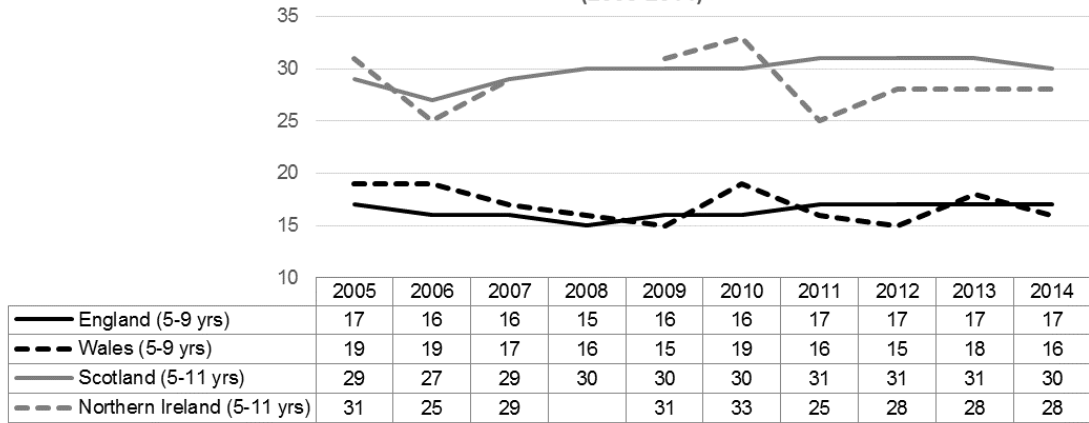


All nations disaggregate admission to care data by age, and despite variation in the age grouping used, two trends are apparent. First, in Scotland, Wales and Northern Ireland there has been a substantial increase in the proportion of young children under 5 years entering public care (see Figure 5; primarily driven at least in Scotland and Wales by a proportionate increase in children less than one year). NI has seen a proportionate increase in both age groups. Scottish data will include children looked after at home reflecting the use of compulsory supervision as an alternate to registration as a child protection measure. England in contrast has a relatively stable proportion of new entrants under 5 years and an increase in young people aged 16 years or older: from 7% in 2005 to 16% in 2015.



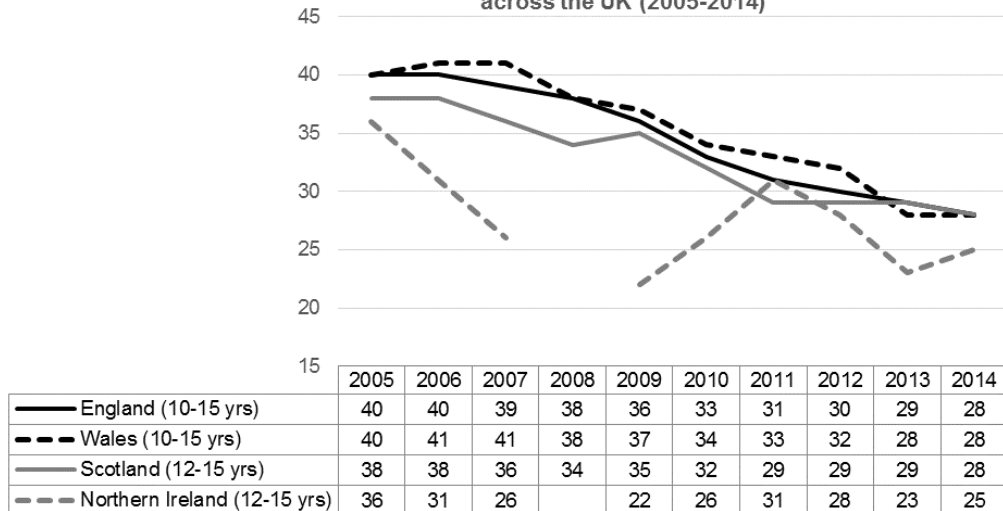
The proportion of primary aged children has remained relatively stable in all 4 jurisdictions (see Figure 6).

Figure 6 - Percentage of children aged 5-9 /5-11 years on entry to care across the UK (2005-2014)



The second similar trend in all four jurisdictions has been the substantial reduction in the proportion of early adolescent children. Notwithstanding data are not gathered for the exactly similar age ranges across the UK, this broad pattern is evident. In Scotland and NI the proportion of 12-15 years reduced from 38% to 29% and 36% to 22% respectively. In England and Wales similar reductions can be seen for the 10-15 year age group (see Figure 7).

Figure 7 - Percentage children aged 10-15/12-15 years on entry to care across the UK (2005-2014)



### *Discharges from care during the year*

Data on destinations following discharges from care during the year is collected across all four UK jurisdictions. While there are variations in the categorisations used, five comparable groupings are available:

- Adoption
- Returned home to live with parents, relatives or friends or someone with parental responsibility (including residence orders)
- Special guardianship order
- Independent living including both supported and unsupported
- Other - including those who died, were sentenced to custody, were transferred to adult social care, taken into care by another LA or whose destination was unknown

All nations publish data on the number of children adopted. As Table 2 Highlights, Scotland has a consistently lowest proportion of children adopted from care, followed by Northern Ireland, while England Wales have higher proportions (11-17%). Numbers of children returned to the care of parents/friends or relatives account for the largest proportion of discharges across all nations although these have been decreasing over time in England and Wales whilst in Scotland they have been increasing. The data also show that Special Guardianship Orders, available only in England and Wales increasingly account for a significant minority of discharges from care, 11% and 14% respectively in 2014.

**Table2**

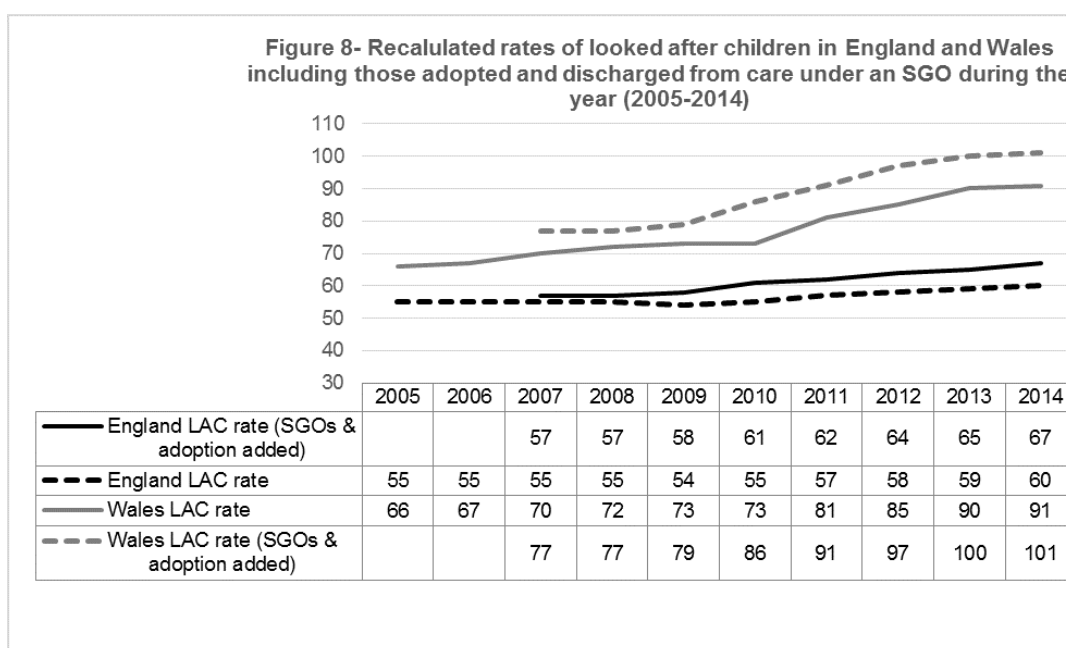
**Discharges from care during the year by destination, percentages, (2005-2014)**

	Adopted	Returned home to live with	Special guardianship	Former foster parents	Independent living	Other
--	---------	----------------------------	----------------------	-----------------------	--------------------	-------

		parents/relatives/friends or on residence order				
<b>England</b>						
2005	20	47			11	27
2006	14	46	0	-	13	27
2007	13	45	1	-	14	25
2008	13	43	4	-	14	25
2009	13	42	5	-	13	27
2010	13	43	5	-	13	26
2011	11	42	6	-	13	27
2012	13	42	8	-	14	25
2013	14	41	10	-	14	22
2014	17	41	11	-	12	20
<b>Wales*</b>						
	15	56	-	-	11	19
	16	56	-	-	10	18
	16	53	2	-	12	16
	14	43	4	-	13	25
	16	41	4	-	14	25
	14	46	4	-	13	23
	15	44	5	-	13	22
	15	43	8	-	14	20
	17	41	9	-	11	21
	17	37	14	-	11	21
<b>Scotland</b>						
2005	3	63	-	0	5	29
2006	3	65	-	0	5	27
2007	3	61	-	0	5	31
2008	3	60	-	1	6	30
2009	5	75	-	2	5	14
2010	5	74	-	2	6	14
2011	6	73	-	1	6	14
2012	6	80	-	1	5	7
2013	6	81	-	1	6	5
2014	7	80	-	2	6	5
<b>Northern Ireland</b>						
2005	10	-	-	-	-	-
2006	7	-	-	-	-	-
2007	7	-	-	-	-	-
2008	7	-	-	-	-	-
2009	6	-	-	-	-	-
2010	6	-	-	-	-	-
2011	7	-	-	-	-	-
2012	8	-	-	-	-	-
2013	10	-	-	-	-	-

\* Excludes data categorised as "episode ceases and new episode begins on same or next day" as these children remain looked after

It is possible to consider the impact of different permanency arrangements – through Adoption or Special Guardianship on rates of out-of-home care for England and Wales (see Figure 8). Adding children discharged from care through these arrangements back into figures for looked after children at the census date, whilst a rudimentary calculation, highlights how these differences can make fairly significant increases to rates in both jurisdictions.



## Discussion

Removing children from the care of their parents to alternative living arrangements, whether with kin or non-familial caretakers, is a highly charged public intervention usually undertaken in an environment where a child's well-being is at stake. Analysis of routine data collected on children in public care offers one comparative measure of the operation of child welfare systems illuminating as Nelken (2009: 291), in another context suggests, 'what they (other jurisdictions) are actually trying to do' in

responding to children's needs. Comparative analysis of such data requires appreciation of the distinct norms and culture within a country's specific child welfare regime (Thoburn 2007). This paper suggests that three similar policy drivers - early intervention, adoption/permanency and the position of kinship care are operating in each particular policy and legal regime in ways that partially shape rates of children in public care across the UK.

Scotland followed by Wales has the highest rates of children in out-of-home care followed by England and NI with similar lower proportions. Given the strong link between deprivation and higher chances of becoming looked after (Bywaters *et al.*, 2014) we might expect this to have a significant influence on national rates. However, Wales and NI have the highest levels of deprivation but very different looked after rates whilst the same is true of England and Scotland, which both have lower average levels of deprivation. A study underway to compare equally deprived neighbourhoods across the four countries will provide more useful detail on this broad conclusion. Thus national variation appears, in the case of the UK countries, less a reflection of differential levels of need for public care and more a reflection of differing legal and operational practice. This is especially true within the Scottish context where integration of youth justice and child protection within the Children's Hearings System and the use of Compulsory Supervision Orders clearly contribute to substantially higher rates. Attempting to account for some of these differences by focusing on rates of children 'accommodated' by local authorities, the Scottish rate reduces to the equivalent of Wales. However, it is still higher than England and it is not possible to disaggregate how youth justice applications might specifically impact these figures. In relation to England, Wales and NI, a range of factors including

differing national practices regarding the use of adoption and other permanence options influences variation in rates.

### *Adoption and kinship care*

Adoption legislation including non-consensual adoption (the latter permitted across the UK since 1975) is contained within separate legislation in each UK jurisdiction. England and Wales have taken the strongest lead in the promotion of adoption as a primary route to permanence for children looked after in out-of-home care, including time targets, concurrent planning and fostering to adopt (DfE 2012). This is reflected in the higher proportion of children in England and Wales exiting care through adoption. Adoption rates in Scotland have historically been the lowest of all UK nations but have seen a small but significant increase in recent years, no doubt influenced by the implementation of Permanence Orders with authority to adopt and a more robust policy emphasis on early permanence (Scottish Government 2011). Equally, rates in NI have increased over time accounting for one in ten discharges from care in 2013.

Government guidance in all four jurisdictions prioritises kinship care as the first option where an alternate living arrangement for a child is required. However, the data show very different patterns between nations with 11-15% of looked after children placed in kinship care in England and Wales in 2013/2014 compared with 26% in Scotland and 32% in NI. In England and Wales this is likely linked to the increasing use of SGOs, primarily involving kinship placements, which operate as an exit and diversion from public care (Wade *et al.* 2014), removing a substantial number of children from future out-of-home care statistics. Both NI and Scotland have specific assessment processes for kinship carers and in Scotland the rate of



kinship placements has steadily increased over time, accounting for almost half of the increase in numbers of looked after children in Scotland between 2001 and 2010 (Kidner, 2012). This is perceived to reflect a transfer from informal to formal kinship care (Scottish Government 2015). Access to financial and support resources for kin carers are most likely to underpin the preferred legal status of formal kinship care arrangements (Wade *et al.* 2014, Farrugia, 2015) across jurisdictions and while there are undoubted benefits of providing stable living arrangements for young children, kinship care and adoption may also be relatively financially attractive for cash-strapped local authorities.

#### *Re-orienting towards younger children?*

Entries and exits from care provide another comparative lens to examine policy influences, entry data speaking to the influence of current policy direction (Thoburn 2007). A variable picture is present: over the ten-year period Wales and Northern Ireland rates of entry remained relatively stable, increased in England and are recently reducing in Scotland. In Scotland the preventive contribution of the *getting it right for every child* (Scottish Government 2008b) and youth justice (Scottish Government, 2008a) policies alongside a concerted effort through local pre-referral screening systems to reduce overwhelming numbers of referrals to the hearings system are likely contributors to a reduction in these historically high rates of looked after children. In England, a triple whammy of reduced access to primary and secondary preventive resources through local authority funding cuts, the impact of child fatalities on professional and institutional decision-making (Hood *et al.*, 2016, Cafcass, 2012) and direct impacts on families of austerity measures (Hastings *et al.*, 2015) arguably have served to increase rates of entry to public care.

What is particularly stark is the increase in children under five years entering public care systems in Scotland, Wales and NI, to an extent reflecting what has been the case in England during this period. In recent years close to one-fifth of children entering public care across the UK are less than one year. Two factors are likely prominent. First, pre-birth child protective processes across the UK have become more common practice in the wake of inquiries into the fatal non-accidental injury of children. England saw a significant increase in care orders following the Baby P inquiry (Macleod, 2010) and Broadhurst *et al.* (2016) have observed over the period 2007-2014 an increase in the use of compulsory measures at birth. In Scotland emergency child protection measures, rapidly increased from 2003. In 2013-14 almost half (48%) of child protection orders concerned children under one year. Although data is not routinely collected on outcomes, in 2011-12 almost four-fifths (79%) of children subject to child protection orders subsequently were looked after away from home (Henderson and Hanson, 2015).

Second, all four jurisdictions have well-developed policy and practice emphases on early and preventive intervention and the provision of early help via multi-agency support to families. This includes policy aimed at reducing the impact of social disadvantage on children, often oriented towards very young children (Flying Start, Welsh Government 2016 for example). neuro-scientific research on infant brain development has become a potent policy influence (Allen 2011) despite a misreading of the policy readiness of the research base (Wastell and White 2012). Early years intervention sits alongside policy where stage of intervention is relevant (Walker, 2005) i.e. to prevent significant harm, reduce the disruption of public care and consider diverse ways of securing permanence for children. In England, at least, these policy objectives have been contradicted since 2010 by radical

reductions to the funding of early years services (Action for Children *et al.* 2016). Rates of children in public care are not detached from earlier upstream child welfare policy and intervention and all four jurisdictions have seen increasing rates of child protection referral, increasing registration of children aged 0-4 years and an increased orientation towards neglect and emotional abuse as the defining child protection concerns (Bunting *et al.* a companion article, under review, analysing child protection referrals across the UK). Balancing child protection and family support and the emergence of a more child-focused orientation (Gilbert *et al.*, 2011) are not without consequence. Featherstone *et al.* (2014) have argued that the 'marriage' of the early intervention agenda and child protection has driven coercive state intervention in the lives of an increasing number of families, emphasising a form of practice that is legally based and privileges adoption. This data raises questions as to the extent to which early intervention for very young children may well have morphed into early removal, particularly in the context of an increased focus on permanence and implementation of processes such as concurrent planning.

Equally stark has been the reduction in the proportion of adolescent children entering public care (not including 16 plus years) across all four jurisdictions of the UK. Data are not completely comparable due to differing age categories however; the overarching trend is clear. Diversion of youth justice cases from child welfare systems may be a factor. Scotland has seen greater diversion of young people who offend from formal systems (Scottish Government 2008a); in 2014 only 18% of children referred to the hearings system were so on the offence ground (SCRA 2015). In England, there has been a significant process of decarceration of children partially attributable to cost reduction aims following the financial crisis of 2008;

illuminating the influence of economic (alongside social and political) conditions on rates of child imprisonment (Goldson and Muncie, 2015).

#### Future developments

Despite the availability of a range of data indicators on children looked after by local authorities, especially those in out-of-home care, this data is frequently shorn of contextual and temporal information, especially regarding the social and economic conditions of the children and their families. There is extensive evidence of social and economic deprivation present in the lives of looked after children (Bebbington and Miles, 1989, Pelton, 2015, Bywaters, 2015) and an association between poverty and maltreatment (Thoburn 2007, Bywaters *et al.*, 2016) yet this contextual information remains undocumented. Given political ideologies affect poverty alleviation, housing, general health and child welfare services that indirectly impact on children's needs, there is a strong argument for including some measures of socio-economic circumstances (for example area level deprivation measures), long routinely collected in health administrative data, to child welfare data collections. Child welfare inequalities require as much attention and analysis as health inequalities (Bywaters, 2015). In addition, more consistent and better quality data collection on sub-groups of children within child welfare systems would enable more effective cross-country comparison permitting, for example, complex analysis of interactions between, ethnicity and socio-economic circumstances (Putnam-Hornstein *et al.*, 2013, Bywaters *et al.*, 2016). This would facilitate a more nuanced understanding of ethnicity and child welfare involvement required for policy and practice development (Barn 2007; Barn and Kirton, 2012). Whilst, recognising routine collection of socio-economic data will not overcome issues of difference versus magnitude or the uncertainty and contingency of individual decisions on

entry to care (Alastalo and Pösö, 2014); it will provide a further dimension to policy development in all four jurisdictions of the UK.

## *CONCLUSION*

This analysis of administrative data on looked after children gathered in the four jurisdictions of the UK considers the impact of differing legal and child welfare policy contexts on rates and patterns of placement. Despite differing devolution settlements, it is suggested that convergence characterises the broad direction of policy across the UK towards early intervention, extensive use of kinship care and adoption as an exit route from care. The legal and operational context of the implementation of these concurrent policy trends influences categories counted in national administrative data. This can serve to occlude similarities present across the UK; such as the trends towards increased entry of young children to public care. The failure systematically to gather data on the socio-economic conditions of looked after children represents a missed opportunity to examine the influence of social and economic conditions on rates of children in public care. Greater comparability of data across jurisdictions would be one contributory element, in building the potential to begin to explore the big question: in which country are children's developmental needs best served?

Acknowledgements: This project was funded by the Nuffield Foundation, but the views expressed are those of the authors and not necessarily those of the Foundation.

## REFERENCES

Action for Children, National Children's Bureau and The Children's Society (2016)

*Losing in the long run Trends in early intervention funding.*

<https://www.actionforchildren.org.uk/resources-and-publications/reports/losing-in-the-long-run/> (accessed 5 August 2016).

Alastalo, M. and Pösö, T. (2014) 'Number of Children Placed Outside the Home as an Indicator – Social and Moral Implications of Commensuration'. *Social Policy and Administration*, 48(7): 721-738.

Allen, G. (2011) *Early intervention: Next steps*, London: Cabinet Office

Barn, R. (2007) " 'Race' Ethnicity and Child Welfare: A Fine Balancing Act," *British Journal of Social Work*, 37(8):1425-1434.

Barn, R. and Kirton, D. (2012) Transracial Adoption in Britain: Politics, Ideology and Reality, *Adoption and Fostering*, Vol. 36 (3): 25-37.

Bebbington, A. and Miles, J. (1989) 'The background of children who enter local authority care'. *British Journal of Social Work* 19(5): 349-368

Bywaters, P. (2015) 'Inequalities in Child Welfare: Towards a New Policy, Research and Action Agenda,' *British Journal of Social Work*, 45 (1) 6-23.

Bywaters, P., Bunting, G., Davidson, G., Hanratty, J., Mason, W., McCartan, C., Steils, N. (2016) *The relationship between poverty, child abuse and neglect: an evidence review*. York: Joseph Rowntree Foundation.

Bywaters, P. ,Kwhali, K., Brady, G., Sparks, t. and Bos, E. (2016) Out of Sight, Out of Mind: Ethnic Inequalities in Child Protection and Out-of-Home Care Intervention Rates, *British Journal of Social Work*, Advanced Access, December 10, 2016, 0, 1-19.

Bottoms, A. and Dignan, J. (2004) Youth Justice in Great Britain, in Tonry, M. And Doob, A. *Youth Crime and Youth Justice Comparative and Cross-National Perspectives*. Chicago: University of Chicago Press.

British Association for Adoption and Fostering (2010) Adoption- regional Policy and Procedures, Northern Ireland. [http://corambaaf.org.uk/webfm\\_send/2565](http://corambaaf.org.uk/webfm_send/2565) (accessed 1 August 2016).

Broadhurst, K.E., Alrouh, B., Mason, C.M., Yeend, E., Kershaw, S., Shaw, M. and Harwin, J. (2016) 'Women and infants in care proceedings in England: new insights from research on recurrent care proceedings' *Family Law*, 46(2) 208-211).

Davidson, G. Bunting, L. & Webb, M.A. (2012) *Families Experiencing Multiple Adversities: A Review of the International Literature*. Belfast: Barnardo's NI.

DHSSPS (2007) *Care Matters – A Bridge to a Better Future*. Belfast: DHSSPS.

Department for Education (2010) *Family and Friends Care: Statutory Guidance for Local Authorities*. London: Department for Education.

DHSSPS (2014) *Minimum Kinship Care Standards – Northern Ireland*. Belfast: DHSSPS.

Department for Education (2012) *Proposals for placing children with their potential adopters earlier*, <https://www.gov.uk/government/publications/proposals-for-placing-children-with-their-potential-adopters-earlier> (accessed 5 August 2016).

Department for Education (2011) *An Action Plan for Adoption: Tackling Delay*. London: Department for Education.

Department for Education (2014) *Children looked after in England (including adoption and care leavers)*. London: Department for Education. (Table A3).

Department for Education (2015) *The Children Act 1989. Guidance and regulations. Vol.3 planning transition to adulthood for care leavers*. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/397649/CA1989\\_Transitions\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/397649/CA1989_Transitions_guidance.pdf) (accessed 5 August 2016).

- Farrugia, B. (2015) Calculating rates of 'Out of Home Care' in Scotland. Personal Communication, 21/07/2015.
- Featherstone, B. Morris, K. and White, S. (2014) 'A Marriage Made in Hell: Early Intervention Meets Child Protection', *British Journal of Social Work*, 44(7): 1735-1749.
- Gilbert, N., Parton, N., and Skivenes, M. (2011) *Child Protection. International Trends and Orientations*. Oxford: Oxford University Press.
- Goldson, B. and Muncie, J. (2015) *Youth Crime and Justice*. 2<sup>nd</sup> edition. London: Sage.
- Henderson, G. and Hanson, L. (2015) *SCRA Research Report. Child Protection Orders*. Stirling: Scottish Children's Reporter Administration.  
[http://www.scra.gov.uk/resources\\_articles\\_category/research/](http://www.scra.gov.uk/resources_articles_category/research/)  
(accessed 18 May 2016).
- Hood, R., Goldacre, A., Grant, R. and Jones, R. (2013) 'Exploring Demand and Provision in English Child Protection Services, British Journal of Social Work', Advance Access published May 13, 2016 doi: 10.1093/bjsw/bcw044
- Jones, I. (2016) *De-escalating Interventions for Troubled Adolescents*. Public Policy Institute for Wales. <http://ppi.wales.org.uk/publications/> (accessed 29 July 2016)
- Keating, M. (2012) 'Intergovernmental Relations and Innovation: From Co-operative to Competitive Welfare Federalism in the UK,' *British Journal of Politics and International Relations*, 14: 214-230.
- Keating, M., Cairney, P. and Hepburn, E. (2012) 'Policy Convergence, Transfer and Learning in the UK under Devolution', *Regional and Federal Studies*, 22:3, 289-307.



- Kidner, C. (2012) Kinship Care, SPICe briefing SB 08/03. Edinburgh Scottish Parliament <http://www.scottish.parliament.uk/parliamentarybusiness/16915.aspx> (accessed 25 March 2015)
- Macleod, S., Hart, R., Jeffes, J. and Wilkin, A. (2010). *The Impact of the Baby Peter Case on Applications for Care Orders (LGA Research Report)*. Slough: NFER.
- McGhee, J. (2011) 'Children's Hearings in Scotland: Balancing Rights and Welfare' in Davis, R. and Gordon, J. (2011) *Social Work and the Law in Scotland*. 2<sup>nd</sup> edition. Milton Keynes: Open University/Palgrave Macmillan.
- Murphy, E. (2014) *Kinship Care in the UK and the Republic of Ireland*. Belfast: Northern Ireland Assembly.
- Munro, E.R., Brown, R., Sempik, J, Ward, H. with Owen, C. (2011) *Scoping review to draw together data on child injury and safeguarding and to compare the position of England with that in other countries*. London: Department for Education and Loughborough: Childhood Wellbeing Centre.
- Nelken, D. (2009). 'Comparative Criminal Justice: Beyond Ethnocentrism and Relativism,' *European Journal of Criminology*, 6, 291-312.
- Narey, M. (2011) Narey Report on Adoption. Our blueprint for Britain's lost children. London: The Times. <http://www.mnarey.co.uk/publications.php> (accessed 27 July 2016).
- Packman J., and Hall, C. (1998) *From Care to Accommodation: Support, protection and control in child care services*. London: The Stationery Office.
- Pelton, L.H. (2015) The continuing role of material factors in child maltreatment and placement,' *Child Abuse and Neglect*, 41:30-39.
- Pitts, J. (2015) Youth Crime and Youth Justice 2015-2020, Special Edition, The

Next Five Years: Prospects for young people, Youth and Policy, No. 114: 31-42.

SCRA (2015a) *Scottish Children's Reporter Administration Statistical Analysis 2014-15*, [http://www.scra.gov.uk/publications/online\\_statistical\\_service.cfm](http://www.scra.gov.uk/publications/online_statistical_service.cfm) (accessed 24 March 2016).

The Scottish Children's Reporter Administration's (SCRA) (2015b) *Permanence Planning and Decision Making for Looked After Children in Scotland* <http://www.scra.gov.uk/publications/research.cfm> (accessed 24 March 2016)

Scottish Government 2008a – *Whole System Approach for Young People who Offend* <http://www.gov.scot/Topics/Justice/policies/young-offending/whole-system-approach> (accessed 18 May 2016)

Scottish Government (2008b) *Getting it right for every child* <http://www.gov.scot/Topics/People/Young-People/gettingitright/publications> (accessed 18 May 2016)

Scottish Government (2011) Care and Permanence Planning for looked After Children in Scotland. Scottish Government Response, <http://www.gov.scot/resource/doc/352000/0118198.pdf> (accessed 29 July 2016).

Scottish Government (2013) Staying Put Scotland Providing care leavers with connectedness and belonging. <http://www.gov.scot/Publications/2013/10/7452> (accessed 29 July 2016).

Scottish Government (2014) Children's Social Work Statistics, Scotland, [www.scotland.gov.uk/Publications/2014/03/8922/1](http://www.scotland.gov.uk/Publications/2014/03/8922/1) Table 1.4 (accessed 1 August 2016).

Scottish Government (2015) Getting it right for looked after children and young people. Early engagement, early permanence and improving the quality of care.

<http://www.gov.scot/Resource/0048/00489805.pdf> (accessed 29 July 2016).

Selwyn, J. and Nandy, S. (2013) 'Kinship Care and Poverty: Using Census Data to Examine the Extent and Nature of Kinship Care in the UK,' *British Journal of Social Work*, 43 (8): 1649-1666.

Thoburn, J. (2007) *Globalisation and Child Welfare: some lessons from a cross-national study of children in out-of-home care*. Norwich: University of East Anglia, Social Work Monographs.

Wade, J., Sinclair, I., Stuttard, L. and Simmonds, J. (2014) *Investigating Special Guardianship: experiences, challenges and outcomes*. London: Department for Education. London, Department for Education, available online at [www.york.ac.uk/inst/spru/research/pdf/SpecialG2014.pdf](http://www.york.ac.uk/inst/spru/research/pdf/SpecialG2014.pdf) (accessed 18 May 2016).

Walker, M. (2005) *The Statutory Social Worker's Role in Prevention and Early Intervention with Children*. Edinburgh, Scottish Executive 2005.

<http://www.gov.scot/resource/doc/47121/0020808.pdf> (accessed 11 August 2016).

Wastell, D. and White, S. (2012) 'Blinded by neuroscience: social policy, the family and the infant brain' *Families, Relationships and Societies* • Vol 1 • no 3 • 2012 • 397–414

Welsh Government (2015) *Social Services and Well-being (Wales) Act 2014, Part 2 Code of Practice (General Functions)*, Welsh Government <http://gov.wales/docs/dhss/publications/151218part2en.pdf> (accessed 5 August 2015).

Welsh Government (2016) Flying Start Programme,

<http://gov.wales/topics/people-and-communities/people/children-and-young-people/parenting-support-guidance/help/flyingstart/?lang=en> (accessed 11

August 2016)